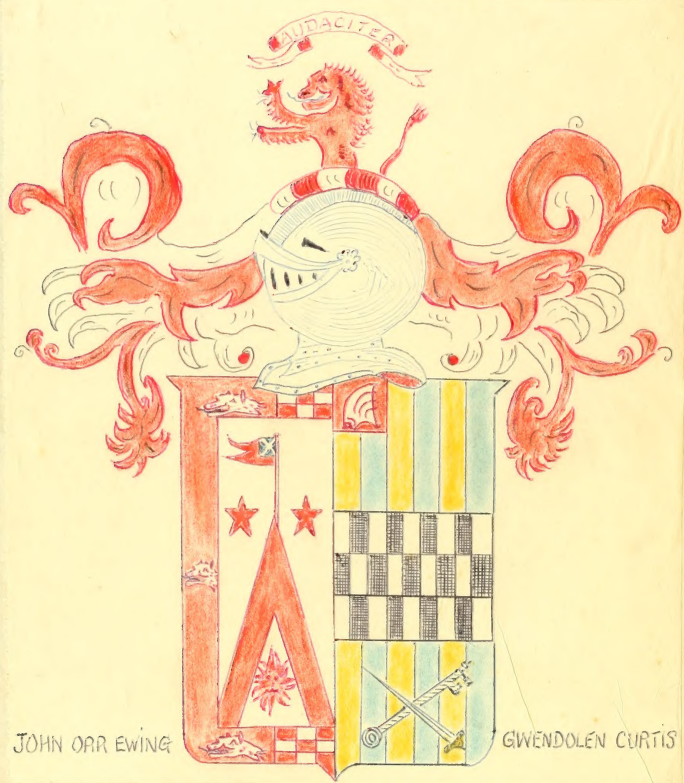


GENEALOGY COLLECTION



JOHN OAR EWING

GWENDOLEN CURTIS

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A  
S Y S T E M  
OF  
H E R A L D R Y,  
*SPECULATIVE AND PRACTICAL:*

WITH THE  
TRUE ART OF BLAZON,  
ACCORDING TO THE  
*MOST APPROVED HERALDS IN EUROPE:*

WHEREIN  
MARKS OF CADENCY, MARSHALLING OF DIVERS COATS IN ONE SHIELD,  
EXTERIOR ORNAMENTS, &c. ARE FULLY TREATED OF:

*TO WHICH ARE SUBJOINED SEVERAL CURIOUS PARTICULARS RELATIVE TO*

FUNERAL ESCUTCHEONS, PUBLIC PROCESSIONS AND CAVALCADES, CORONATIONS OF OUR  
KINGS, PRECEDENCY OF OUR NOBILITY AND GENTRY; RETURN OF THE LORDS  
OF SESSION TO AN ORDER OF THE LORDS SPIRITUAL AND TEMPORAL IN  
PARLIAMENT ASSEMBLED, REQUIRING THEM TO MAKE UP A ROLL  
OR LIST OF THE PEERS OF SCOTLAND; AND MEMORIALS OF  
MANY ANCIENT AND HONOURABLE FAMILIES  
OF THE SCOTS NATION.

WITH  
*CRITICAL AND HISTORICAL REMARKS ON THAT PART OF PRYNNE'S HISTORY,*  
KNOWN BY THE NAME OF  
THE RAGMAN-ROLL.

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BY ALEXANDER NISBET, GENT.

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THE SECOND EDITION.

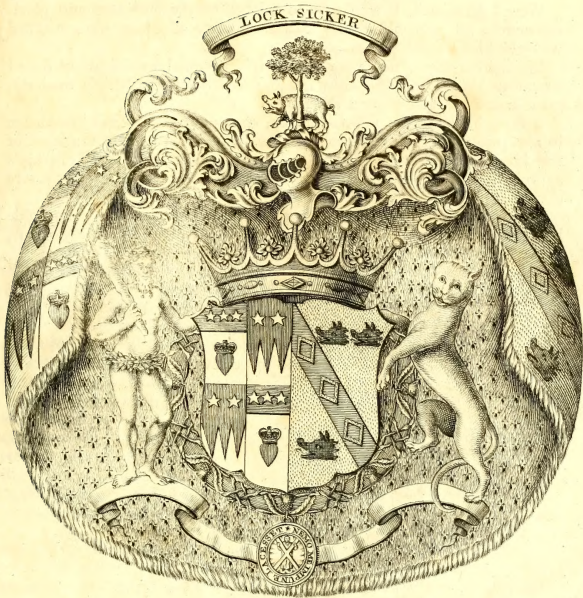
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VOL. II.

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1804.





*A Cooper Sculp.*

TO THE RIGHT HONOURABLE

JAMES EARL of MORTON,

LORD DALKEITH AND ABERDOUR,

*Heritable Sheriff, Steward and Justiciary of the Isles of Orkney and Zetland,  
Vice-Admiral of the same, and Knight of the Most Ancient and Most Noble  
Order of the Thistle and St Andrew, &c.*

MY LORD,

THE First Volume of this work was dedicated to the illustrious House of Hamilton: The second claims the patronage of your Lordship, a branch of the no less illustrious House of Douglas.

Had its valuable author been alive, he must have approved the choice.

VOL. II.

b

DEDICATION.

Were I permitted, it were easy to enlarge on the antiquity and glorious actions of your illustrious ancestors, some of whom were matched with the blood royal.

But neither these, nor your Lordship's personal qualifications dare I adventure on: The world knows them; and your Lordship's modesty, great as it is, cannot conceal them.

I must, however, be allowed to say, that your Lordship's knowledge in antiquities and polite learning, renders you a fit patron for a work of this kind: And if it shall be so lucky as to meet with your Lordship's approbation, the editor need not fear the ill-nature of the most severe critic.

That your Lordship may long remain an ornament to your noble House, for your true attachment to justice, learning, and every virtue, is the sincere desire of,

My Lord,

Your Lordship's most obedient,

And most devoted humble servant,

ROBERT FLEMING.

# P R E F A C E.

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THE learned and ingenious Mr Alexander Nisbet, author of this System of Heraldry, has, in his Preface to the First Volume, so fully accounted for the original and progress of Armorial Bearings with us, and other nations, and, in the Treatise itself, so elaborately and accurately described and exemplified the several branches of the Science of Heraldry, that it will be equally superfluous to add any thing to what he has said in the former, or bestow any encomiums on his performance in the latter, which has sufficiently recommended itself to all who rightly understand the noble science there treated of.

But Mr Nisbet not being able to overtake his whole design in one volume, as at first he intended, for the several reasons set forth in the said Preface, he therefore promises an Appendix, or Second Volume, wherein the several branches of heraldry, not there treated of, were to be illustrated; and, as this undertaking is now finished, and presents itself to the public, it will be necessary that the editor should say something in behalf of the performance.

In the First Part of this Volume, the following branches of Heraldry, viz. Marks of Cadency, Marshalling of Divers Coats in one Shield, Exterior Ornaments, &c. are fully treated of, and illustrated by proper examples, all which were executed by the author himself in his own lifetime; the manuscript copy of which, in his own hand-writing, the editor has preserved for the satisfaction of the curious.

The other parts handled in this undertaking, are inserted because of their coincidence with the principal subject treated of in this Volume. Of this kind is the chapter of Funeral Escutcheons, which was composed by Roderick Chalmers, herald, and herald-painter in Edinburgh, whose understanding and practice in these matters is well known; and the other chapters, such as that of Precedency, the Office and Dignity of Heralds, &c. and that concerning Public Processions and Cavalcades, which gives an idea of the grandeur of this ancient and once flourishing kingdom, were all carefully collected from MSS. in the Lawyers' Library, and the writings of the learned Sir George Mackenzie, &c.

To render this work the more useful and complete, the editor has given the Return of the Lords of Session, to an order of the House of Peers, concerning the Scots peerage; which cannot fail to give satisfaction, as it was the result of the inquiries of that august Court into the records of the nation, and is a most exact and authentic state of our peerage at this day.

The editor observing that no body had ever yet published an exact draught of these monuments of the antiquity and independency of this kingdom, the Regalia, viz. Crown, Sceptre and Sword; and, as the originals are not now to be seen, he has embellished the work with a plate

of them, which the ingenious Mr Richard Cooper has engraven, with great pains and exactness, from the description given of them in the instrument taken by that true lover of his country, Mr William Wilson, at depositing them in the castle of Edinburgh.

But what takes up a great part of this Volume, is the memorials of private families, which neither Mr Nisbet nor the publisher are any ways answerable for; they must stand upon the faith of those who gave them in, and the vouchers they adduce for their support. Many of those printed in Mr Nisbet's lifetime were signed by the parties concerned; but that practice was afterwards neglected, since every one, no doubt, will be ready to support what he has advanced for the honour and antiquity of his family.

From what is above set forth, it will be evident that the editor has neither spared pains nor expences to render this book useful and valuable.

It may now be expected that he should give some account to the subscribers for the delay in the publication; and indeed this, in part, may be ascribed to Mr Nisbet's death, and the property of it going through many different hands, and likewise to the dilatoriness of the subscribers in giving in memorials of their families: However, as it now comes abroad into the world, it is hoped it will give general satisfaction, and meet with a favourable reception, both as it completes the design of its worthy author, who was the most learned in the noble Science of Heraldry of any that ever appeared in this country, yea, perhaps, not inferior to any; and, as it contains many curious things, which tend to illustrate the honour and dignity of the nation, either never before printed, or only to be found in loose papers in the hands of the curious, not to mention the memorials of many ancient and noble families who have deserved well of their country, the executing of which has far exceeded the number of sheets at first proposed.

Since finishing the impression of this work, the editor coming to the knowledge, that a learned antiquarian had written Historical and Critical Remarks on the surnames and families of those whose predecessors swore fealty to Edward I. of England, in 1292, &c. inserted in a writing commonly known by the name of Ragman Roll, he purchased the same at a considerable expence, and has printed it in a size fit to be bound up with this volume: And, as it proves the antiquity of many of the surnames, and most of the great families of this kingdom, and in a great measure supplies the want of particular memorials of many of these families, it is hoped, such as would have it bound up with their copy, will not grudge a particular allowance for it, as well as for the supernumerary sheets above the number mentioned in the proposals.

ROBERT FLEMING.



CHAPTER I. Of additional Figures or Marks of Cadency.

By Changing the Tinctures in the Field.	By Changing the Tinctures of the Figures.	By Partition Lines.	By diminishing the principal Figures.	By altering the position and situation of the principal figures.	By adding figures to the Chiefs Arms.
Campbell E. of Loudoun.	Lawrance Oliphant Writer to the Signet.	Maule E. of Panmure.	The Family of Chate.	Scot of Bevilan.	John Stewart E. of Carrick.

The Labell.	The Border.	Ingrailed.	Inveced.	Indented.	Embattled.
Hamilton E. of Abercorn.	Hope of Rankellor.	Thomas Ludderdale Merchant in London.	M <sup>c</sup> Gilchrist of Northbar.	Lundin of Auchtermery.	Colonel George Hamilton.

Waved.	Potent Counter Potent.	Gobonated or Compose.	Counter Compose.	Cheque.	The Chevron.
Hamilton of Ladylands.	Hamilton of Westburn.	Wallace of Ellerstie.	Carmichael of Little Blackburn.	Leisy of Findrafsie.	Hay of Seafield.

The Minute differences.

1 <sup>st</sup> the Labell.	2. the Crescent.	3. the Mollet.	4. the Martlet.	5. the Annulet.	Extraneous Differences
6. the Flower de lie.	7. the Rose.	8. the Crois Moline.	9. the Anchor.	10. double quatrefoil.	
Graham of Inchbrahie.					

By Employments and Offices.	Of attitudes on acknowledgements of benefits.	Composed differences by adding the mothers Arms.	By Impaling or per pale.	By Quartering.	Marks of Bastardy.
Wood of Balbegno.	Kirkpatrick of Cloburn.	Elphington Lord Balmerinoch.	Man Wife. Office Churchman.	Carnegie E. of Northek.	Bastards are defined without either by a border of gobonated or by a sinister Bar.

The shield is divided to distinguish the Arms of Man & Wife as also of Churchmen & others having Offices

A  
S Y S T E M  
O F  
H E R A L D R Y,

SPECULATIVE AND PRACTICAL:

WITH THE TRUE ART OF BLAZON.

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PART THIRD.

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C H A P. I.

OF ADDITIONAL FIGURES, OR MARKS OF CADENCY.

**I**N the First Part of this System I have given an account of the Rise and Art of Blazon of Arms, of their Tinctures, Figures, Proper, Natural, and Artificial; in their Terms, Regular Positions, Dispositions, and Situations, illustrated by a numerous train of examples.

And now, for the further prosecution of my System, it will not be unuseful to repeat my definition of arms, given in the former part, Chap. 2.

*Arms* are hereditary marks of honour, regularly composed of certain tinctures and figures, granted or authorised by sovereigns, for distinguishing, differencing, and illustrating persons, families, and communities. To which I shall add a definition given by a very eminent author, John Baptista Christyn, Chancellor of Brabant, in his famous treatise, titled, *Jurisprudentia Heroica, de Jure Belgarum circa Nobilitatem*, page 73. "Signa summi principis autoritate, alicui concessa, aut propria voluntate assumpta, personam a persona, familias a familiis, civitates a civitatibus, collegia a collegiis, varie distinguuntia."

From these definitions the use of arms is obvious, viz. (besides their being honourable rewards of virtue) to distinguish and difference persons, families, and communities; So as, first, to distinguish the nobility and gentry from the vulgar. Secondly, to distinguish principal families of nobility and gentry amongst

themselves. And, thirdly, to difference descendants of each particular family amongst themselves, conform to their seniority.

As to the first of these uses, viz. the distinction of the nobility from the vulgar; it is plain from the foresaid definition, that no person or family are entitled to carry arms, but such as have received, or assumed the same by approbation of sovereign authority, which is sufficient to distinguish the vulgar from the nobility and gentry, so that I need not further to insist on that use of arms.

As to the second, I hope I have sufficiently accounted for the same in the First Part of this System.

The third shall be the subject of this chapter, in which I shall give the several differences that have been used by the descendants of nobility and gentry, to difference themselves from their original and principal families, that their degrees of descent may be known, which are as necessary as the former, for differencing younger brothers and their issue from the eldest, that the order and degrees of both, in the lines of the descendants from one stem, may be known, to prevent confusion and contention amongst them; all which hath been carefully looked to by sovereign princes their laws and edicts.

With us, our king and parliament, in the year 1590, for regulating the differences of descendants, made an act, empowering the Lyon King at Arms, and his brethren heralds, to visit the whole arms of noblemen, barons, and gentlemen, within Scotland, and to distinguish them with congruent differences, and to matriculate them in their books. As also to inhibit all such as bear arms, as by the law of arms ought not to bear them, under high penalties; as the act more particularly bears. And, in the year 1672, chap. 21. the foresaid act of Parliament is renewed and ratified, and the Lyon King at Arms is empowered to distinguish arms, and to matriculate them in his books or registers, from whence I have taken, and do take most of my examples in this System, which are marked L. R.

Our above-mentioned author gives us the edict of Albert and Isabel, Sovereign Princes of the Netherlands, published in the year 1616, with his Commentary thereon, in his above-named book, *Jurisprud. Her. or De Jure Belgarum circa Nobilitatem & Insignia*, in the 5th article concerning Brisures, or Marks of Cadency, has these words, " Ut altercationibus jurgisque, quæ ex planorum insignium delatione oriri solent, obviam eatur, jubemus, familiarum omnium natu minimos, imo vel maximos spirante patre, gentilitiis insignibus quoddam addere discerniculum, moribus usitatum, ut inde geniturae ordo pateat, & perpetuo lineæ dignosci possint, idque donec anteriores defecerint, aliter facientibus, indicta est pœna 50 Florenorum." Which is to this purpose by the foresaid article, " To remedy the debates (which may as they have been seen to fall out in time bygone) touching the seniority, and carrying the plain arms, we will and ordain, that the youngest sons (and even the eldest sons in their fathers' lifetime) shall be holden to place in their arms some brisure, in the accustomed form, for a distinction from the eldest, and to continue such brisure as long time as the branches of the eldest remain; to the end, that the descendants of the one or other branch may be known and discerned, under the pain of 50 Florinses.

On the laws and edicts of France, Spain, and other nations, I forbear to insist; but show some of their practices in this matter, which are various.

The differences, or additional figures, used by cadets, to difference themselves from their original families, are termed by us in Britain, *differences*, or *marks of cadency*; by the French, *brisures*, upon the account they break the principal bearing of the family: And those who write in Latin, call them *armorum discernicula*, and ordinarily say, *primogenitus arma habet integra, cæteri nota quadam discreta*.

It is many years since I published an Essay of Marks of Cadency, in which I was as full as the practice of our nation allowed me, and took in such foreign examples as were suitable to illustrate that work; some part of which I am obliged to repeat in this chapter as curtly as possible, the rules thereof being sufficiently exemplified in that Essay, and many of them in the former part of this System.

But now I shall proceed to the universal practice of differencing the arms of descendants, which are, and have been very various through all Europe: And I

think the same may be reduced to these nine ways: First, the change of the tinctures of the field: Secondly, the change of the tinctures of the principal or essential figures: Thirdly, by dividing the field, by the partition lines, under accidental forms: Fourthly, the displacing the figures, or altering their positions or situations in the shield: Fifthly, the diminishing the number of them: Sixthly, by increasing the number of the principal or original figures: Seventhly, by adding different figures to the principal ones: Eighthly, by quartering the paternal arms with other ones: And, Ninthly, by transposing the quarters, or changing the crest; to each of which I shall speak.

First then, as for altering the tinctures of the field, it was anciently used: John Baptista, in his forecited Treatise, Art. 5th, says, "Olim Belgi & Galli sola colorum variatione arma discernabant;" and adds, "Imo & apud Britannos mos hic cognaitus." Of old the Belgians and French differed arms by changing only the tinctures of the field; and this practice was with the Britons. He gives us instances of this practice in Flanders, in the 1120, that of *Arnoldus Arescotti Comes*, who had five sons; the eldest carried the plain arms of his father, being *or*, three flower-de-luces *sable*; the second son, Baron of Wosemale, altered the tinctures, and carried, *gules*, three flower-de-luces *argent*; the third son, Baron of Roteslakie, counter-changed his immediate brother's bearing, by making them, *argent*, three flower-de-luces *gules*; the fourth son took *argent*, three flower-de-luces *sable*; and the fifth, *gules*, three flower-de-luces *or*. Our author proceeds to give many instances of this kind, not only in Flanders, but in France, and disproves of this way of differencing, that it altogether changes and confuses arms; his words are, "Puto quippe mos ille non adeo insignia distinguendo, quam in totum immutando subserviit, ex quo plurimum gentilium confusio & perturbatio demanavit." And in that paragraph he tells us, that the lambe, orle, and bordure, were not then known to the Belgians for differences, till they got them from the French.

Sir William Dugdale, Garter King at Arms in England, in his book, titled, *The Ancient Usage in Bearing Arms*, says, The differences that antiquity used for distinguishing descendants were by changing the colour of the field, figures, or charges; and, for instances, he gives us the practice of the family of Basset in England, in the reigns of Edwards I. II. and III. and in the families of the name of L'Estrange there. I have given several instances of the same practice of old, by the Royal issue of the kings of France, England, and Scotland, in my former Essay on this subject, and shall only mention again a few with us.

The HOMES, as descended of the old Earls of March, who carried *gules*, a lion rampant *argent*, their paternal ensign, (the bordure which surrounded, and charged with roses, being the badge of their comital office) carried the same white lion, but placed it in a green field, for difference, as relative to their first designation, from their lands of Greenlaw, which they first possessed, as in the old charter of *Willielmus filius Gospatricii Comitis Dominus de Greenlaw*. His posterity having purchased the lands of Home, were afterwards designed *Domini de Home*; from whence came the surname. Of which, more fully, in an essay of mine on this subject, page 20, and in the first part of this System, page 270. The same way, of old, the progenitors of the family of Dundas of that Ilk, as descended of a younger son of *Gospatricius Comes*, the first Earl of March, (of which more fully in the Appendix) differed themselves by a transmutation of the tinctures of the old Earls of March, *gules*, a lion *argent*, into *argent*, a lion *gules*; which the principal family still continues, and all the branches of the family, with suitable marks of cadency. The principal family of the name of DOUGLAS carried *argent*, a chief *azure*, charged, with three stars of the field.

HUGH DOUGLAS Earl of ORMOND, in the reign of King James II. fourth son of James Earl of Douglas, to difference himself, changed the tincture of the field of Douglas to *ermine*. CAMPBELL of Loudon differed himself from his chief, the family of Argyle, which carried, *gironné* of eight, *or* and *sable*, by changing the tinctures of the girons into *ermine* and *gules*; which two tinctures also they took to show their relation to the Crawfurds of Loudon, with whom they married, bearing *gules*, a fesse *ermine*.

The second way proposed in differencing, by changing the tinctures of the principal or essential figures of arms, falls frequently out by changing the tinctures of the field; especially when cadets divide the field of their arms, for a difference, into two distinct tinctures of metal colours. And when there is but one tincture in the principal bearing, then the cadets are necessitated to alter the tincture of some of their figures, by counter-changing them with the field, that metal lie not upon metal, nor colour upon colour. The field, when it is divided into two halves by any of the four principal partition lines, which are called by the English, *parted per pale, per fesse, per bend, dexter and sinister*; by the French, *parti, coupé, trancé, taillé*, which I have explained and demonstrated in the 7th chapter of the First Part of this System. Of this practice with us, amongst many examples, I shall add one from the Lyon Register. LAURENCE OLIPHANT, Writer to the Signet, descended of a second son of Oliphant of Gask, a second son of the Lord Oliphant, carries, parted per fesse, *gules* and *argent*, three crescents, 2 and 1, counter-changed of the same tinctures, to difference him from Gask, who had his field but of one tincture, viz. *gules*, three crescents *argent*, 2 and 1. This way of dividing the field into two different tinctures, and counter-changing the charge, (the principal family having his figures in a field of one tincture) is a remote brisure suitable for cadets of cadets.

The third way of differencing by the partition lines, under accidental forms, is done, when the chief of the name and family has the field of his arms divided into two tinctures, by any of the partition lines, plain and straight, then their descendants ordinarily have the same, but makes the partition line crooked, that is, by putting the same under some accidental form; such as, *ingrailed, waved, nebulé, embattled*, &c. The Right Honourable the Earl of PANMURE, chief of the name of MAULE, carries, parted per pale, *argent* and *gules*, a bordure charged with eight escalops, all counter-changed of the same. Of which family in the following chapter. The cadets of this family differenced themselves from their chief only by having the partition line waved, or *nebulé*, as in the Register of the Herald-Office.

Fourth way of differencing, is, by diminishing the principal figures, by carrying fewer of them than the chief family. In *Jurisprudentia*, Art. 5th, there are instances given us of this practice. The family of CLERMONT TALLART, in Dauphiny, carries *gules*, two keys in saltier *argent*. The family of CHATTO, descended of it, was obliged to carry *gules*, one key in bend *argent*: And the House of URRE, in the same province, carries a bend charged with three stars: The cadets of this House carry, on the bend, but one star. Chassanæus, in his *Catal. Glor. Mundi*, is for this way of differencing, and says, "Quilibet primo genitus solet portare arma plena & integra ipsius domus sine diminutione, alii vero posteriores & postea geniti descendentes portant ea cum aliqua differentia, diminutione & distinctione." The author of *Jurisprudentia* says, "Alium & veterem, sed per rarum insignia frangendi morem observo, quo minores natu aliquam in insignibus particulam ad distinctionem primogenitorum omittere soliti erant." This way of differencing, by diminishing the principal figures, by younger sons, is very rare, and seldom to be met with; few or none of the arms in Great Britain, upon the account of this way of differencing, has occurred to me.

The fifth way, by altering the position and situation of the principal and essential figures, by cadets, is more frequent with us than the former. In England I find this practice, from the learned Camden, in his book entitled, Remains Concerning Britain, chapter Of Armories; who says, In past ages those who were descended from one stem, reserving the principal charge, and commonly the colour of the coat, made some addition or alteration of the figures; as, for example, the first Lord CLIFFORD bare, *chequé*, or and *azure*, a bendlet *gules*, which the eldest sons of that family kept as long as they continued. A second son of the family made the bendlet a bend, and thereupon placed three lionceaux *passant*; from whom the Cliffords of Frampton are descended. ROGER CLIFFORD, a second son of Walter Clifford, the first lord, for the bendlet took a fesse *gules*, keeping still the tincture, as the Earl of Cumberland, from him descended, beareth now: And the CLIFFORDS of Kent, branched out of that House, took the same, with a bordure *gules*. Whereas, also, the Lord COBHAM did bear, *gules*, on a cheveron or, three

lionceaux rampant *sable*. The younger brethren of that House, viz. COBHAMs of Steibury, of Blackbury, of Billockly, took for the three lionceaux, three estoils; the second, three eaglets; the last, three crescents. BERKELEY of Wymondham, in the county of Leicester, descended from the Lord Berkeley, who carried a chevron betwixt ten cross patees, changed these ten crosses into as many cinquefoils. The same practice is with us, for cadets to change and alter the position of the principal figures. The HERRINGS of Gilmerton bare *gules*, on a bend *argent*, a rose betwixt two lions rampant of the field. HERRING of Lethendy added another rose, but HERRING of Carswell turned the bend to a fesse. SCOTT of Bevelaw turned the bend, carried by Scot of Buccleugh, into a fesse, for difference, without any other addition, or, on a fesse *azure*, a star of six points, between two crescents of the field. The same did LESLIE of Balquhain, in turning his chief's bend into a fesse, without any other addition.

The sixth method or way of differencing cadets, is by adding figures to the arms of chiefs of families, which is now most frequently used, diverse ways, by different nations: But when these additional figures began, what they are, and how to be disposed, for differencing the numerous issue of descendants, is the subject of the following discourse: For it seems the variation of the tinctures of field, and figures, was not sufficient without additional ones, which we find first used by the French; and from them the Belgians, with whom arms were very soon used, and regular, took the lambel, orle, bordure, as additional figures. The author of *Jurisprudentia Heroica*, article 5th, paragraph 6th, says, "Varii tamen a variis nationibus scuta diffingendi modi observati sunt: Apud primos Brabantos & Belgas incognita " fuere, tigilla, limbi, margines, Gallice, *lambeaux, orles, bordures*, quæ tunc temporis a Gallis mutuati sunt, sed ipsa arma quidam ab uxoribus, quidam a terris, gloriæ sibi duxerunt; plerique tamen familiaria retinere insignia, colorum dumtaxat adhibita variatione." Divers nations used different ways and marks, in distinguishing the arms of descendants of one family from another: For, of old, the Brabantines and Belgians did not know the lambel, bordure, orle, which were then used by the French, for differences, but took figures from their mothers, wives, territories, and feudal ensigns, to difference themselves; and many kept the arms of the family entire, only making some alteration of the tinctures or figures.

When the French began to use those above-mentioned, and other additional figures to the lilies of France, by younger sons, is uncertain. Some say, (as one Paradin) that ROBERT the first Earl of ANJOU, descended of Hugh Capet, carried *azure, semé* of flower-de-luces or, within a bordure *gules*, in the year 988. Alovertus, and Belliforestus, as in *Jurisprud. Her.* say, That Philip the august King of France, who reigned 1181, was the first that permitted the sons of France to carry the arms of France with brisures, being before that time unlawful to be carried by the sons of France. Others again say, that the sons of France did not carry the arms of France without, or with brisures, till Lewis the Gross, who began his reign in the year 1110. Whatever those writers say, I am persuaded, that

Anciently the younger sons of the Kings of France were not permitted to carry the arms of France with a brisure, but only allowed to make use of the tinctures of the kingdom, *azure* and or, in those figures, which the younger sons of the kings assumed, on the account of their marriages, or appanages. Thus, the old Dukes of BURGUNDY took for arms, bendy, or and *azure*, within a bordure *gules*. And the old Counts of VERMANDOIS carried, *chequé, or* and *azure*, as Sylvester Petra Sancta observes, out of *Marcus Gilbertus de Warenus*, cap. 67. *de guttatis tigillis tesserais*. We find, in later times, the second race of the Dukes of Burgundy (descended of the royal family) carried the arms of France, viz. *azure, semé* of flower-de-luces or, within a bordure *composé, argent* and *gules*, for a brisure, which they quartered with ancient Burgundy first, and afterwards with other arms. So the second race of the Counts of Vermandois (when brisures became more frequent and ordinary) added a chief *azure, semé* of flower-de-luces or, to show their extraction was from the royal blood of France.

It cannot be hence concluded, that proper differences were not in use till the sons of sovereigns carried the sovereigns' ensigns with brisures, which was but late,

because those were looked upon as sacred and incommunicable, being the ensigns of sovereignty. Before these were allowed, the sons of France had arms of the royal tinctures, which were transmitted to their younger sons, with suitable differences then in use. The same practice was anciently with us, for the sons of our kings did not carry the arms of the kingdom with a difference. DAVID Earl of HUNTINGDON, brother to King William the Lion, carried *or*, an escutcheon, within a double tressure, counter-flowered *gules*, being of the tinctures of the royal bearing of Scotland. And long after, JOHN SENESCAL Earl of CARRICK, eldest son to King Robert II. did not carry the arms of the kingdom with a label, during his father's reign (as our princes have done since), but the paternal coat of Stewart, as appears by this prince's seals, with a lion *naissant* out of the fesse *cbequé*, intimating his right to the crown; as also, that it was then beginning to be customary for the sons of our kings to carry their father's sovereign coat with brisures; for, when John Earl of Carrick came to the throne, by the name of Robert III. and had a son, David the prince, the elder brother of King James I. carried the imperial bearing of Scotland, bruised with a label of three points. And can any pretend to say, that before that time the younger sons of our nobility and gentry did not carry their father's arms with some difference or other, to difference themselves from their elder brothers, and their descendants. But to proceed to show and describe the differences, or marks of cadency, the lambel, or label, batton, or cottise, bordure, or fillier, and cheveron, which are called, by some heralds, the *principal differences*; because, according to them, they are never seen in arms but when they difference younger sons. This may be said of the first two, the lambel and batton; but the bordure and cheveron are sometimes carried as principal and essential figures in arms, though very frequently as marks of cadency too, which I shall show by the general practice in Europe.

The *lambel*, or *label*, is derived from *lambeau*, *i. e.* as heralds say, "Semen seu recisa panni particula, sa robe s'en va par lambeaux; vestis in minutas discinditur particulas;" from whence comes *lambriquiis*, *lacinia fluentes ex galea*, which we call ordinarily *mantlings*; of which in another place.

The label, or lambel, is taken there for a piece of silk stuff, or some such thing, wherewith princes of old environed their heads, which was called a *diadem*, or *fillet*, such as we now see Moors' heads banded with in arms, as Selden observes. Others take the label for the tying of crowns and garlands with points hanging down; but our French heralds will have it a kind of scarf, or ribbon, which young men wore anciently about the neck of their helmets (as we now do cravats) with points hanging down, when they went to the wars, or military exercises, such as tournaments, with their fathers, by which they were distinguished from them; and where it was customary, in some places, for younger brothers to be distinguished from their elder brothers, the points of the tyings hang down upon the chief, or upper part of their shields, whereon was their father's arms: From whence heralds do present this figure as a brisure upon the armorial ensigns of the eldest sons, whilst their father is in life; and by custom it was also given to younger sons; of which practice we shall speak hereafter; the form thereof is as you see in Plate I. fig. 1. The *traverse*, we call the *beam*, which does not touch the sides of the shield; and the pieces that hang down are the points, which are always *patulous*, *i. e.* broad at the ends.

The heralds, who write in Latin, give the word *lemniscus* for a lambel; and Camden and Uredus use the word *lambella*, as in the blazon of the arms of AVESNES, a signiory in Hainault, "Scutum sexies auro & minio dextrorsus faciatim, superimposita quinque partium lambella," *i. e.* bendy of six, *or* and *gules*, over all a lambel of five points, and sometimes the lambel of three points, Uredus calls *fasciola trifida*, and Chiffletius uses the word *limbus tripes*, for a lambel of three points.

The number of the points of the lambel may be either even or odd, to the number of nine; but when it is used by the eldest son in his father's lifetime, it has only three points, which are plain, *i. e.* not charged, or under accidental forms; but when it is so, and of more points than three, it shows the bearer not to be the eldest son, but the younger, or one of his descendants.

I shall in some few instances show the antiquity of the lambel. We read, that St Bernard, in his rules to the Templars, discharged the wearing of lambels about the heads and necks of those of that Order, because they were used by laics as military marks, and not fit for ecclesiastics, and calls them *laqueæ & rostra*. But it is to be observed, that clergymen of old, and at this time in popish countries, use not marks of cadency in their arms, because they are not supposed to have issue.

The lambel was anciently used on the seal of arms of the princes of Flanders; GUIDO, second son of William Lord Dampetra, and his lady, Margaret, daughter of Baldwin Earl of Flanders, carried a shield charged with two leopards, and a label of five points in chief, in the year 1234. And the same Guido, after his eldest brother's death, had a label only of three points, his father then being in life, and he the eldest living son; but upon his father's death he laid the label aside altogether. Robert, the eldest son of this Guido, continued the same practice as did their successors Earls of Flanders, as by their seals given us by Oliverus Uredus, *De Sigillis Comitum Flandriæ*.

The ancientest use of the lambel in England is said, by some heralds, to have been borne by GEOFFREY Duke of BRETAGNE and Earl of RICHMOND, fourth son of King Henry II. who was crowned 1153, viz. *gules*, three lions *passant gardant or*, a label of five points *argent*. But Mr Sandford, in his Genealogical History of England, says, He believes that this filial distinction, the lambel, was not so soon used in England; and he makes EDMUND Earl of LANCASTER, second son of King Henry III. and brother to Edward I. by his seal of arms, to be the first who carried over the arms of England a lambel of three points *azure*, charged with flower-de-luces *or*, upon the account the flower-de-luces were his wife's figures, she being a daughter of France.

Though the lambel be a brisure in itself, they were anciently in use to charge them with figures, when carried by younger sons, as they have done the bordure, to show their maternal descent, and other dignities. The family of LANCASTER for a long time had always their lambel *azure*, charged with flower-de-luces, upon the account above mentioned; and the House of YORK had their lambels *argent*, charged with torteauxes *gules*, to show their descent from the Briton, Tudor Earl of Cornwall, who carried such figures. As for the variation of the labels by the other branches of the royal family of England, I have given an account at the end of the First Part of this System of Heraldry.

Several English writers, as Gerard Leigh, among the first of them, tell us, That the eldest son's label should have only three points, the one to intimate his father in life, the other his mother, and the third himself; and that if the grandfather be alive, the label should have five points: But I find it otherwise by the ancient practice of the royal family of England, by their seals of arms, given us by the above-mentioned Sandford. Prince EDWARD, the eldest son of Henry III. who was afterwards King Edward I. while he was prince, had on the one side of his seal the arms of England, with a label of three points, and, on the reverse, with a lambel of five points, in the year 1267, when he had no grandfather living: And the same lambels of three and five points were upon the seals of the succeeding princes, eldest sons of Edward II. and III. So that Gerard Leigh's account did not hold then in England.

The lambel has been so carried, with three points plain, by the eldest sons of France, and by the younger sons with more points, variegated with different charges. With us, the plain lambel with three points is seldom assigned to younger brothers, but when the heirs-male of the eldest brother fails, and the inheritance falls to his daughters and their heirs, the younger brother and his issue may then use the plain lambel of three points, as the heir of expectancy; of which before, in the First Part of this System, page 384. so carried by HAMILTON Earl of ABERCORN over the arms of Hamilton. By which practice the plain label in this case seems to be hereditary, when carried by younger sons and their heirs-male. And the same practice was used by a younger brother of the House of NITHSDALE, who married the heiress of the Lord Herries, quartered his paternal coat, *argent*, a saltier *sable* and in chief a lambel *gules*; with the coat of Herries, viz. *argent*, three urcheons *sable*: And which arms continued with his successors after the same

manner ARBUTHNOT of Findowrie, a second son of the family of Arbuthnot, carried always a label for his difference.

I shall add here what the author of *Jurisprud. Her. de Jure Belgarum*, says of the use of the label. When the label is hereditary and fixed as other figures, which the father carries, his eldest son and successor must carry the same; and if it be a label of three points, the second son may carry one of four points, and the third son one of five points, and the fourth son a label of six points, and no further, for the label's points can be no more multiplied. And this is practised also by the French, as well as by the Flandrians.

The other principal difference, the *batton*, before mentioned, being almost the same with the bendlet, cottise, and ribbon, of which I have treated in the First Part of this System, chap. 13. as being diminutives of the said bend; and have distinguished them as to their use, that is, when the field is filled with bendlets, and when two cottises accompany a bend, then they are no marks of cadency; but when there is only one of them surmounting the arms, it is called a *batton*, and is an ancient mark of cadency: As that in the old arms of ABERNETHY, of which before, where the batton, or *ribbon*, by some so called, surmounts and bruises the lion.

I shall give here two instances of its practice of old as a brisure, first, HENRY, second son of Henry III. carried the arms of England, surmounted of a bendlet *azure*, for his difference; and when he succeeded his elder brother in the earldom of Lancaster, in the reign of Edward II. he laid aside the bendlet, and carried, as his father and brother, over the leopards of England, a label of three points *azure*, each charged with flower-de-luces. The other instance of a bendlet as a brisure, Olivarius Uredus gives us in the arms of GUIDO, second son of William Lord Dampetra, and his lady, Margaret Countess of Flanders, who carried the arms of Dampetra, two leopards bruised, with a bendlet for difference, in the year 1251, which he laid aside when he succeeded his elder brother William.

It is to be minded, that when the eldest son dies without issue, the second son is then successor, and carries the plain arms of his father, as *Chass. Cat. Glor. Mund. Part. 1.* "Primogenito sine liberis decedente, arma integra ad secundo genitum devolveret ita deinceps."

The batton is now-a-days ordinarily coupé, that is, touches not the angles of the shield, and is used very short by the French, which they call *batton peri*. The Latin heralds give the words *fiffura* and *bacculus*, commonly for a batton. Sylvester Petra Sancta calls it *clavilla*, a little club, and sometimes *clavula*. In his 68th chapter, *De Clavula & de Stamine Tesserario*, where he says, "Vectis & bacillus scutarius formæ teres, & ejus tantum latitudinis, ut trientem baltei non excedat, hic inquam vectis, seu bacillus, etiam ipse a primogenitis, tum liberos natu minores, tum eorum posteritatem distinguit."

It is, and has been the constant custom of France, to distinguish younger sons by battons: Thus Monsieur ROBERT of FRANCE, Count of CLERMONT, younger son of Lewis IX. of France, carried France bruised with a *batton peri gules*. He married Beatrix, daughter and heiress to John Lord Bourbon, whose eldest son carried the foresaid bearing, from whom issued the noble family of Bourbon, of whom the present monarch of France is descended. The *batton peri* is frequent with the French, as the author of *Jurisprudentia Heroica* says, "Insignia seu regale Bourbonium stemma discriminavit, clavula nempe coccinea, seu fusti scutario, vulgo le baston de gueules, qui (non secus ac tænia, nisi quo multo sit tenuior) a parte dextra in sinistram vergit, heraldire, peri en bande." The second son, JAMES Count de la MARCH, who married the heiress of Vendosme, did also bear the foresaid coat; but charged the batton (for a sub-brisure) with the figures of Vendosme, viz. three lions *argent*; and the other younger sons of this family differenced their battons with other figures, as BOURBON MONFENSIEUR placed on the top of his batton a canton charged with a dolphin *azure*; and BOURBON d'EVEREUX has his batton componed, *argent* and *gules*.

I seldom or never find with us, and the English, a batton coupé made use of by younger lawful sons, because, as to those that know not the science, it looks like a mark of illegitimation. The batton sinister I have treated of before, in the 14th

chapter of the First Part of this System, and shall here treat of it again, with other marks of illegitimation; but first of the *bordure*.

The *bordure*, the third mark of cadency above mentioned, goes round the extremities of the shield, and takes up the fifth part of the field, by the English; by our practice, sometimes less, sometimes more, according as it suits with the figures within the shield, and the figures that charge the *bordure*. Part I. chap. 18.

By all nations it is frequently used as a brisure; and especially by the English, who do not look upon it as a principal figure, or one of the honourable ordinaries, but a principal difference; and is never to be found, say they, in a coat of arms, but when it stands for a mark of cadency. By the French it is looked upon as a principal figure, and not a mark of cadency; but when the *bordure* is less than its just quantity, and of metal upon metal, or colour upon colour, it is called by them a *fillier*. With us the *bordure*, as with the French, is sometimes a principal figure, and sometimes taken for a mark of cadency, and that very frequently; but with the French, and with us of old, for a principal figure.

For the antiquity of the *bordure*, as a principal figure, in an old edition of the Chronicle of St Lewis, by Joinville, he there says, That Charlemagne gave arms to ARNOLD de COMESING Viscount de COZERANS, which were only *or*, a *bordure gules*, for his good services in Spain. Here it could not be but a principal figure, since there are none other but itself. The Kings of PORTUGAL carry their imperial ensign within a *bordure*, charged with towers or castles, for the kingdom of Algarve, which Alphonsus III. got from the king of Castile, upon the account he married his daughter in the year 1278. The *bordure* is not taken for a mark of cadency in the armorial bearings of the Spaniards, who use to have more than one or two *bordures*, but as principal figures, or essential parts of the bearing, representing some victory over the Moors, Goths, and other barbarous invaders of their country, as John Baptista Christyn, in his *Jurisprudencia Heroica*, Art. 5. his words are, "Quod ad aliarum attinet familiarum margines & limbos, non adeo sunt discriminis notæ, quam scuti partes essentielles, iis tot Victorias a Mauris, Gothis, cæterisque barbaris reportatas, aliaque id genus decora significantes." The same author, in his Supplement to his First Part, tells us, That ordinarily the Spaniards, and those of the Netherlands, have their mothers' figures, charging a *bordure* round their own arms, not as a brisure, but to show their marriage or maternal descent. His words are, "Limbi apud Hispanos connubia designant, & quemadmodum apud Belgas & Gallos insignia exponuntur." For which he gives us the instance of Alphonsus III. before mentioned. And the GUZMANI, in Spain, have round their arms, by marrying with the family of Villamicares, a *bordure* charged with castles and lions; which is also given in *taille douce* by Sylvester Petra Sancta, page 599.

One of the ancientest and greatest families with us, the DUNBARS Earls of MARCH, without question the principal family of the name, carried *gules*, a lion rampant *argent*, within a *bordure* of the same, charged with roses of the first.

The honourable and ancient family of MAULE Earls of PANMURE have always been in use to carry parted per pale, *argent* and *gules*, a *bordure* charged with escalops, all counterchanged of the same; being the same which their progenitors had in the kingdom of France: of which more particularly in the following chapter. So much for the *bordure* as a principal figure.

As it is an additional figure, and mark of cadency, I have spoken to it before in all its varieties, and given examples by whom carried; and here I shall add others, whom I have not before mentioned, with some new-observations.

When the *bordure* is made by plain lines, and not charged with figures, and of the tincture of the principal figure in the field, it then shows the bearer to be a younger son of the principal family.

Mr THOMAS HOPE of Rankeilor, Advocate, second lawful son to Sir John Hope of Craigiehall, *azure*, a cheveron *or*, betwixt three besants, all within a *bordure* of the second; crest, a broken globe surmounted of a rainbow, proper: motto, *At spes infracta*. L. R. and Plate of Achievements.

JAMES BANNANTYNE of Kelly, a second son of the family of Kames, bears the arms of the family, viz. *gules*, a cheveron *argent*, betwixt three mullets *or*, (and

for his filial difference) within a bordure of the second; crest, a griffin's head erased, proper: motto, *Non cito non tarde*; as in the Lyon Register.

JOHN MACARTNEY of Auchinleck, in Scotland, now Esq. and residenter in Ireland, *argent*, a stag tripping *gules*, attired *or*, within a bordure of the second; crest, a dexter hand holding a slip of a rose tree, proper: motto, *Stimulat sed ornat*. L. R.

ALEXANDER SCOTT of Sinton, a second son of Scott of Harden, bears *or*, on a bend *azure*, a star of six points betwixt two crescents of the field; and, on the sinister chief point, a rose *gules*, stalked and barbed *vert*, all within a bordure *sable*; crest, a crescent *argent*; with the motto, *Crescendo proxim*. L. R.

SCOTT of Galashiels, a younger brother of Scott of Sinton, carries the same arms, but, for his difference, charges the bordure with six escalops *argent*, for marrying a daughter of Pringle of Galashiels; crest, a lady from the waist richly attired, holding in her right hand a rose, all proper: motto, *Prudenter amo*. L. R.

When the bordure is formed by uneven or crooked lines, such as ingrailed, inducted, indented, embattled, and other such lines, which I have described before in the First Part of this System, it shows the bearers to be descended of the third or fourth son of a family.

THOMAS LIDDERDALE, Merchant, citizen of London, son to the deceased Robert Lidderdale, a younger son of St Mary's Isle in Scotland, bears, *azure*, a chevron *ermine*, within a bordure ingrailed *argent*; crest, an eagle's head erased, proper: motto, *Perbelle qui prævidet*. L. R.

JOHN GREIG of Ballingrie, *gules*, three dexter hands coupéd and disposed bend-ways *argent*, 2 and 1, within a bordure ingrailed of the second; crest, a right hand: motto, *Signantur cuncta manu*. L. R.

DONALD M'GILCHRIST of Northbar, *gules*, a lion rampant *argent*, within a bordure inducted of the last; crest, a lion's paw bend-ways *argent*: motto, *Cogit in hostem*. L. R.

LUNDIN of Auchtermemy, descended from the family of Lundin, carries the old coat of Lundin, viz. paly of six pieces, *argent* and *gules*, on a bend *azure*, three cushions *or*, all within a bordure indented of the third; crest, a hand, proper, holding a cushion *argent*: motto, *Tam genus quam virtus*. L. R.

Colonel GEORGE HAMILTON, second lawful son to Redhouse, (whose great-grandfather, the laird of Redhouse, was one of the Senators of the College of Justice, and second brother to the laird of Priestfield, afterwards Earl of Haddington) bears *gules*, on a chevron, betwixt three cinquefoils *ermine*, a buckle *azure*, all within a bordure embattled *or*, charged with eight thistles *vert*, flowered *gules*; crest, two hands conjoined, issuing out of a cloud, and within two branches of laurel, disposed in orle, proper: motto, *Præstando præsto*; recorded the 29th of March 1694 in the Lyon Register.

A bordure formed on the inner side, as those above, by a line crooked like a wave of the sea, is called a *bordure waved*; as that in the arms of HAMILTON of Ladylands, a cadet of Torrence, descended of the House of Hamilton, *gules*, a mullet betwixt three cinquefoils, all within a bordure waved *argent*. L. R.

HAMILTON of Westburn, descended of the family of Torrence, descended of the family of Hamilton, *gules*, three cinquefoils *ermine*, within a bordure potent and counter-potent of the second and first; crest, a hand grasping a lance in bend, proper: motto, *Et arma et virtus*. L. R. and Plate of Achievements.

CRAWFURD of Cartburn, *gules*, a fesse *ermine*, betwixt three mullets in chief *argent*, and in base two swords saltier-ways; for a brotherly difference he had a crescent surmounted of a crescent; and, in lieu thereof now, for his difference, he carries the above blazon within a bordure waved *argent*; crest, a sword in pale, having a pair of balances on the point, all proper: motto, *Quod tibi, hoc alteri*. L. R. and cut in Plate of Achievement, Part I.

The more the bordures are varied from plain ones, by accidental forms, and charged with figures, they show the bearers to be the further removed from the principal House; as also, when componéd, or counter-componéd, or divided by the partition lines: To which purpose are the words of the author of *Jurisprudentia Heroica*, "Tertio geniti filius primus paternum retinet limbum; secundus limbum præferet dentatum; à la bordure edentée; tertius besantiis nummis insignitum,

“ à la bordure chargée de besans ; quartus sectionibus diversi coloris distinctum, à la bordure composée, & ita de cæteris.” Of the bordure *composé* I shall here treat more particularly.

The *bordure composé*, as the French say, and *gobonated* by the English, is when the bordure or any other figure is filled with one rank of square pieces, alternately of metal and colour, as that going round the arms of Lundin of that Ilk, to be seen Plate XVII. in the First Part of this System.

This bordure was of old honourable, but of late fallen into disgrace: how it came, I cannot give a particular account, but shall here give my observes of its use.

PHILIP Duke of BURGUNDY, surnamed the *Hardy*, the youngest lawful son of John King of France, surrounded the arms of France with a bordure gobonated, *argent* and *gules*, which were the ensigns of Burgundy modern; and so stands yet quartered with Burgundy ancient, bendy of six, *or* and *gules*, within a bordure of the last: Which arms have been marshalled with these of Spain, and has precedence of all the other arms of dukedoms and provinces marshalled in the achievement of that kingdom.

The first bordure *composé*, or *gobonated*, I find in England, was used by the children of JOHN of GAUNT Duke of LANCASTER, fourth son of Edward III. procreate on Katharine Roet, widow of Sir Otes Swinford, in the lifetime of his former wives. This Katharine he married last, (as Sandford in his Genealogical History) but could not free his three sons, John, Henry, and Thomas, begot upon her, from bastardy, till he obtained an act of Parliament for their legitimation; and before that act of legitimation, which was obtained the 20th year of the reign of Richard II. the three brothers, says Sandford, carried, parted per pale, *argent* and *azure*; over all, on a bend *gules*, three lions *passant gardant or*, the figures of England. The first brother differenced his arms with a lambel; the second, the same arms by a crescent; and the third, Thomas, by a mullet. But after the act of legitimation of these three brothers, says our author, their distinction of bastardy was discontinued; which, it seems, was their placing their father's arms on a bend, and the field of two tinctures: For JOHN BEAUFORT, the eldest, was Earl of Somerset, and after the legitimation did bear the arms of France and England quarterly, within a bordure *goboné*, *argent* and *azure*. The second brother, HENRY BEAUFORT, Cardinal and Bishop of Winchester, carried the same arms with his elder brother: And the last, THOMAS, had a bordure *goboné*, *ermine* and *azure*: But when he was made Duke of Exeter, he made his bordure round the arms of England, *goboné*, *argent* and *azure*; the last charged with flower-de-luces, because he married the daughter of HOLLAND Duke of EXETER, and whose bordure was *azure*, *semé* of flower-de-luces *or*. Those brothers were surnamed Beauforts, from the castle of Beaufort in Anjou, where they were born, and used the portcullis of that castle for their badge; which figure, with these of the thistle and rose, the badges of Scotland and England, are yet to be seen upon old buildings with us, since the marriage of King James I. of Scotland with Jean, daughter of John Beaufort Earl of Somerset. And her arms being the same with her father's, before blazoned, are so illuminated in our old books of blazons. The bordure *composé*, or gobonated, was looked on then as an honourable figure to distinguish lawful children; for I find HUMPHREY Duke of GLOUCESTER, fourth lawful son of King Henry IV. of England, carried the royal arms of England, within a bordure gobonated, *argent* and *sable*; which bordure, says Sandford, he was advised to take, in imitation of that of the Duke of Burgundy above mentioned, by Nicol Upton a herald. But afterwards this Duke Humphrey laid aside the bordure *composé*, and took a bordure *argent*, as more honourable, in imitation of Edmond Earl of Kent, and Thomas Duke of Gloucester, younger sons of Edward I. and Edward III. Our author says, the ingratitude of those of this latter age to the memory of those illustrious families above mentioned, have converted, the bordure *goboné* to no other use, than in distinguishing the illegitimate issue from those lawfully begotten. But this saying of his will hardly clear it from the aspersion of bastardy, even by the instances he gives us; and that it was looked upon by heralds as such; as by Spelman, in his Notes upon Nicol Upton, who says, That in England the batton-sinister, and the bordure gobonated, were, of old, the marks of illegiti-

mation in England. And the author of *Jurisprudentia Heroica*, Article 12th, paragraph 17th, says the same from Spelman, thus, "Bacillus sinister extrema scuti non attingens, & fimbria quandoque striata, sed plerumque gobiata (ut fecialibus fari visum est) hodiernæ nobis illegitimi notæ sunt, & antiquitus etiam fuisse apud Anglos nothorum differentiam, notatu dignum censens."

CHARLES Earl of WORCESTER, Lord HERBERT (so dignified by King Henry VIII.) was a natural son of Henry Beaufort Duke of Somerset, eldest son of Edmond Duke of Somerset, third son of John Beaufort Earl of Somerset, eldest son of John of Gaunt Duke of Lancaster, by Katharine Rouet his third wife; which Charles bare the coat of his father, viz. France and England, quarterly, within a bordure *goboné*, *argent* and *azure*, with the addition of a batton-sinister. He was succeeded by his lawful eldest son, who carried the arms of his father, but disused the batton, and after, all the descendants of this family were in use to do the same; and carry the arms of France and England within a bordure *goboné*; as the present Henry Somerset Duke of Beaufort, sprung from the above-mentioned John of Gaunt Duke of Lancaster.

The bordure *componé*, or gobonated, was, of old, in great esteem, in differencing lawful sons with us; as by SIR WILLIAM WALLACE of Ellerslie, *gules*, a lion rampant *argent*, within a bordure *componé azure*, and of the second.

It is used promiscuously in the arms of many families with us, whether legitimate or illegitimate, as an honourable brisure, and also round the arms of ancient families sprung from the natural sons of some of our kings; as that carried by STEWART Earl of MURRAY, descended of a natural son of King James V. and of late by LUNDIE, or LUNDIN, of that Ilk, as an honourable additament from the crown, who having laid aside their old arms, viz. paly of six pieces, *argent* and *gules*, surmounted of a bend *azure*, charged with three cushions *or*, carry now only the arms of Scotland, within a bordure gobonated, *argent* and *azure*, as sprung from a natural issue of King William the Lion.

JOHN LUNDIN of Baldester, whose great-grandfather was a lawful brother of the ancient family of Lundin, assumed the new coat of Lundie, and quartered it with the old arms of Lundie, thus recorded in the Lyon Register, quarterly, first and fourth the arms of Scotland within a bordure gobonated, *argent* and *azure*, as being the arms granted by King Charles II. to the family of Lundin; and specially adapted to their descent from Robert of Lundin, natural son to William the Lion King of Scotland, and brother to King Alexander II. The second and third quarters are, paly of six, *argent* and *gules*, on a bend *azure*, three cushions of the first, as the coat formerly used and borne by these of the name, all with a bordure *azure*; crest, a dexter hand open, and charged in the palm with an eye, all natural: motto, *Certior dum cerno*; so recorded in the Lyon Register, 14th January 1698.

This bordure has not only been used by the issue of bastards, (of which I could give several instances) but even by bastards themselves; so that the bordure gobonated is become more suspicious of being a sign of illegitimation than any other figure in heraldry, except the batton sinister.

The natural sons of King Charles II. and King James VII. have been in use to carry the arms of Britain within such bordures; as CHARLES Duke of RICHMOND, natural son to King Charles II. carries Britain, within a bordure gobonated, *argent* and *gules*, on the first roses of the second.

JAMES Duke of BERWICK, natural son to King James VII. carried the arms of Britain within a bordure *componé*, *gules* and *azure*; the first charged with the lions of England, and the second with the flower-de-luces of France: And so much for the bordure *componé*, or gobonated. I proceed to other bordures, composed of more than one range or tract of square pieces of different tinctures, which have never been attached as any sign of illegitimation by birth or descent, but have everywhere been used as regular and honourable brisures, so far as I know.

*Bordure counter-componé*, which some call *counter-goboné*, and the French call it often *echiqueté de deux traits*: It consists only of two ranges or tracts of square pieces, alternately of different tinctures, and is always carried as a brisure or mark of cadency for lawful younger brothers and their issue.

JOHN CARMICHAEL, Portioner of Little-Blackburn, as descended of Carmichael of that ilk, carries *argent*, a fesse wreathed, *azure* and *gules*; and, for his difference, within a bordure *counter-componé* of the second and first. Lyon Register.

Mr JAMES GARDEN, sometime minister of the gospel at Balmerino, descended of the family of Garden of Leys, *argent*, a boar's head erased *sable*, betwixt three cross crozlets fitched *gules*, all within a bordure counter-componed of the second and first; crest, a rose slipped, proper: motto, *Sustine, abstine*. L. R.

*Bordure chequé* consists of three ranges or tracts of square pieces, alternatively of metal and colour. There are many good families with us, who, as cadets, brise their chief's arms with this bordure; of whom I have given several examples in the First Part of this System, and shall here add two.

LESLIE of Findrassie carried the quartered arms of the Earl of Rothes, within a bordure *chequé, gules* and *or*. L. R.

JOHN IRVINE of Kingoussie, descended of Drum, bears two coats; quarterly, first *argent*, three holly branches, each consisting of as many leaves, proper, banded *gules*, within a bordure *chequé vert*, and of the first, for the name of Irvine; second *argent*, an eagle displayed *sable*, for Ramsay; third as second, fourth as first. L. R.

The more the bordure is varied from plain ones, of which we have given examples, the more they show their bearers to be removed from their principal house: As likewise, the bordures which are divided by the partition lines, as parted per pale, per fesse, bend dexter, and sinister, are suitable differences of cadets; of which I have given examples in the First Part of this System.

The bordure is often charged with small figures, such as crescents, besants, martlets, &c. frequently taken, especially by the younger sons, some of them being the figures of their mother's arms, to show their descent, and to difference themselves from their elder brothers, by charging their bordures.

The *cheveron*, counted by some, as aforesaid, one of the principal differences, is never carried in a coat of arms, but to difference the bearer from the chief. This does not hold in our practice, nor in that of the French; but sometimes it is carried as a principal and essential figure, and one of the ordinaries, to difference one principal family from another. Of its form and signification I have treated before, in the First Part of this System.

It cannot be denied but it is often used with us and other nations as a mark of cadency, to distinguish younger sons from the principal family, and cadets from one another.

It has been carried as a principal and essential figure by the ancient surname of FLEMING, of which before; and by the surname of HEPBURN, and several others.

The cheveron, as I said, is very frequently made use of as a principal or differencing figure by us: Yea, there is no principal figure in armory, whether proper or natural, but has been added by cadets to the principal bearing of their families. I shall add two or three instances of the cheveron being carried as a mark of cadency.

It is said by heralds, especially the English, that it represents the couples or rafters of a house, such as wrights set on the highest part of the house, which is not complete till it be set up; for which they Latin the cheveron, *tignum*: In which sense, GORDON Earl of ABOYNE, third son to George Marquis of Huntly, for his difference, took a cheveron, and so carries, *azure*, a cheveron betwixt three boars' heads couped, within a double tressure, flowered with flower-de-luces within, and adorned with crescents without, *or*; and, for motto, took these words, *Stant cetera tigno*, to show himself a cadet by the cheveron. HAY of Seafield, descended of Hay of Fudy, who was a son of the House of Errol, *argent*, a cheveron betwixt three escutcheons *gules*. When the cheveron is of the tincture of the principal figures, such as the escutcheons last mentioned, which accompanies the cheveron, it shows the bearer to be more near the chief house than those cadets who carry the cheveron of a different tincture from the principal figures. And the same may be said of all the other ordinaries, when they are added by cadets to the arms of their chiefs for differences.

I shall here only add the arms of ROBERT FULLERTON of Craighall, Writer to the Signet, and Comptroller of his Majesty's Customs at Leith, eldest son of Robert Fullerton of Craighall, who was son of Mr William Fullerton of Craighall, a third lawful son of the family of Fullerton of that Ilk, so matriculated in the Public Register of the Lyon Office, and thus blazoned, viz. *argent*, a cheveron betwixt three otters' heads erased *gules*; crest, a camel's head and neck erased, proper: motto, *Lux in tenebris*; the crest and motto of the chief family. Of which before, in the First Part of this System.

The cheveron, when as a brisure, and put under accidental forms, such as *ingrailed*, *invected*, &c. or when charged with other figures than these in the principal bearing, show the bearers to be degrees removed from the principal house, except the figures that charge the cheveron belonging to the mother of the cadet, to show what marriage he came from.

What I have said of the variety of the bordure, in differencing descendants, the same may be applied to the cheveron.

Having now treated of the label, batton, bordure, and cheveron, as principal differences or additional figures, added by cadets, in all their varieties, I now proceed to other figures frequently used to difference descendants of one family, in their different degrees of birth, when added to their paternal bearing.

There are other sorts of differences given us by heralds, such as *differentiæ consanguineorum*, and *differentiæ extraneorum*; the differences of the first being these of consanguinity; which are, the *crescent*, *mullet*, *martlet*, *annulet*, *flower-de-luce*, and such like minute figures, which are given to younger sons whilst they are in their fathers' family; to show their primogeniture, descent, and degrees of birth, when added to their paternal bearing. But it is to be observed, when these younger sons come to erect and be heads of distinct families, with issue, they ordinarily leave these minute and petty differences, and take *differentiæ extraneorum*, large and conspicuous figures, such as *bordures*, *bends*, *cheverons*, *quarters*, &c. By such like conspicuous figures, whilst they were in the field of battle, they were the more eminently distinguished by their banners, ensigns, and other utensils of war whereon were their arms.

Having spoken of some of those before, I shall now proceed to treat of those differences of consanguinity, by some called the *minute differences*, or *modern, and temporary ones*.

The *label*, of which before, is counted one of them; but then it is frequently only temporary by the eldest son during the father's life, and seldom is carried by the second son as hereditary, unless when the fortune of his eldest brother goes off with the inheritance of the family to his daughter; of which before.

The second son (his elder brother continuing) adds a *crescent* to his paternal coat for difference, (and some heralds tell us, that this figure, as the other figures following, hath a symbolical sense and representation) to put him in mind to increase in fortune and honour. The third son carries a *mullet*, (which properly signifies a spur-rowel, though some take it for a star) to incite him to chivalry. The fourth a *martlet*, being a little bird in armories, represented without feet and beak, to make him mindful to trust to the wings of virtue and merit, and not to his own legs, having little land to put his feet on. The fifth, an *annulet*, or *ring*, to remember him to achieve great actions. And the sixth, a *flower-de-luce*, to mind him of his country and prince.

The Italian, Sylvester Petra Sancta, takes this martlet to be a swallow, when he speaks of the differences of Britain, thus: "At in Britannia regno faciales tri-  
" buunt secundo genitis additiam lunulam, tertio genitis merulam, similemve  
" hirundini aviculam, quarto genitis stellulam; annulum quinto genitis, sexto  
" genitis lilium.

These differences are now frequent with the English, of which I shall add some instances. WILLIAM CAVENDISH Duke of NEWCASTLE, representative of a second son of Cavendish Earl of Devonshire, *sable*, three harts' heads cabossed *argent*, attired *or*, with a crescent in the centre of the second, for difference. The same had the Duke of SCHOMBERG and LEMSTER, Marquis of HARWICH, &c. *argent*, an escutcheon *sable*, over all a carbuncle of eight rays *or*, with a crescent for difference. And the present HOWARD Earl of SUFFOLK, CECIL Earl of SALISBURY, have

crescents for their differences, and several others of the English nobility, as by the late English books of arms. JOHN DIGBY Earl of BRISTOL, descended of a third brother, gives *azure*, a flower-de-luce *argent*, with a mullet, for difference, in the dexter chief point of the second. The same does MONTAGUE Earl of SANDWICH, of whom before. GEORGE VILLIERS Duke of BUCKINGHAM, *argent*, on a cross *gules*, five escalops *or*, with a martlet of the second, in the dexter canton. JAMES BERTIE Earl of ABINGDON, *argent*, three battering rams, bar-ways in pale, proper, armed and garnished *azure*, with an annulet for difference, being a fifth brother, or descended of a fifth. CHARLES HOWARD, Baron HOWARD of Escrick, *gules*, on a bend, betwixt six cross crozlets *fitché argent*, an escutcheon *or*, thereon a demilion rampant, pierced through the mouth with an arrow, within a double tressure, counter-flowered *gules*; being the bearing of the name and family of Howard, and, as a cadet, adds, for difference, a flower-de-luce. Most of the arms of the gentry of England are stuffed with these figures. Sandford, in his Genealogical History, says these differences began in the reign of Richard II.

The same differences were used in Holland with some variation; the eldest carried as his father, the second son used the label, third son a crescent, fourth son a mullet, or star, and so forth, as John Baptista, in his *Jurisprudentia*, Art. 5. "In Hollandia, vicinisque provinciis, paulo aliter insignia distinguuntur, ita ut "primogenitus vivente patre, aut eo mortuo; secundo genitus tigillum, seu lam- "bellum retineat; tertius lunulam crescentem; quartus molulam seu astericulum; " & alii qui sequuntur merulam, annulum aut lilium insignibus, in discrimen ali- "orum adhibeant."

The same practice of these figures is to be found with us as with the English, of which I shall subjoin a few instances. MONTEITH of Millhall, as descended of a second son of Monteith of Kerse, carries, quarterly, first and fourth *or*, a bend *chequé, sable and argent*, for Monteith; second and third *azure*, three buckles *or*; and, for his difference, has a crescent in the centre of the quartered arms, as in the First Part of this Treatise, and Plate of Achievements.

ROBERT UDNEY of Auchterallan, a second son of Udney of that Ilk, bears the arms of Udney, viz. *gules*, two greyhounds counter-salient, *argent* collared of the field; in the honour point, a stag's head coupé, attired with ten tynes, all betwixt three flower-de-luces, two in chief, and one in base *or*; with a crescent for his difference. And JOHN UDNEY of Coultercallan, a third son of Udney of that Ilk, carries the same arms, with a mullet for his difference. ARTHUR UDNEY, a fourth son of the family of Udney, bears the same with Udney of that Ilk, with a martlet for his difference. As all of them in the Lyon Register.

The *annulet*, the difference of a fifth son, was made use of by Sir WILLIAM HAMILTON of Whitelaw, one of the Senators of the College of Justice, a fifth son of Bangour, *gules*, a mullet betwixt three cinquefoils *argent*, on a chief of the last, an annulet of the first. Mr WILLIAM HAMILTON of Orbiston, a younger son of James Lord Hamilton, *gules*, an annulet betwixt three cinquefoils *ermine*. JOHN NAIRNE of Segden, descended of the House of Sandford, carries, parted per pale, *sable and argent*, on a chaplet, four quatrefoils, all counterchanged; and, for his difference, he had a martlet. L. R.

The *flower-de-luce*, the difference of a sixth son, carried by PATRICK FRASER of Broadland, Advocate, descended of Fraser of Philorth, whose quartered coat he carries, viz. first and fourth *azure*, three frases *argent*; second and third *gules*, a lion rampant *argent*, armed and langued *sable*; with a flower-de-luce for difference.

ALEXANDER NAPIER, descended of a sixth son of Napier of that Ilk, bears *argent*, on a saltier ingrailed, between four roses *gules*, a flower-de-luce for difference; crest, a dexter hand erected per pale, holding a crescent *argent*: motto, *Sans tache*. L. R.

These are called the *differences of the first house*, when made use of by sons of principal families.

The *second house* is the second son and his children. The eldest son of the second house bears his father's coat, with such differences as he did; but if his father be in life, and his difference from his elder brother be a crescent, then the crescent is charged with a label, which is temporary during his father's life. The second son of the second house a crescent charged with another crescent, as HOWARD Earl of BERKSHIRE, Viscount ANDOVER, and Baron HOWARD of Charles-

ton, second son of Thomas Howard Earl of Suffolk, who was descended of a second son of the Duke of Norfolk, *gules*, a bend betwixt six cross crolets *fitché argent*; in the middle of the bend, on an escutcheon *or*, a demi-lion rampant, pierced through the mouth with an arrow, within a double tressure counter-flowered *gules*. Which escutcheon the Duke of Norfolk got from the King of England, as an honourable additament for the victory he obtained over the Scots at Flodden. Suffolk adds a crescent, as a second son, and Berkshire charges it with another, as a second son of a second son. With us, DAVID FORRESTER of Denoven, a second son of a second son of Forrester of Carden, *argent*, three hunting-horns *sable*, garnished *gules*, a crescent surmounted of another for difference. THOMAS NAIRNE, second son to the deceased William Nairne of Langside, who also was a second son of the family of Sandford, bears, parted per pale, *argent* and *sable*, on a chaplet four mullets, all counter-changed; and, for a brotherly difference, in the middle fesse point a crescent surmounted of another, both counter-changed as the former; crest, a celestial sphere, *or* and *azure*, standing on a foot *gules*: motto, *Spes ultra*, and beneath, *l'Espérance me conforte*. L. R.

The third son of the second house has the crescent surmounted with a mullet; the fourth son of that house with a martlet; the fifth with an annulet, and the sixth son the crescent, charged with a flower-de-luce.

The third son and his issue makes the *third house*. The difference belonging thereto is the mullet, and the second son of that house surmounts it with a crescent. WILLIAM HAY, merchant and bailie in Edinburgh, descended of the Earl of Tweeddale, whose quartered coat he carried, bruised the surtout with a mullet, surmounted of a crescent, being the second son of a third brother of that family. The third son of the third house, surmounts the mullet with another, the fourth son with a martlet, and the fifth with an annulet; as DRUMMOND of Carlowrie, *or*, three bars waved *gules*, in chief a mullet of the last, charged with an annulet of the first.

The martlet, annulet, and flower-de-luce, being charged, as I have said of the crescent and mullet, are the differences of the fourth, fifth, and sixth houses.

Besides those six differences, some heralds add other three; to the seventh son they give a rose. With us several families carry roses for differences, as younger sons or brothers. SCOTT of Harden, *or*, on a bend *azure*, a star of six points betwixt two crescents of the field, in the sinister chief point a rose *gules*, stalked and barbed, proper, being a cadet of Scott of Sinton: But now he carries the coat of that family, viz. *or*, two mullets in chief, and a crescent in base *azure*. SCOTT of High-Chester, as a second son of Harden, the foresaid old coat of Harden, and surmounts the rose with a crescent *argent*. SCOTT of Thirleton, near Kelso, a third son of Harden, charges the rose of Harden with a martlet; and SCOTT of Wooll the same, with an annulet. It is strange, that these families of the name of Scott, descended of Sinton, should have carried the arms of Buccleugh, with additional figures, and not added them to the arms of Sinton.

CUNNINGHAM of Brownhill, *argent*, a shake-fork *sable*, in chief a rose *gules*, surmounted of a mullet of the field.

To the eighth son they give a cross moline, or anchor; and to the ninth a double quatrefoil, *i. e.* a flower with eight leaves, to express that he is removed from his elder brother and the succession by eight degrees.

These distinctions, as we have said, were called *differences of consanguinity*; because they were primarily invented for the use of younger sons, whilst in *familia patris*, in their fathers' family, as marks of their primogeniture, or degrees of birth; and not to distinguish their families, when erected, distinct, and separate from the principal house, they taking other regular and conspicuous marks; such as the *differentiæ extraneorum*, of which immediately.

The differences of these who erect new distinct families, and which they transmit to their posterity, will not only serve to distinguish their families and issue from one another, but from the principal house whereof they are descended, and the time of their descent, which can never be done by those minute figures to the third generation: For though a second son, descended of a second son, take a crescent upon a crescent, how his second son shall distinguish is hardly conceivable. And they are so far from showing the time of their bearer's descent, that they can-

not distinguish the uncle from the nephew, that is the second brother from his eldest brother's second son, who would both carry the same thing: But to what our worthy countryman Sir George Mackenzie has written of them, I refer the reader. I shall here add what the elaborate Sir William Dugdale, Garter King at Arms in England, has written in his book, *The Ancient Usage of Arms*; who says, "As for these minute ones, they do not show the time of the descent; for we cannot know which of the crescent bearers are the uncle or nephew. And further, it is a very usual matter for every new riser at this day, that can find a man of his surname that hath a coat of arms, presently to assume it, by adding a crescent, or any other of these minute differences, which (says he) I seldom credit such kind of differences, nor the bearers, unless it be by some other testimony, or proof made manifest, which cannot be counterfeited so well in the other differences, except the assumer should be thoroughly acquainted with the descent of him whose line he seeks to intrude himself into." We have reason to complain of the like practice with us, and of our goldsmiths, engravers, painters, masons and carpenters, who are very ready, though altogether ignorant of this science, to give to those who employ them in any piece of work, coats of arms, with some of the foresaid differences; not only to those who have right to carry arms, but even to some who ought not to be honoured with armorial bearings, although they be of some ancient surname. To which irregular and unwarrantable practice, I wish the Lyon King at Arms would put a stop, by putting the acts of Parliament in execution against such persons, by which the arms of our old gentry will be better known and more easily distinguished from new upstarts. I conclude with what Sir Henry Spelman, a learned herald, has wrote of these differences, "*Rideo igitur, & rejicio minutas istas iconculas, quibus nec error defuit nec periculum,*" *i. e.* I therefore smile and despise these petty differences, in which there is both error and danger.

It is, and has been an ancient custom with us and other nations, (since that a few certain differences could not be sufficient to distinguish the numerous issues of many families, and suit with their various bearings) that all persons who had right to carry arms, might add any figures for differences, which they affected, being agreeable with their paternal bearings, by the allowance of the Lyon King at Arms. So that not only the honourable ordinaries, and sub-ordinaries, which we call proper figures in heraldry, but even all other figures, and representations of things natural and artificial, are made use of for marks of cadency; which sometimes not only serve to distinguish cadets from principal families, but also to express some honourable action, alliance, or descent, from other honourable houses, which have occasioned many composed and quartered coats. Of the last in the following chapter.

These additional figures are either proper or natural. The *proper figures* are these which have their names and being from the Science of Heraldry, as the *honourable ordinaries*, and *sub-ordinaries*, viz. *pale*, *fesse*, *bar*, *chief*, *bend-dexter*, *bend-sinister*, *cross*, *saltier*, and *cheveron*; which I have fully described in all their varieties, and illustrated them by examples in the First Part of this System. As also the *sub-ordinaries*, the *bordure*, *orle*, *essonier* and *tresure*, *inescutcheon*, *franc-quarter*, *canton*, *cheque*, *billets* and *billet*, *pairle*, *point*, *giron*, *pile*, *flusque*, *flanque* and *voider*, *lozenge*, *rustre*, *mascles*, *fifils*, *fret* and *fretty*, *besants*, *tordeauxes*, *vires*, *anulets*, *gutté*, *papelonne* and *diapre*; of which I have treated in the First Part. As also of the *natural figures*, which are the representation of all things animate or inanimate, and are called *natural*, because they keep their own proper names in this science, but have additional terms from their positions, dispositions, and situations.

All these figures, whether proper or natural, are sometimes carried as principal, and sometimes as additional. By *principal figures* we understand those hereditary fixed marks carried by the chiefs of families, (which serve to distinguish chief families from one another) and are transmitted to all the descendants. By *additional figures*, we understand these, whether proper or natural, which cadets add as marks of cadency, and differences to the principal, hereditary, fixed figures of the family; that they may be distinguished from the chief, and from one another,

which are called *differentiæ extraneorum*. The differences of these that are extraneous, such as younger sons, brothers, and other descendants, *extra familiam patris*, and so erect new distinct families, add to their paternal figures one or other of the proper and natural figures above mentioned, which I have given before in all their varieties, both as principal and additional figures.

These figures have been assumed by cadets, which they added to their paternal bearing, to perpetuate the memory of some noble action, lucky event, honourable employment, or office; or to show their gratitude and acknowledgment of benefits received from some honourable friend or superior; or else to express their alliance with other families.

We have instances of differences assumed by cadets upon such accounts and occasions, of which I shall add a few examples. This we have intimated to us by the additional figure in the armorial bearing of GRAHAM of Inchbraikie, descended of an eldest son of a second marriage of the first Earl of Montrose, who gives *or*, a dike or wall fesse-ways *azure*, broken down in several parts, and in base a rose *gules*, on a chief *sable* three escalops of the first. The dike here is assumed to difference the bearer from his chief, and to perpetuate that action of Gramus, (one of the predecessors of the noble family of Graham) in pulling down the wall built by one of the Roman emperors, which was thereafter called Graham's Dike.

SEATON of Barns, a second son of George Lord Seaton, added to his paternal figures, the three crescents, a sword erect in pale supporting an imperial crown, for his difference, to perpetuate the special and seasonable services performed by one of his progenitors, Sir Christopher Seaton of that ilk, to King Robert the Bruce; who gave these figures with the lands of Barns to Sir Alexander Seaton, son of Sir Christopher, for his and his father's good services; as Sir George Mackenzie in his Science of Heraldry, and of which before, more fully, in the First Part of this System.

We have several instances of honourable employments and offices represented by additional differencing figures, as in the bearings of some of the surname of WOOD, the paternal coat being *azure*, an oak tree, proper, growing out of a mount: WOOD of Balbigno, as descended of the principal family, added, for difference, two keys tied with strings to a branch of the tree, to show his office as Thane of Fettercairn. And WOOD of Largo placed his tree betwixt two ships under sail, to difference himself from other families of the name, as being admiral to King James III. and IV.

FORBES of Waterton, descended of Tolquhon, carries over Tolquhon's quartered coat, an escutcheon *argent*, charged with a sword, a key in saltier *gules*, as the badge of his office, being Constable of Aberdeen.

These who were advanced by kings, princes, or other great lords, did many time bear their whole coats, or some part of the arms of those who advanced them, and joined them with their own paternal bearing; which served very aptly, not only to difference them from the principal families whereof they were cadets, but also to show their gratitude and acknowledgment of benefits received from some honourable friend or superior; and by reason thereof they are united together in a kind of friendship, and is a great strengthening to both Houses. I shall add here what Camden says in his Remains of Britain, page 118. "Gentlemen began to bear arms by borrowing from their lords' arms, of whom they held in fee, or to whom they were most devoted; so, whereas the Earl of CHESTER bare garbs, or wheat sheaves, many gentlemen of that country took wheat sheaves. Whereas the old Earls of WARWICK bare *chequé*, or and *azure*, a cheveron *ermine*, many thereabout took *ermine* and *chequé*. In Leicester, and the country confining, divers bear cinquefoils, for that the ancient Earls of LEICESTER bare *gules*, a cinquefoil *ermine*. In Cumberland, and thereabout, where the old Baron of KENDAL bare *argent*, two bars *gules*, and a lion *passant or*, in a canton of the second, many gentlemen thereabout took the same in different colours and charges in the canton." And as Sir George Mackenzie observes, in his Science of Heraldry, page 5. That most of the surnames in Annandale carry the BRUCES' arms, being a saltier, and chief *gules*, which the Bruces had from the old lords of Annan when they married with the heiress of Annandale. The JOHNSTONS

carry the same figures. The Right Honourable WILLIAM Marquis of ANNANDALE carries *argent*, a saltier *sable* on a chief *gules*, three cushions *or*. The KIRKPATRICKS carry the same figures with the Johnstons, but differ only in tincture. Sir THOMAS KIRKPATRICK of Closeburn gives *argent*, a saltier and chief *azure*, the last charged with three cushions *or*. JARDINE of Applegirth, *argent*, a saltier and chief *gules*, charged with three mullets of the first; so that the saltier and chief are armorial figures taken from the Annans, the old Earls of Annandale.

In the shire of Murray, many families carry stars, the figures of the name of MURRAY. AS INNES of that Ilk, *argent*, three stars of six points waved *azure*. And many families in Douglasdale, Teviotdale, and other countries which the Douglasses possessed in property or superiority carry stars. In the shires where the Stewarts, of old, had interest, many gentlemen who have been old possessors there, carry fesses chequered, the figure of the STEWARTS, or other figures chequered, as cheverons and bends.

With us it is a frequent practice for younger brothers to add to their paternal bearings some part of their mothers' arms, to difference themselves, and show their alliance with other families. And these coats are all called *composed arms*, because there are two coats joined in one shield, without distinction of quarters. This way of difference is much approved of by Dugdale, in his *Ancient Use of Arms*, who recommends this way to his countrymen: "For" says he, "it not only serveth to unite the families who have matched together in love and amity, and thereby worketh the like effect, but, beside, it showeth the certainty of the descending of the said younger brothers out of both the houses, and giveth knowledge of the time thereof." It is true, this way may show the time of the descent, but cannot show the seniority of many younger brothers, without the assistance of the minute differences.

The Right Honourable the Lord BALMERINO is known by his difference to be descended of a younger son of Robert Lord Elphinstone and his lady, Sarah Monteith, daughter to Sir John Monteith of Kerse, because he charges his cheveron with buckles, which was a part of his mother's bearing. His lordship's bearing is *argent*, on a cheveron *sable*, betwixt three boars' heads *gules*, as many buckles *or*.

ARBUTHNOT of Fiddes, descended of a younger son of Arbuthnot of that Ilk, and his lady, Margaret Fraser, carries the arms of the Viscount of Arbuthnot, viz. *azure*, a crescent betwixt three stars *argent*, within an orle of frases of the last. ARBUTHNOT of Catherlan, descended of a third son, procreate betwixt Sir Robert Arbuthnot of that Ilk, and Dame Margaret Fraser, daughter to the Lord Lovat, carries Arbuthnot within a bordure *argent*, charged with eight frases, or cinquefoils, *azure*.

NICOL SUTHERLAND of Torboll, thereafter of Duffus, a second son of Kenneth Earl of Sutherland, that was killed at the battle of Halidon-hill, anno 1333, and his lady, a daughter of Donald Earl of Marr, married Cheyne, heiress of Duffus, with whom he got the barony of Duffus. His lady's bearing was *gules*, three cross crosetts fitched *or*. He added them to his paternal coat, viz. *gules*, three stars *or*. Thereafter this family matched with another heiress of the name of Chisholm, who carried *azure*, three boars' heads erased *or*. With these figures they compose the coat as now borne by the present Lord DUFFUS, viz. *gules*, a boar's head erased, betwixt three stars, 2 and 1, and as many cross crosetts, 1 and 2, *or*.

Mr GEORGE KEITH of Arthurhouse, sometime Depute of the Sherifdom of Kin-cardine, descended of the Earl Marischal, gives a composed coat thus, *argent*, a saltier and chief *gules*, for Bruce, the last charged with three pallets *or*, for Keith, all within a bordure gobonated *azure*, and of the first.

Thus I have treated of the ancient and modern marks of cadency, as fully as any hitherto, and of other additional differencing figures, taken to perpetuate some honourable action, event, employment, and alliances with other families: Which additional figures being joined with the principal figures of the chief families in one shield, encumbered them, and made a confused order in their description, not suitable to the regular disposition and situation of figures, according to the rules of blazon, which gave occasion to separate and marshal them into distinct quarters,

by the principal partition lines. And this is the eight way proposed to difference descendants from the principal house, and one from another.

There are ten or twelve principal causes which have given ground for multiplying of coats of arms, and rightly marshalling them into distinct quarters in one shield: On which I am not to insist here, but in the following chapter. I shall mention here one of the principal causes of quartering coats, which is the necessity that younger brothers or sons lie under to distinguish themselves from the principal houses they are descended of.

By my proposed order I begin with the partition line called *parted per pale*, the French only *parti*. The husband ordinarily impales his own coat on the dexter with that of his wife's on the sinister, which the English call *baron* and *femme*. If the husband be a younger brother, he ought to carry his brotherly difference, notwithstanding he impales with his wife. If the wife be a younger sister, she needs no difference, but may carry her father's coat as he did: For all nations agree that sisters should carry no marks of difference, though they have brothers, and when they have no brothers, and be heirs-portioners: yea, although the estates, dominion, and dignity come to the eldest sister. For which I shall here add the opinion of several lawyers, given us by John Baptista Christyn, Chancellor of Brabant, in his *Jurisprudentia Heroica*, Art. 5, paragraph 22. "An etiam filia & sorores insignia paterna rumpere debeant, ad hoc, ut a fratribus distinguantur, & certum est quod non, cum vere sunt familiae suae finis, & nubendo transeant in aliam familiam:" For which he cites several authors, and adds, "Licet feudum & dominium praecipuum ad majorem duntaxat pertineat," they may all of them carry their father's arms entire; and if he be a second son, or any other descendant, having his arms with a mark of cadency, they must continue the same bruised arms; as our author, "Si earum pater arma sua ruperit, veluti secundo genitus, tunc etiam filiae eandem rupturam patris agnoscent, & in insignibus propriis retinebunt."

The reason which Guillim in his *Display* gives, that sisters should carry no marks of differences, that when married they lose their surname, and receive that of their husbands. But that is no reason at all; for I have shown by learned authorities, and regular practices, that, in some cases, they may use their father's arms; and of which more particularly in the following chapters. Nor does this reason of his prove that daughters, before their marriage, should not bear their paternal coat with differences; seeing, till then, they lose not their own surname. But the learned Sir George Mackenzie gives a better reason for this rule, "That albeit among sons the eldest exclude all the younger from the succession, and therefore differences are given for clearing the right of succession amongst brothers and their descendants; yet sisters succeed equally, and are heirs-portioners; and so there is no use of differences amongst them, seeing seniority infers no privilege."

Churchmen, who are obliged to impale their paternal coat with that of their office, place their coat of office in the dexter, *parti*, with their paternal on the sinister; which is not to be bruised with any mark of cadency, although descended of a cadet, because anciently they were not supposed to have succession. But since the Reformation the practice is otherwise, not only with us, but in other protestant countries. The ecclesiastics are obliged to carry the coat of their families with suitable marks of differences, whether they impale or not impale with a coat of office: because they may have lawful issue to transmit their arms to their descendants, that they may be distinguished from the chief house, and other collaterals.

As to the eight way proposed of differencing, by quartering of two coats in one shield, it is done by dividing the shield into four parts, by a *parti* and *coupé* line, placing the one coat in the first and fourth area, or quarter, and the other in the second or third area or quarter. It is questioned by some, whether it be a sufficient difference. These who will not have it one, argue, that the paternal coat is not bruised, and twice repeated, as entire as that of the eldest brother: Besides, the heads of principal families quarter and marshal other coats with their own, so that a second brother cannot be distinguished from the eldest. It is true they do so upon several other accounts, as to show their dignified feus, &c. of which after-

wards; yet by the practice of all nations younger brothers difference themselves from their elder brother, by quartering with their paternal arms those of others, such as their mother's, without diminution or addition to the arms of their father, but must still continue their father's brisure, if he be a cadet of a principal family. Of this opinion is the above-mentioned author, whose words I here subjoin, being an answer to the above question: "Abunde satisfit dum primogenitus plana portat avita insignia, alter vero illorum maternis cumulata in distinctionis notam." And afterwards, "Et ita mores passim observant, ut illa scuti quadripartitio, secundo genito videatur esse peculiaris." And gives for examples, "Sic Rymmer-swallowii insignia cum Gauris, a secundo genito cumulata vidimus: Sic Montmorenciacum cum Egmondanis & Bossuviis: Sic Henninia cum Burgundicis, & plura alia quorum enumeratio tædium pariat."

The same is practised with us; for a younger son or brother, by way of quartering another coat with his paternal, is looked upon as a sufficient and regular brisure, in the best of our families, and especially by second sons; which way seems to be peculiar to them, not only by quartering the arms of their mothers, but other arms, upon account of honourable actions, offices, titles, alliances, &c. Of which practice, many examples might be given, but I shall here only add a few.

Sir George Mackenzie says, in his Science of Heraldry, chap. 21. "These cadets, who have their arms quartered with other arms, need no difference, (supposing them to be immediate sons of principal families, as I understand) for the quartering or impaling is a sufficient difference; and therefore it was unnecessary for the Earl of KELLY to have borne a crescent for a mark of difference, as second son of the Earl of Marr, seeing he bears, quarterly, with the arms of Erskine, first and fourth an imperial crown within a double tressure or: bestowed upon him for his assistance given to King James, in Gowrie's Conspiracy."

The Right Honourable the Earl of NORTHESK, whose predecessor was a second brother to David Carnegie Earl of Southesk, was first created Earl of ETHIE, who then carried, or, an eagle displayed *azure*, within a bordure *gules*, for his difference: But thereafter changing the title of Ethie for Northesk, quartered the paternal coat of Carnegie (without the bordure) with *argent*, a pale *gules*, for Northesk.

The Right Honourable the Viscount of STORMONT, quarters the principal coat of Murray, as descended of Tullibardin, with the arms of Barclay, for his difference, without any other brisure.

HUME of Wedderburn, descended of a second son of Sir Thomas Home of that Ilk, one of the progenitors of the Earls of Home, and his lady, Nicolas Peppie, heiress of Dunglass, has been in use, since the reign of King James I. to carry the principal bearing of the family of Home, viz. quarterly, first *vert*, a lion rampant *argent*, armed and langued *gules*, for Home; second *argent*, three papingoes *vert*, beaked and membered *gules*, for Peppie of Dunglass; third *argent*, a saltier ingrailed *azure*, for Sinclair of Polwarth, added for his difference from the Earl of Home, and the fourth quarter as the first.

HUME Earl of MARCHMONT, descended from a second son of Wedderburn, carries as Wedderburn; but, for his difference, adds another quarter, the arms of Polwarth, being *argent*, three piles ingrailed *gules*.

HEPBURN of Humbie, descended from a second son of Hepburn of Waughton, carries the principal coat of Hepburn, viz. *gules*, on a chevron *argent*, a rose betwixt two lions rampant of the first; and, for his difference, quarters them with *argent*, three laurel leaves *vert*, for marrying with a daughter of Foulis of Collington.

KER of Littledean, descended of a second brother of Cessford, quarterly, first and fourth *vert*, on a chevron *argent*, three stars *gules*; and in base, an unicorn's head erased of the second, for Ker; second and third *azure*, three crosses moline *argent*, for Ainslie, which differences him from others of the name of Ker.

I shall not trouble my reader with more examples of this kind: But it is to be still observed, that a second brother, though he differences himself by quartering another coat with his paternal, yet he must always continue his father's brisure, he being a younger son of a principal family: For, how shall we otherwise distinguish

principal families from those descended of them, if the cadets do not continue that mark of the families from whom they are descended? For, if cadets should be allowed to lay aside their father's or grandfather's brisures, in their paternal bearings, when they quarter them with the coats of other families, by the same allowance, they will leave out the marks of cadency of these coats with whom they quarter, and then we shall not know the particular families they are descended from, nor with what family they are allied. If a Douglas should quarter with another family of the name of Douglas, and Stewart with a Stewart, the differences of these families being laid aside, we shall not know what Douglasses or Stewarts they are come from. Our ancient practice was not so, but of late practised by some. The clearest way then to make known the descents of families by arms, is for them to retain the congruent differences of their progenitors, although they quarter with the coats of other families as their own particular difference.

The ninth way of differencing, as proposed, is by transposition of the quarters, by making the first, second, and third, first, and by adding different crests; which practice is not frequently used but in Germany, as Menestrier observes, page 389. That several branches of great families distinguish themselves only by different crests, without inserting any addition in the arms themselves, where there will be many crests timbering one shield: of which more particularly in the chapter of Crests.

The above differences I have been treating of, they make use of sometimes, but not so frequently and regularly as the Britons, French, Spaniards, Flandrians, and other nations; for with the Germans, all the younger brothers do succeed equally to the titles of dignity and honour of the families from which they are descended, which is not ordinary in other nations; besides their differencing by crests, of which they have many and various on their shields. The author of *Jurisprudentia Heroica*, Art. 2. speaking of the Germans, says, That it is necessary for brothers to distinguish themselves from one another, which they sometimes do, by different crests; his words are, "Etiam inter fratres armorum distinctio necessaria est: In-terdum arma solo cimero discrepant;" and instances the families descended from the House of Burgundy, who carry all one arms, but difference by crests; some have flower-de-luces, others owls, and some trees. They do also difference themselves ordinarily by addition or diminution of quarters, of which they use many in one shield.

The Electoral Dukes of SAXONY have twenty-one quarters in one shield, which they timber with eight helmets, and as many crests. The other branches of that family not only distinguish themselves by different crests, and disuse the Electoral ensign, but add or diminish the number of their quarters for difference; as Jacob Imhoff, in *Notitia, S. Rom. Germanici Imperii Genealogica*, lib. 2. cap. 7. "Cæterum Saxonix ducum, quorum hoc capite mentio facta est, clypei in eo tantum, ab illo quem modo deumbravimus, differunt, quod Electorali symbolo carent, aliudque ferunt." The above-mentioned author of *Jurisprudentia* tells us, Art. 5. paragraph 15. "In Germania omnes eadem cum primogenito insignia portant, nisi quo tres principes Electores Sæculares, ad differentiam illorum, qui cum illis ejusdem gentis & originis sunt, ea quæ imperatori in ordine processionis præferunt insignia, clypeis electoralibus insculpta habeant." It is to be observed, that the badges which the Secular Electors use in each of their arms, are marks of their offices, and not there placed for differences.

The Elector PALATINE gives for his achievement three shields *liez*, i. e. tied together; the first *sable*, a lion rampant *or*, for the Palatine; second, *lozengé*, *argent* and *azure*, for Bavaria; the third shield betwixt these two is only *gules*, for the electoral office. The families branched from the Elector Palatine's carry the same arms marshalled with more coats, but never use the electoral ensign, that being forbid them. The Palatine of RANGRAVE carries, quarterly, first and fourth the lion of Palatine; second and third the lozenges, for Bavaria; and, for difference, adds the arms of Degenfield by way of surtout. The Counts Palatine of the NEUBURG line, add more quarters, viz. *coupé* one, *parti* three, which make eight quarters, and the arms of Palatine in surtout makes the ninth quarter. The SPANHEIMAN line carries, quarterly, first and fourth Palatine, second Bavaria; third

*chequé*, *argent* and *gules*, for Spanheim: But the BIPONTIN branch, which is next to the Count Palatine Neuburg, carries the same nine quarters of Palatine Neuburg; but, for difference, otherwise disposes or transposes the quarters thus, *coupé* in chief, Palatine and Bavaria quarterly, and in surtout Valentia, which are three coats; and in base, *coupé* one, *parti* two, which make six quarters, and so nine of the whole. Which differencing way by transposition of the quarters is very singular with the Germans, as Imhoff takes notice: But with the French and English I have met with no such practice allowed by our heralds. For, if transposing of quarters be received for a way of differencing cadets, it would not only prejudice principal families, and frustrate the end and design of marks of cadency, whereby we may know the degrees of consanguinity, but likewise destroys heraldry, by rendering all its witty contrivances useless: For the transposition of four or six quarters may be so many ways, that we shall never know the principal stem, whereof they are come, nor primogeniture amongst themselves, nor degrees of consanguinity by their bearings. And likewise, the transposing arms which are marshalled in one shield is dangerous; for thereby the arms, which in one bearing have precedence, lose it in another; so that we cannot know the precedence due to arms, of which in the following chapter. And I shall conclude this with a short account of the practice of differences in Italy, which the eminentest families most religiously observe, as the author of *Jurisprudentia Heroica*, that they difference by the lambel, bordure, batton, and quartering other coats with the paternal, as by the examples he gives us, whose words follow: "Ab aliquibus illustribus in Italia familiis, mos ille ultra religiose fuerit observatus. Ipsa Neapolitani regni insignia, tigillum coccineum præferunt, ut & ipsi Sicilia reges," *i. e. azure, semé* of flower-de-luces *or*, a lambel of five points *gules*, being the arms of their princes, who were the younger sons of France. So PETER MEDICI carries the arms of Medici, quartered with these of Toletani, to difference from his elder brother the Duke of Etruria: "Sic Petrus Mediceus insignia quadripartita ex Mediceis & Toletanis armis gessit, in discrimen fratris natu majoris, magnæ Etruriæ Ducis. Petrus Antoninus Sanctevernus, Sancti Marci Dux, limbum gestavit cyaneum," *i. e. a bordure azure* round the principal bearing of the family, being *argent*, a fesse *gules*. "Tiberius Caraffa familiæ suæ insignia plana & integra gessit, ejus frater Fabricius Roccellæ princeps, baculo illa prasino & spinoso a fraternis discrevit, unde prosapia illa nomen de la Spina attraxit," *i. e. Fabricius Prince of Rocceili distinguished his arms from the plain ones used by his elder brother by adding a bend green bordered with thorns, so that his family is named Spinosa, or de la Spina. Sylvester Petra Sancta the Italian, in his Tesseræ Gentilitiæ, cap. 67 De guttatis tigillis tesserarii, i. e. lambels; cap. 68. de clabula, i. e. batton; and cap. 69. de limbo, the bordure: Of all which he treats, and illustrates by example in all their varieties, in tinctures and forms of figures, of differences, or additional figures, to difference descendants, to whom I refer the curious.*

In the Dukedom of MILAN it is somewhat odd that younger brothers use no differences, but carry the entire arms with their elder brothers, as by a declaration of the senate, 23d of May 1663, which is fully set down in *Jurisprudentia Heroica*. And the same practice is in the country of Piedmont, where all brothers carry the same arms with their elder, except they be counts; and then they place above their arms a comital bonnet, or crown, which the younger brothers are discharged to use on their arms.

So much then for the general practice in Europe, for differencing lawful younger sons or brothers from principal families, and from one another.

But before I proceed to treat of marshalling, or quartering many coats of arms in one shield, upon several accounts and occasions in the following chapters, I shall end this with the marks used by the most polite nations, in distinguishing unlawful issue, or bastards, from the lawful.

## MARKS OF BASTARDY,

CARRIED by such as are not born in lawful marriage; who are divided by lawyers, in *naturales*, *spuriis*, & *ex damnatis complexibus procreatos*; but by our style all of those go now under the general name of *bastards*.

With the most polite nations in Europe arms have been looked upon as sacred signs of families, and could not descend but to the lawful issue; so that bastards, as some say, cannot carry the name in arms of their supposed fathers, not being of the family or kindred: *Nam de jure patrem demonstrare nequeunt*. Therefore, seeing the common law determines not who is their father, it were absurd that the laws of heraldry should allow them to bear any man's arms as their paternal coat: As Bartolus, "Non enim sunt de familia sive agnitione, & hoc jure communi verum est." And the same is said by Hoppingius, "De insignium prisco & novo jure, cap. 7. Cum hæc scilicet arma sunt præcipuum agnitionis & familie indicium." And it was also a received rule amongst heralds, that bastards should not bear the paternal coat, nor name of their supposed fathers, and this was strictly observed of old.

We do not find the natural sons of princes and great men to have carried the name and arms of their fathers, of old, in Britain: A few instances I shall here repeat. WILLIAM PEVEREL, natural son of William the Conquerer, carried nothing of his father's arms (I mean these of Normandy) however so highly dignified; neither did ROBERT, natural son of Henry I. of England, but other arms, viz. *or*, three chevronels *gules*; and the same was carried by his lawful son WILLIAM Earl of GLOUCESTER. WILLIAM LONG-ESPEE, natural son of Henry II. begot on the fair Rosamond, who was made Earl of Salisbury by King Richard I. anno 1196, carried for his armorial figure a long sword, as relative to his name; and his son, another WILLIAM LONG-ESPEE, took the arms of his mother Ela, the daughter and heir of William Fitzpatrick Earl of Salisbury, viz. *azure*, six lions *argent*, 3, 2 and 1, as Sandford in his Genealogical History. Where he also tells us, that Sir JOHN CLERMONT, natural son of Thomas Duke of Clarence, (who gave France quartered with England, with a label *ermine* charged with cantons *gules*) carried parted per chevron, *gules* and *azure*, in chief two lions rampant *gardant*, and *affronté or*. By which bearing it seems he was the first natural son, at least I observe, in England, who began to carry arms resembling those of his father; the lions being little different from those of England. His father, the duke, was a second son of Henry IV.

The natural sons of our kings anciently had neither name nor arms of their fathers, but such as were altogether different; and these they obtained upon several accounts. As, by marriage, ROBERT, natural son of King William the Lion, having married the heiress of Lundie of that ilk, he and his issue took upon them the name and arms of that family, and which they continued to carry, till of late they took the arms of Scotland within a bordure gobonated, *argent* and *azure*, as the natural sons of our kings, who have been in use to take such bordures since the reign of King James II. of Scotland: But what other marks of illegitimation they had before, I cannot learn. How soon the bastards of our nobility and gentry were allowed to carry the arms of their supposed fathers I cannot be positive; but, of old, in France, Spain, Italy, and Flanders, bastards were allowed to carry their alleged fathers' arms with some singular mark, invented to distinguish them and their issue from the lawful children and their descendants. I shall here add an article relating to bastards, from the edict or law of the Archduke Albert, and Isabel, concerning the ensigns of the nobility of the Belgians, proclaimed the 14th of December 1616, as in *Prudentia Heroica*.

"To repress the abuses which have fallen out with respect to bastards, and their descendants, who have presumed to carry the surname of the lawful family, as also the arms of the same, without placing therein any mark of bastardy; so that in process of time, the descendants of some natural or unlawful sons, come often to put themselves in rank with the lawful, and pretend to their successions, rights and prerogatives, on account, that neither by the name, nor by the arms, there can be known any difference or distinction, betwixt the lawful children

“ and the descendants of bastards: We will, and expressly command, that to the arms of bastards and unlawful children, (unless they be legitimate by letters from us or our predecessors) and their descendants, shall be added a difference, and notable special mark, to wit, to the arms of the said bastards or unlawful children, a *bar*, and to that of their descendants, a remarkable note from these used by the younger descendants of lawful children, under the pain,” &c.

The bar above mentioned, called by us the *bastard bar*, is well known through all Europe as a mark of illegitimation. It is a traverse, which comes from the upper left corner of the shield, passing to the right corner in the lowest part; it surmounts, or comes over the essential or principal figures, and is called by the Germans *barra*, and with them it is somewhat broad, near almost as the bend-sinister. If it be narrow, it is called by the Latin writers *filum*, a line or thread: “ *Filum vero in eo tantum differt a barra, quod sit linea quarta parte ea angustior.*” But with us and the English, the bastard bar, or batton, is the fourth part of the bend-sinister, as Guillim and other English writers describe it, and now carried *coupé*; that is, cut short, and does not touch the extremities of the shield, called by the English, *batton-sinister coupé*, and by the French, *baton peri*, being very small and short with them. It is said by some to represent a cudgel; and is given to bastards, to show that they were not freemen, but liable, as slaves of old were, and servants yet are, to be beat and cudgelled. This mark of illegitimation is so well known, and generally practised by all nations, that I need not add examples here of domestic and foreign bearings. But to proceed to other marks of illegitimation in certain countries.

In Brabant, Flanders, and some other dominions in Germany, the bastard (if he has not the bar) is obliged to carry his father's arms in a canton dexter or sinister, and all the other part of the shield is blank. As the author of *Jurisprudentia Heroica*, “ *Illegitimum indicium, si quis in ea parte scuti, quam heraldi canton vocant, paternum gestet insigne, reliqua scuti parte vacua relicta;*” of which practice he gives us several examples, as a remarkable note of illegitimation: But I have not met with such a practice in Britain.

Some write, that when the helmet and crest, which timbers the shield of arms, are turned looking to the left, it is a sign of bastardy. But this does not hold by a general practice; for when achievements of arms are hung up in churches at the sides of the altar, the helmet and crest look to the altar; so that some look to the right, and some to the left. And the same custom is used where the sovereign's arms are, as our above-mentioned author, whose words are, “ *Hoc vero non ita obtinet in Belgio, infinitis ubique exemplis posset verificari, & in omnibus templis ubi capitula seu commitia aurei velleris celebrata fuerunt, videtur galeæ equitum ab una parte versus levam ab alia versus dextram versæ, sic ut omnes aram sacram aspiciunt.*” And it does not hold in Germany, where they have many helmets and crests upon one shield; these on the right and left look to one placed *affronté* in the middle betwixt them.

The *bordure gobonated*, or *componé*, is now a mark of bastardy in Britain, by our late practices, which I have already spoken to in this chapter. These then, being the ordinary marks of illegitimation which I have met with us, to distinguish unlawful children from the lawful ones.

When there are many bastards in one family, they are obliged to carry these marks, and to difference themselves from one another, having them of different tinctures, as the five natural sons of King Charles II. JAMES DUKE OF MONMOUTH had over the arms of Great Britain a batton-sinister *or*. HENRY FITZROY DUKE OF GRAFTON carried the same, with his batton-sinister *componé, azure and argent*. CHARLES FITZROY his batton was all *ermine*. GEORGE FITZROY DUKE OF NORTHUMBERLAND, his batton-sinister was *componé, azure and ermine*. And GEORGE BEAUCLERK DUKE OF ST ALBANS had his batton-sinister *gules*. All which were placed over the arms of Great Britain.

What were the marks that were added to the arms of the bastard and his lawful descendants, the batton being dispensed with, is difficult to give a satisfactory account. By the edict above mentioned, where the lawful descendants of a bastard were to have remarkable notes, different from these used by the descendants of lawful progenitors, it could not be by quartering their arms with their maternal,

which is a fit difference for the descendants of lawful children, except the bastard bar was placed on the paternal arms: But the bar and bordure gobonated being dispensed with, what could these other marks be?

John Baptista Christyn, author of *Jurisprudentia Heroica*, gives us from Scohier five sorts of differences (besides the batton for difference) used by bastards, and their lawful descendants. I. *La pointe de l'ecu coupée de metal au couleur, i. e.* the point of the shield *coupé* of metal or colour.

II. *Le chef de l'ecu coupé & d'autre metal ou couleur que les armes, i. e.* the chief of the shield *coupé*, and of other metal or colour than the arms.

III. *La pointe de l'ecu trianglée de metal ou de couleur, i. e.* the point of the shield triangled of metal or colour.

IV. *Le chef taillé & tranché, ou autrement se blasonné escloppé à dextre et sinistre, ou de l'un seul, i. e.* the chief *taillé* and *tranché*, or otherwise blazoned, slopping to the right or left, or of one alone, of a *tranché* or *taillé* line.

V. *L'assiete des armes sur l'ecu en forme de chevron, i. e.* the situation of the arms, or the shield, in form of a cheveron.

The reason which is given by lawyers, especially by Tiraquel, *de Jure prin. Quest. 12. ver. 13.* is, that it is necessary to give to the lawful children of bastards different marks, to distinguish them from children of lawful descent: For the first mentioned not being of the house and family, nor existing as successors to the grandfather, there can be no lawful consequence from an unlawful beginning of birth, and corrupt root, with those of lawful descent. What these different marks are, I cannot learn, nor of such a practice in Britain, or anywhere; but that the lawful issue of bastards, keeping their fathers' or grandfathers' marks of illegitimation, distinguish themselves to show the seniority of their births by the same marks of cadency (of which I have been speaking) used by those of lawful descent.

But to return to the above marks of illegitimation given by Scohier, which I shall explain a little, though their practice is hardly to be met with in Britain. And as to the first of them, that is, when the under part of the shield is blank, and separate by a *coupé* line from the arms above. And as to the second, when the upper part of the shield is blank, and the arms below. Of the first, our celebrated author of *Prudentia Heroica*, gives, for instance of such practice, the arms of CHARLES, a natural son of the Duke of BURGUNDY; his words are, *Scuto nempe integro, infernis fracto*; and tells us, that this way of differencing is yet in use in Brabant, and there strictly observed, not only by bastards, but also by their lawful issue: And further tells us, that a bastard of a bastard must have as many marks of illegitimation as there are illegitimate generations descending in a right line: For which he gives us the seal of arms of ANTHONY BARON of WACKEN, natural son of Anthony Lord Roche, of the House of Burgundy, called for his valour *Le Grand Bastard*. The first mentioned Anthony carried the arms of Burgundy, *coupé en chef*, and *en pointe*, that is, the upper part of the shield and the lower part was blank, and the arms of Burgundy were placed fesse-ways; so there were two marks of illegitimation in chief and base, as our author says, *Sic duobus illegitimis discerniculis notatum, sive bis ruptum*.

The bastards of the House of Burgundy differenced themselves variously, as the four bastards of Duke Philip the Good; the first, ANTHONY Lord of ROCHE carried the arms of Burgundy with a traverse line, or bar-sinister. The second carried the arms of Burgundy in bend, (as our author) *illa in baltbeo, vulgo en bend*. The third the same, *in fascia, vulgo en face*, that is, in fesse, or fesse-ways. The fourth bastard had the same arms of Burgundy, in cheveron, or cheveron-ways; and all the other parts of the shield being of gold, were void of other figures; as our author says, *Scuti partibus aureis & vacuis vulgo escloppé relictis*: And their seals of arms are also given us by Olivarus Uredus *de Sigillis Comitum Flandriæ*; where it is also to be observed, that the lawful descendants of those bastards carried the arms of Burgundy quartered with those of their mothers, or with these of their dominions and territories; and some of them had sinister, and some dexter traverse lines over the quarters of Burgundy.

These ways of distinguishing natural sons from lawful ones I cannot say I have met with in Britain, except that one used by HENRY BEAUFORT Earl of SOMERSET,

and Lord HERBERT, lawful son of Charles Earl of Worcester, and Lord Herbert, who was a natural son of Henry Beaufort Duke of Somerset: which Charles carried the arms of his father Duke Henry, being, quarterly, France and England, within a bordure gobonated, *argent* and *azure*, and bruised them beside with a batton-sinister *argent*, as a mark of illegitimation: But his lawful son, the above mentioned Earl Henry, laid aside the batton-sinister, used by his father, and carried the arms of Beaufort, with a new difference, (one of them, as I observe, above-mentioned) *coupé en chef*, and *en pointe*, *i. e.* the arms in fesse, or fesse-ways: And his son and successor, WILLIAM Earl of WORCESTER, Lord HERBERT, carried as his father, which were so placed on his stall at Windsor, being a Knight of the Garter, as Sandford tells us in his Genealogical History of England. He was succeeded by his son EDWARD SOMERSET Earl of WORCESTER, Lord HERBERT, who was the first of the line of Somerset that left that way of placing the arms of Beaufort in fesse, or fesse-ways, and filled the whole shield with the arms of Beaufort, *viz.* France and England, quarterly, within a bordure gobonated, *argent* and *azure*; and ever since are so continued by the family.

It is without controversy that there were laws made and observed through all Europe relative to nobility, and even concerning the *discernicula*, the brisures of lawful children, and the marks and distinctions given to bastards. John le Fevre *Sti Remige Dynasta*, Chief King of Arms to the Duke of Burgundy, in the year 1463, in a manuscript of his in French, given us by the author of *Jurisprudentia Heroica*, has some general rules relating to the distinction of bastards from lawful children, which I here add.

None ought to carry the arms, nor the sign of another, to the prejudice of others to whom they belong.

None can sell nor alienate the arms of his family or lineage.

A bastard may carry the arms of his father with a traverse, *i. e.* a batton-sinister; and take his surname from the lordship from whence his father titles himself, and not the surname of his father, unless he had such title and surname as the said arms signify.

The bastard cannot lay aside the traverse without liberty and licence from the chief of the name and arms, and from these of the family carrying the same arms, unless it be that he place them in a *faux ecu*, *i. e.* false shield; which we take for a cartouch, of which I have treated, and given its figure in the First Part of this System.

The sons of a bastard born and procreate in lawful marriage, if their mother is a gentlewoman, may carry the arms of their father and mother quarterly, always having the traverse in the quarter of the father's arms; or, if otherwise they would carry them without the traverse, they must place them in a *faux ecu*.

If a woman be a bastard, or the daughter of one, she may carry her father's arms, with the traverse. I shall here give an instance of this rule from Sandford's Genealogical History of England: ANTIGONE, natural daughter of Humphrey Duke of Gloucester, fourth son of King Henry IV. whose arms were France and England, quarterly, within a bordure *composé*, *argent* and *sable*. His natural daughter, Antigone, carried the same as her father, bruised with a batton-sinister *azure*.

Some are of opinion, that a bastard woman marrying a gentleman, is by his quality legitimate, as *Guil. Benedict*. "Si fœmina bastarda nupserit viro legitimo, propter qualitatem mariti, efficitur legitima, quia capacitas viri ad uxorem porrigitur." And the same says Scobier, that a female bastard married to a gentleman lawfully begotten, the children of such marriage shall not receive any dishonourable spot, because that by the quality of the husband she is freed, in so far as the capacity of the husband is contributed to his bastard wife.

Churchmen of the highest orders, if bastards, are obliged by the law of armories to have on their fathers' arms a mark of illegitimation, though they be impaled or quartered with the arms of their ecclesiastical dignities, and even legitimate by the Pope: Of which practice the author of *Jurisprudentia Heroica* gives us these two examples: JOHN, natural son of John Intrepidus Duke of Burgundy, carried the arms of his father, with the batton-sinister, though quartered with those of the Episcopal See of Cameracensis; and the same was done by ANTHONIE, a bastard of

Burgundy, though he was legitimate by the Pope, whose legitimation qualifies the person for holy orders, yet in temporals he behaved to be legitimate by the prince, whose subject he is; and, in the letters of legitimation, there must be orders expressly to remove the mark of bastardy, else it will continue in the arms, says our author. And other lawyers tell us, as the learned Sir George Mackenzie, in his *Science of Heraldry*, chap. 22. of Bastards, that legitimation by the prince does not empower the person who is legitimated to bear his father's coat, except that power were expressly contained in his legitimation; "Nisi legitimatio expresse ad delationem armorum facta fuerit," Hoppingius *de Jure Insignium*, cap. 7. Yet it is certain, that such as were once bastards, but are legitimated by subsequent marriage, may bear the father's arms without any such diminution; for there is more reason and force in legitimation by subsequent marriage, because it is natural, than in that by the prince, inferior to nature, and only fictitious, as Hoppingius *de Jure Insignium*, paragraph 4. "Major merito vis legitimationis factæ per subsequens matrimonium, quam ei, qui per rescriptum principis inesse debet, cum illa natura; hæc a lege natura satis inferiore, proveniat; illa ex subsecuto matrimonio sit vera & propria, hæc ficta & impropria dicatur."

## OF ABATEMENTS.

SINCE I am speaking of the diminution of arms, I shall only mention here some figures, which English heralds and others call *abatements of honour*, lest I seem wilfully to omit any thing relating to heraldry: The figures of which abatements of honour were to be added to the arms of those that are convicted of vice, and acts of dishonour. As to those who boast in martial acts, to a coward, to him that killeth his prisoner, to an adulterer, to a liar, and to a traitor.

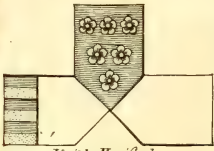





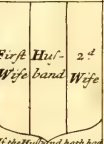
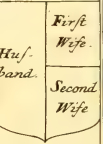

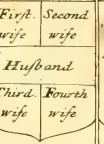
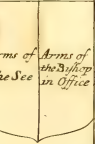
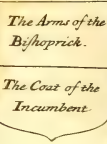

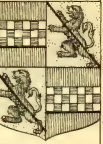







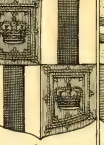

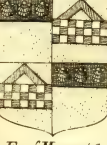




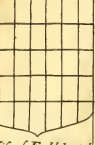
The figures and names of these abatements I think are not worth the pains to name, much less to engrave them; they may be seen in English books, and represented by Sir George Mackenzie in his *Science of Heraldry*, chap. 23. The French know no such figures; and the learned Menestrier calls them *English fancies*; and Sir George Mackenzie says, Who would bear such abatements? and that he never saw such borne by any: neither have I met with them anywhere.

It is true, by the custom of Scotland, reversing of the arms of traitors is practised; for Sir George gives a distinct account in his time, that when any person is forfeaulted by parliament, or Lords of Justiciary, the Lyon King at Arms, and his brethren Lyon Herald, come into these judicatures in their coats, and other formalities, where the Lyon does publicly tear the arms of the person forfeaulted: And if he be a cadet of a family, the Lyon proclaims openly, at the tearing of these arms, that it shall be without prejudice to the nobleman or chief whose arms they are. After which he and his brethren go to the cross, and there hang up the shield of arms reversed, turning the base or lowest point upwards. I know not what the custom of England has been in this point. But, of late, there was no such formality used in the pronouncing the sentence of forfeiture upon the nobility and gentry there.

The learned Sir George, in the above-mentioned chapter adds, that it is debated among lawyers, whether the children of forfeaulted traitors lose thus the arms of their predecessors? The ordinary solution is, that if the father, who was forfeaulted, was the first that got arms, these could not be transmitted to his issue: But if his arms pertained formerly to his family, then his crimes do not debar his posterity from using them: For crimes should only infer punishment against the committer; for which our author cites several lawyers. But they advise them to crave restitution as the safer way. With us the children of forfeaulted parents do use their predecessors' arms without being restored.



CHAPTER II. Of Composing and Marshalling of ARMS.

<p><i>Collateral shields</i></p>  <p><i>Keith Marjhal of Scotland</i></p>	<p><i>Accollée</i></p> 	<p><i>Arms of Women when unmarried or widows</i></p>  <p><i>Iean Widow of King James the 1<sup>st</sup></i></p>	<p><i>Impaling Husband &amp; Wife by Dimidiation</i></p>  <p><i>Mary Queen of Scotland.</i></p>	<p><i>Baron &amp; Femme or Entire Impalement of both their Arms</i></p>  <p><i>John &amp; Catherine of that ilk and his Lady Helen Daughter to Robert Lord Viscount of Arbutnot</i></p>	
<p><i>By quartering - when the Wife is an Heiress.</i></p>  <p><i>Mary of Annandale.</i></p>	<p><i>Twiced in Pale when the Husband hath had more wives than one</i></p>  <p><i>First Husband 2<sup>d</sup> Wife</i></p> <p><i>If the Husband hath had more wives than one, the right &amp; left Arms may be cleared off, as many Herrings.</i></p>	<p><i>Or otherwise by Parti ou Coupee to the sinister.</i></p>  <p><i>First Wife.</i> <i>Second Wife.</i></p>	<p><i>Parti mi coupee to the Dexter when a wife hath had more Husband then one</i></p>  <p><i>Arne Dutchess of Buccleugh.</i></p>	<p><i>When a Husband hath had 3 or 4 wives.</i></p>  <p><i>First wife</i> <i>Second wife</i> <i>Third wife</i> <i>Fourth wife</i></p>	<p><i>Office of Bishop</i></p>  <p><i>Arms of the See</i> <i>Arms of the Bishop in Office</i></p>
<p><i>The usage of the Prelates in Italy</i></p> <p><i>The Arms of the Bishoprick.</i></p> <p><i>The Coat of the Incumbent.</i></p> 	<p><i>Office of Lyon King at Arms.</i></p>  <p><i>Alex<sup>r</sup> Brody of that ilk.</i></p>	<p><i>of Alliances.</i></p>  <p><i>E. of Crawford.</i></p>	<p><i>Couchee.</i></p>  <p><i>E. of Dowglass.</i></p>	<p><i>of the furtout.</i></p>  <p><i>M. of Tweeddale.</i></p>	<p><i>Quarterly quartered.</i></p>  <p><i>D. of Hamilton.</i></p>
<p><i>of Adoption and substitution</i></p>  <p><i>Biggar of Wolmet</i></p>	<p><i>of Patronage.</i></p>  <p><i>Lord Semple.</i></p>	<p><i>of Gratitude and Affection</i></p>  <p><i>E. of Glasgow.</i></p>	<p><i>Arms of Augmentation and special Concession.</i></p>  <p><i>E. of Winton</i></p>	<p><i>Arms of special Concession &amp; made up entire quarters.</i></p>  <p><i>E. of Kelly.</i></p>	<p><i>Feudal or Arms of Dignities.</i></p>  <p><i>Alex<sup>r</sup> Stewart E. of Buchan</i></p>
<p><i>Arms of Pretension.</i></p>  <p><i>E. of Monteth</i></p>	<p><i>Tranche and Taillee</i></p>  <p><i>Arms of Sicily.</i></p>	<p><i>Ordinary of the Cross.</i></p>  <p><i>Ogilvie of Boyrn</i></p>	<p><i>Tiercing and Ingraffans otherwayes called Entee.</i></p>  <p><i>The 2<sup>d</sup> grand quarter of K Georges R Arms</i></p>	<p><i>Regular Areas Coupee one Partee 2</i></p>  <p><i>Vef. of Preston.</i></p>	<p><i>Irregular Areas Coupee &amp; Partee 6. or a Genealogical pennon</i></p>  <p><i>Vef. of Falkland Rob<sup>t</sup> Mulne 6.</i></p>

## C H A P. II.

## OF COMPOSING AND MARSHALLING OF ARMS.

**H**AVING given before the three ends and designs of armories, I am come now to the fourth; which is, to illustrate persons, families and communities, with marks of noble descent, and other additaments of honour, within or without the shield. Of those within, I am to treat in this, and of those without, in the following chapters.

These within the shield are added to the paternal figures, by way of composing, or marshalling.

The first is done by adding marks of honour, or some part of the arms of another family, to the paternal arms, without any distinction of quarters.

*Marshalling of arms* is when ensigns of honour, or the entire arms of other families, are joined with the paternal ones of the bearer, by partition lines, making distinct areas or quadras in one shield.

*Composing of arms* is frequent with us, not only to chiefs, heads of families, and others, to show their alliance with other families, but also to cadets; by adding to their paternal bearings some part of their mother's arms, to show their maternal descent, and to difference themselves from other descendants of the same family: Of which I have treated in the former chapter.

Anciently arms were single and plain, consisting of few figures; but in later times they are not only looked upon as hereditary ensigns of honour, but as marks of noble descent, alliance, property, or right to territories and lands, offices, and other valuable things in their possession, or of their right and pretension to the same.

These arms, or marks of alliance, offices, and property, were not carried of old in one shield as now, but in different shields, using sometimes one shield of paternal arms, and another of alliance, &c. as occasion required.

Upon their seals appended to deeds and evidents, we find several shields (which we call collateral ones) with distinct arms, to show their right and pretensions to different fiefs; which gave occasion for seals to be made with two sides, a face and a reverse, as we see the ancient seals of sovereigns and great men. The face is that where a man is represented enthroned, or on horseback with a shield of arms, called the royal or equestrian side or face of the shield: And on the other side, the reverse of the seal, are ordinarily the seal of the owner's proper arms.

Upon the equestrian side of the seal a man is ordinarily represented on horseback in his surcoat, upon which were ordinarily depicted his coat of arms. On the caparison of his horse were other arms. On the shield and buckler, which he holds by his left arm, were likewise different arms: And on the reverse of the seal, another shield of arms, accompanied with several other shields of arms, commonly called collateral shields, because at the sides of the principal or paternal shield, which they accompany; as are to be seen on foreign coins, such as dollars, &c. To illustrate this practice, I shall bring a few examples from Olivarius Uredus his Collections of the Seals of the Earls of Flanders, from our own country, and from Sandford's Genealogical History of England.

BALDWIN Count of HAINAULT and Marquis of NAMUR, his seal of arms had two sides, face and reverse: on the first was a man on horseback, brandishing a sword, about whose neck hung a shield of the arms of the Earldom of Hainault; and on the reverse, was a shield of arms of the Marquis of Namur, in the year 1178. He having married Margaret, sister, and heir of Philip Earl of Flanders, she bore to him Baldwin Earl of Flanders, who carried on his seal the arms of Flanders, and the arms of Lusitania, and those of Hannonia, in distinct shields: So it appears that the custom of marshalling several arms in one shield was not then in use with the Earls of Flanders, till the Burgundian race, which began in Philip Duke of Burgundy, a younger son of John King of France, who was observed to be the first that quartered the arms of Burgundy modern with these of Burgundy ancient. He married Margaret the daughter and heir of Lodovick Earl of Flanders, and impaled her arms with his own in one shield. Other great men in that country,

and in the countries near thereto, in imitation, began to marshal other arms with their own in one shield.

The practice of collateral shields was also in Scotland before the use of marshalling was frequent, as appears by the seal of arms of WALTER LESLIE, who married Euphame Ross, eldest daughter and one of the co-heirs of William Earl of Ross, appended to a charter of his, in the year 1375, upon which were three shields of arms: That in the middle, between two collateral ones, had the arms of the Earldom of Ross, three lions rampant; that on the right side was the shield of the arms of Leslie, having a bend charged with three buckles; and on the left was a shield with three garbs, for Cumin, or the country of Buchan. Those three arms were quartered formally in one shield a few years after, when marshalling of arms came in use.

Another instance of collateral shields of arms with us is that one of WILLIAM KEITH, Marischal of Scotland, and Margaret Fraser his spouse, appended to a charter of theirs to Robert Keith their son, of the barony of Strachan, in the sheriffdom of Kincardine, 10th September 1375, which ends thus, *In cujus rei testimonium sigilla nostra consimiliter sunt appensa*; which I caused engrave in an Essay of the Ancient and Modern Use of Armories, page 26. Upon which seal were three shields; that on the right had a chief paly of six pieces, the arms of Keith Marischal; on the second, six cinquefoils disposed 3, 2 and 1, which was for his lady; and the third had more figures; but being defaced, I cannot tell upon what account it was there placed.

EUPHAME ROSS, second wife to King Robert II. is represented on her seal sitting in a chair of state; at her right hand, is the shield of the arms of Scotland, and at her left that of the earldom of Ross, her paternal coat.

I have also seen the seal of EUPHAME STEWART, daughter and heir of David Earl of Strathern, by his second wife, appended to a charter of the date 1389, wherein she is designed *Eupham Senescal, Comitissa Palatina de Strathern*: on which seal was the picture of a woman at length, holding by each hand a shield; that in the right was charged with two cheverons, for Strathern; upon the other, by the left, was a fesse chequé, for Stewart: Which two arms were afterwards composed together in one shield by her successors of the name of Graham, Earls of Strathern and Monteith, and quartered with the arms of Graham.

The same practice of carrying different arms in distinct shields was with the English, as in Sandford's Genealogical History of England: There he gives the seal of arms of Eleanor queen to Edward I. of England, being a daughter of the King of Castile and Leon: upon the one side of the seal was her effigies, at her right side was a castle, and below it a lion; and at her left side a lion, and below it a castle, so disposed as they were marshalled in her father's arms, (the way of marshalling not being then known in England) and upon the reverse of her seal was the escutcheon of England.

ISABEL, daughter of Philip IV. of France, queen to Edward II. of England, had her effigies on her seal between two shields: That on the right hand had the arms of England, and the other, on the left, the arms of France, impaled with the arms of Navarre, being those of her mother Joan Queen of France, who was the daughter and heir of Henry I. King of Navarre. This practice, says our author, of having the arms of husband and wife on different shields, was before the method of impaling arms; but the practice was then in France, as by the foresaid example of France impaled with Navarre.

From the practice of collateral shields with distinct arms came the custom of carrying two shields *accollé*; that is, when two shields of different arms are joined together, as Plate I. fig. 3. The Kings of FRANCE have been, and are in use still to carry their arms *accollé* with those of the kingdom of Navarre, since the union of those two crowns in the person of Henry IV. of France: But, however, I doubt not but this method of joining two shields of arms together, of the husband and wife, proceeded from the ancient use of collateral shields, before the way of marshalling or impaling husband and wife came in use; of which there is a particular instance, in Sandford's History, of the seal of MARGARET Dutchess of NORFOLK, daughter of Edward I. and widow of two successive husbands, in the reign of her brother Edward II. Upon her seal she had her own shield of arms, being those of

England between two other shields *accollé*; that on the right containing the arms of her first husband JOHN LORD SEGRAVE, viz. a lion rampant; on the other, on the left, the arms of her second husband SIR WALTER MANNAY, *or*, three cheverons *sable*. This way of carrying husband and wife's arms *accollé* has been practised in France and England, as also in Scotland, on old paintings and carvings on the entries of old houses, which I have seen, though not frequently now practised.

Before I proceed to regular marshalling of several arms in one shield, it will not be much out of the way to give here the division of arms occasioned by the fore-said practice of carrying many coats of arms in distinct shields, upon different reasons; and thereafter marshalling many in one shield, which has given occasion to lawyers to divide arms into several kinds, as the famous Hopingius *de Jure Insignium*, gives nine sorts of arms, *imo*, *plain arms*, *arma simplicia*, are these which have no addition of any other figure; but being plain, as carried by the first of the family, such as these of kings, princes, and earls of old, without composition or marshalling; such as these of BURGUNDY, says our author, were of old, *or*, a lion rampant *gules*, crowned *azure*. The Princes of HENNEBURG carried only a hen, without the eagle as now. The Duke of BRUNSWICK carried, of old, only one lion, but afterwards more. And the like simple or plain arms, says our author, had the nobles of Denmark and Sweden from the Goths and Vandals. The same practice was with our sovereigns and nobles. At first our kings carried only *or*, a lion rampant *gules*; but afterwards the double tressure was added by a gift of Charles the Great of France. The princely family of STEWART had only a fesse *chequé*, but afterwards accompanied or marshalled with other figures; and the same I may say of the rest of our nobility, who have some figures or other accompanying or quartering with their ancient ones; except the Earls Marischal, and Hay Earl of Errol, Constable of Scotland, who have their ancient, simple, and plain arms. Our author likewise tells us, that the ancient Celti distinguished their shields only with various colours, and the Germans arms were *paly*, *bendy*, *chequé*, or *lozengy*, without other figures which are plain arms: His words are, "Nobiles homines apud prisca Celtos lectissimis tantum coloribus sua singulos distinxisse scuta; unde etiamnum ea omnino antiquissima ac maxime genuina apud Germanos nobilitatis dicuntur insignia, quæ omnino simplicissima, certis duntaxat spatiis ac coloribus distincta, in quibus sunt illa quæ Latini, laterculos, & virgas, & rhombos appellarunt." For which he cites Limneus.

2do, *Composed arms*, *composita insignia*, when other figures or quarters are added to plain or simple arms; of which I have given many instances in this System first and last.

3tio, *Ancient Arms*, *antiqua seu fumosa insignia*, are those carried by old families, and transmitted down to their successors in honour and dignity; and the longer the progression is, they are the more noble, as our author says of nobility; "Et quo longius procedit, eo magis augetur & cum generis vetustate primorum ornamentorum conjunctim habet." The English call these *perfect arms*; by which they understand these of a hereditary descent, though no further transmitted but from the first obtainer to his grandson; which are ensigns with them of a perfect and complete nobility, begun in the grandfather, (as heralds say) growing in the son, complete in the grandson, or rather great-grandson, as some will have it: from which rises the distinction of gentlemen of coat-armour in the father and the son; and gentlemen of blood in the grandson, or great-grandson; and from the last descend gentlemen of ancestry.

4to, By *Imperfect Arms* they do not understand irregular or defective arms in respect of tincture or figure, but of new ones granted to the first receiver, who had none before, and are but signs of imperfect nobility in the receiver; upon which he is called a gentleman of coat-armour, being the same with the *Novus Homo* with the Romans; the first obtainer of *Jus Imaginum*, *i. e.* the right of erecting his own image or statue, as a sign of begun nobility; as the first concession of arms was afterwards with other nations. These may be likewise said to be new arms, though ancient in some families, which have been lately assumed by others, by right of adoption, marriage or disposition; called *nova insignia*, *quæ noviter per ipsas novos nobiles sunt quæsitæ*.

5to, *Proper or Paternal Arms*, are these which are the fixed figures of the family and surname, and distinguished from additional ones: "Propria insignia," says our author, "sunt ea quæ de jure pertinent ad propriam familiam vel personam."

6to, *Strange Arms, aliena insignia*, are these belonging to another family or person, carried by those who have right to use or quarter them with their own.

7mo, *True Arms, vera insignia*, are these which are granted by authority, or any other legal way, upon the account of virtue and glorious efforts.

8vo, *False Arms, falsa insignia*, are to be understood in two respects, first, these granted or disposed by those who have no right. Secondly, These granted to one beyond his merit, nobility and dignity, fit and competent for those of higher degrees; as our author, "Quod non sunt competentia, quod altiores respiciant ordinem, atque inde altioris ordinis insignia."

9no, *More Noble Arms, nobiliora insignia*, are not so by the nature of the figures they have (as some think) but as they fitly represent the brave actions of some of their progenitors, regularly disposed, and artfully situate in the shield, to incite posterity to imitate the virtuous actions of their predecessors; as our author, "Nobiliora insignia, non ex nobiliori imagine (ut vulgo creditur) sed ex rebus a quopiam proavorum præclare gestis ac clypeo inscriptis, dijudicanda veniunt, ita ut quando habeant plus artis, ingenii & efficacæ, ad animos monitu suo contuendos, tanto excellentiora reputentur."

Sir John Ferne, in his *Glory of Generosity*, divides arms into abstract and terminal ones: the first are the same with the above-mentioned perfect arms, being abstracted and carried down by the heirs and representatives of the first obtainer, without alteration, diminution or addition; and are these which we now call *original, principal and paternal arms*. By *terminal arms*, he understands these of younger sons and cadets, who have right to carry their paternal arms, terminate and differenced with congruous marks of cadency, to show the time and seniority of their descents.

There are several other sorts of arms named, from the causes of their bearing; as these of *marriage, of office, arms of alliance, arms of adoption, arms of patronage, of gratitude, of religion, concessions general and special; arms of sovereignties, feudal ones, and pretensions to the same*. All which I shall treat separately, and show the precedency due to them in their respective quarters with other arms, when marshalled together.

ARMS MARSHALLED TOGETHER IN ONE SHIELD, UPON THE ACCOUNT OF MARRIAGE AND OFFICES.

MARRIAGE has been one of the chief causes of marshalling different coats of arms in one shield. The practice is but late; and lawyers of old tell us that women cannot carry arms, for that is a manly and not a feminine office, they not being exercised in war, nor in the use of military instruments, upon which arms were first to be seen; besides, they are looked upon as the end of their own family, and these married go into another family, and are incapable of the name and arms of their paternal family, as lawyers say, especially Ulpian and others; "Sororem etiam dictam putat quasi seorsum nascatur ab eaque domo separatur, qua nata est." But by the custom of nations, daughters are allowed to use the arms of their fathers: Hoppingius *de Jure Insignium*, proposes a difference between daughters married and unmarried: the first, being incorporate in another family, do not carry their father's arms, as these unmarried, who may carry them to the effect to show their name and agnition in their father's family; whereas those married do not carry their paternal arms to that effect, but only for ostentation of their descent, as our author, "Ad originis claritatem, antiquitatem generis, memoriamque inde arguendam & conservandam, introductum est." Neither can their children properly carry their arms: "Matris insignia liberi regulariter deferri nequeunt." For, being in their father's family, they have their rise and surname from it, and not from their mother. "Et hæc sunt præcipuum agnitionis & familiæ indicium." The descendants of a daughter cannot regularly carry the paternal arms of their mother, except they be heiresses, or be allowed by those of their mother's side, who

have right to dispose of the arms by way of testament or disposition, or else they be allowed by the laws and customs of the country.

Our author citeth another lawyer, Andreas Aliciatus, who says, that a son cannot carry the arms of his mother; yet when the nobility of his mother is more eminent than his father's, and illustrate by it, he may carry the arms of his mother with those of his father's, according to the custom of many countries and kingdoms; as in Italy and Spain, and I may say the same is practised in Britain. His words I shall here add, cap. II. "Quamvis Andreas Aliciatus dicat filio matris insignia "gerere concessum non esse; attamen cum nobilitas paterna ex nobilitate materna "splendidior illustriorque efficiatur, consuetudine nonnullarum provinciarum & "regnorum, tum Hispaniæ tum Italiæ, arma gentilitia, paterna ac materna, simul "colligari observatur."

By the custom of nations, wives may use the arms of their husbands; for being in their families they have a right to the honour and privileges of the same; as Hoppingius *de Jure Insignium*, par. 8. "Ratio, qui transit in alterius familiam, is ejus "origine, nomine & privilegiis, gaudet, nobilitatisque & dignitatis fit particeps, "adeo ut insignia deferendi jus transeunti denegari non posse, atqui omnis uxor "transit in familiam mariti; ergo uxori jus deferendi insignia mariti recte dene- "gari non poterit."

Though the wife be ignoble and a bastard, she has right to make use of the arms of her husband; as our author, "Non impedit, quod uxor ignobilis & plebeia, "maritus vero nobilis extat; similiter non refert, quod mulier spuria; nam nulla "major unio quam conjugalis, nec negamus, quin oleum non consecratum, conse- "crato possit oleo commisceri." But it is not so with the ignoble husband who has a noble wife; by her he is not nobilitate, nor can properly carry her arms, because wives receive honour from their husbands, but do not give it; as our author, "Vir ignobilis, ducendo uxorem nobilem, non nobilitetur per eam, cum "accipiant, non adferant nubentes mulieres dignitatem."

After the husband's decease the widow may continue to have the arms of her husband upon all her utensils; but if she proves vicious or unchaste, she loses the honours of her husband, says our author; and if she marry again, she must follow the condition of her second husband, and cannot use the arms of her first husband, especially when she marries again one of an inferior quality to her first husband, whose honour she loses; which holds with us, and in England; as Sir George Mackenzie in his Precedency, "Yet sometimes the king allows her the same pre- "cedency and honours of her first husband, or these of her father, by a letter; as "he does also to the daughters of dukes and others, who have lost their honour by "marriage: which letters or warrants are directed to the Herald Office, and regis- "trate there."

Having shown the right women have to carry arms, I shall now proceed to show in what form and manner they have been in use to carry them.

When arms came to be hereditary to all the issue of great men, as *tesseræ*, and marks of a noble descent, women then began to make use of those of their fathers, on their habits, and to have them in square figures, called *lozenges*, or *fusile shields*, to show their descent, and at length to join them with those of their husbands.

The practice seems to be ancient, by women placing their paternal arms upon their habits, such as *mantles* and *kirtles*, as may be seen in old illuminate books of heraldry, and other paintings. Eminent ladies are there represented with arms on their mantles and kirtles: and heralds tell us, when the same arms are both on mantle and kirtle, they are then the arms of their fathers; but when there are arms on the mantle different from these on the under habit, the kirtle, she is then married. These on the mantle belong to her husband, who is as a cloak or mantle to shroud the wife from all violence; and the other arms on the kirtle belong to her father; for women have no proper arms of their own, but these of their fathers: yet, in later times, we meet with some concessions of arms granted by sovereigns to virtuous ladies: of which afterwards.

By the universal practice of Europe, unmarried women must place their paternal arms in lozenges or fusile shields, and cannot place them in formal triangular shields as men do, except they be sovereign queens or princesses, *Quia naturam nobilioris sexus participant*, says Sir John Ferne in his *Glory of Generosity*; and that

sovereign princesses may trim their shield of arms with all the exterior ornaments belonging to a king or sovereign prince: as MARY, Queen of SCOTLAND, carried the royal achievement of that kingdom entire; and the same did QUEEN ELIZABETH that of England. Queen dowagers, it seems, are not allowed to carry the sovereign arms, though impaled with their own, but in a lozenge: for an instance I shall mention the seal of arms of JEAN, Queen Dowager of King James I. mother of King James II. a daughter of John Earl of Somerset, appended to an indenture betwixt her and Sir Alexander Livingston of Callendar, anent the delivery of her son, the young king, to be kept by the said Sir Alexander in the castle of Stirling, of date the 4th September 1439. On her seal was a lozenge shield, with the arms of Scotland on the right, impaled with her own on the left side, having France and England quarterly within a border gobonated.

Custom, in some countries, has allowed wives to place their arms within a formal shield, provided it be close joined on the left of their husband's; which way is called *accollé*, or impaled with the arms of their husband in one formal shield, either by dimidiation or impalement, or by way of escutcheon over the husband's arms, while the husband is in life.

The way of carrying husband and wife's arms *accollé* has been practised in France, though not frequently, as Menestrier observes, and very seldom to be met with among us.

The impaling of husband and wife's arms in one shield is more frequent; which is done two ways, the first by dimidiation, the second by an entire impalement. *Dimidiation* is when the wife's entire arms are placed upon the left half of the husband's arms; as by the seal of arms of PHILIP the Bold, Duke of BURGUNDY, in the year 1381, who carried quarterly, Burgundy, modern and ancient. Upon his marriage with the daughter and heiress of Lodovick Earl of Flanders, his arms were dimidiate with his wife's, being *argent*, a lion rampant *sable*; which were placed upon the left half of her husband's quartered arms, so that the second and fourth quarters were absconded, and the first and third quarters of the husband's only seen; which I have caused engrave in an essay of armories, Plate II. fig. 2. MARY, Queen of SCOTLAND, when married to Francis II. of France, on her great seal had the arms of Scotland and France dimidiate; the arms of Scotland lying on the left half of the French arms, being *azure*, three flower-de-luces *or*, two in chief, and one in base; so that the flower-de-luce in the sinister chief point, and half of the flower-de-luce in base, are absconded by the arms of Scotland. Many other instances of this practice I have given in a former essay.

*Entire impalement* is by dividing the field of arms into two equal parts by a paler line or purfle of a pencil. The husband's arms are entire on the right, and the wife's so on the left, which make an entire whole; and these are called by the English *baron* and *femme*. By this way of impaling, which is now frequently used, no figure is absconded or cut off, except sometimes that side of the border of the husband's or wife's arms that is next to the paler or dividing line.

The English, as Guillim, make a distinction of marriage, single and hereditary; the one bring off no hereditary possessions, the other do, being married with heiresses: the first has these forms above mentioned of marshalling; but their children shall have no further to do with the mother's coat (says our author) than to set up the same in their house pale-ways, after the foresaid manner, so to continue the memorial of their father's match with such a family. But, as I have said before, the children of the single match have right to take a part of their mother's coat, and compose with their paternal figures, to show their descent, and difference themselves from other branches of the family. The hereditary marriage (says our author) has a prerogative which the former has not: that the *baron*, having received issue from the *femme*, it is in his choice whether he will bear her coat by impalement, or else in an escutcheon upon his own; and the heir of these two inheritors shall bear these two hereditary coats of his father and mother to himself and his heirs quarterly, to show that the inheritance as well of the possession, as of the coat of arms, are invested in them and their posterity.

There are three rules observed in impaling the arms of husband and wife: First, that the husband's arms are always placed on the right, as *baron*, and these of the *femme* on the left side. Secondly, Heralds tell us that no husband can impale his

wife's arms with his own on the surcoat of his arms, ensigns and banners, upon the account of *baron* and *femme* only; but when they are the arms of dignified feus, to which he has right by his wife, he may then use them on such utensils as arms of pretension, and of feudal ones. Thirdly, when the husband impales the wife's arms with his own, he cannot surround the shield with his royal order of knighthood, as that of the thistle and garter, &c. as Sandford observes: for this reason, though a husband may give the equal half of his escutcheon and hereditary honour, yet he cannot share his temporary order of knighthood with her; so that the knights-companions of any sovereign order cannot, by the practice of heraldry, surround their shield of arms with collars of sovereign orders, when their wives' arms are impaled with them, merely upon account of *baron* and *femme*. Yet, in my opinion, the collar may be placed at the side of the husband's part of the shield, for his honour, except they be sovereigns of these orders, who have an hereditary right, whether male or female. The kings of England and Scotland have been in use to surround their arms impaled with their queens, with their respective orders of knighthood, of which they were sovereigns. I have seen the arms of FRANCIS King of FRANCE, impaled with those of his QUEEN, MARY of SCOTLAND, surrounded with the collar of the Order of St Michael, and also her arms alone, surrounded with the Order of the Thistle, of which she was sovereign; and are so engraven on the boxing of the chimney in the great hall of the palace of Seaton, (called palace in our kings' charters to the Earls of Winton), and on the other side are the arms of George Lord Seaton, surrounded with the collar of the Order of St Andrew or Thistle.

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MARY QUEEN of ENGLAND had her arms impaled with those of her husband, PHILIP of SPAIN, surrounded with the Order of the Garter. Those instances cannot be a precedent for any less concerned; for Francis and Mary were sovereigns of orders, and Philip only a knight of the last. It seems by this practice that the widows of sovereigns, though their arms continue impaled with their deceased princes's, are not surrounded with the collars of their orders: for, as I observed, albeit the Archduke of AUSTRIA, and Duke of BURGUNDY, sovereign of the Order of the Golden Fleece, having married Isabel Infanta, daughter and heir of Philip II. of Spain, marshalled her arms with his own, and surrounded them with the collar of the Golden Fleece, when alive, being sovereign of that order; but after his death, his princess carried the arms of her deceased husband impaled with her own, and, instead of being surrounded with the foresaid collar, it was only with a cordelier, as on her seal, in Olivarius Uredus's Collections. Since I am speaking of Isabel Infanta of Spain, and the fashion of her armorial bearing when a wife, and a widow, I think it not improper here to show her shield of arms when a maid, being something singular to us, though ordinary in her own country. She had on her seal of arms, while unmarried, a lozenge shield, parted per pale; on the left half the arms of her father, for her own; and the right side was blank, (without arms for a husband) called arms of expectation; which, it seems, was then a custom in Spain for young ladies that were resolved to marry: which shield of Isabel, Olivarius Uredus gives in his Collections, with these words: "In Isabellæ insignibus dextrum scuti latus vacuum, quod expectativum vocant, indicat Isabellam adhuc inuuptam, & in illo insignia mariti expectantem, sinistrum autem aucupant insignia patris ejus Philippi secundi." Here it is to be observed that the wife gives always the right hand in the shield to the husband, though she does not know what quality he may be of.

When one marries an heiress, he may either impale or quarter her paternal coat with his own, or place her arms, by way of an escutcheon, over his own arms; as Sir THOMAS BRAND, Gentleman Usher of the Green Rod of the most ancient Order of the Thistle, places in the centre of his quartered coat an escutcheon of his wife's arms, *gironné* of eight, *ermine* and *gules*, within a bordure ingrailed of the last, for Campbell of Lundie, whose daughter, (it seems an heiress) he married. For which see Plate XXII. in the First Part of this System.

It is a frequent custom with the English of late to place the arms of the wife, heiress or not heiress, in an inescutcheon, in the centre of the husband's arms, which they call an *escutcheon of pretence*, because he pretendeth right to that coat upon marrying an heiress: As Guillim says, in his Display of Heraldry, where he

gives several examples, to which I refer the reader: But how to call that on the husband's coat, who has not married an heiress, I know not.

When a husband has had two wives, heiresses or not heiresses, and would have their arms marshalled with his own, the husband's shield may be then tierced in pale, *i. e.* divided into three equal parts perpendicularly; the husband's arms placed in the middle area, and the wives' two coats on the right and left areas: Or they may be otherwise disposed thus, *parti mi-coupé* to the sinister, *i. e.* the shield being divided in two equal halves by a paler line, the husband's arms on the right side, and the left side divided by a horizontal line; above and below are placed the arms of the two wives, as frequently practised with us upon funeral escutcheons; of which partitions I have treated in the 7th chapter of the First Part of this System, and illustrated by examples in my Essay on the Ancient and Modern Use of Armories.

When a wife would have the arms of her two husbands represented in one shield with her own, then it is divided thus, *parti mi-coupé* to the dexter; of which I have given examples in my last mentioned book.

Mr Kent, in his Grammar of Heraldry, says, if a man do marry three wives, the first two shall have the chief part, and the third all the base: So the husband's arms is in the middle, or fesse part; and if he have a fourth wife, she must, says he, participate of the base with the third wife: And Guillim, in his Display of Heraldry, gives us an example of the arms of a gentleman of the name of CLIFTON, impaled in the middle with the arms of his seven wives; four on the dexter side, and three on the sinister, all bar-ways, that is to say, the shield is tierced, *i. e.* divided into three equal parts perpendicular, the first part on the right is *coupé* three, which make four areas, where the first four wives' arms are placed one above another; in the second part, which is the middle, are only the arms of Clifton the husband; the third part, on the left hand, is *coupé* two, which makes three areas, in which are his other three wives' arms, one above another; for which see our author. And these are the ways of marshalling many wives and husband together.

Besides impaling by way of *baron* and *femme*, the husband, by a frequent custom with us, quarters the wife's coat with his own, upon the account that she is an heiress; *i. e.* by dividing of the shield into four equal parts, which makes four areas: In the first and fourth are the husband's arms, in the second and third are the wife's. But this custom is not so frequent in other countries as with us of late: For the husband, in that condition, properly placed his wife's arms by way of sur-tout over his own, that is, an inescutcheon in the centre of his own, which I have said above, to be an escutcheon of pretence; because he pretendeth to bear the arms of his wife, and his right to her inheritance, which his issue should enjoy, and that their successors may freely quarter their paternal and maternal coats together. As for the custom of the husband quartering his wife's arms with his own, I shall add the instance of the Right Honourable WILLIAM JOHNSTON Marquis of ANNANDALE, Earl of Hartfield, and Lord Johnston, chief of his name, who carried *argent*, a saltier *sable*, on a chief *gules*, three cushions *or*: But upon his marriage with the heiress of Craigiehall of the name of Fairholme, he quartered her arms with his own, being *or*, an anchor in pale *gules*: And the same is still carried by their son and heir, the present Marquis of Annandale.

SIR JAMES DALRYMPLE, President of the Session, and afterwards advanced to the dignity of Viscount of Stair, quartered the coat of his lady with his own, who was Margaret, eldest daughter and co-heir of James Ross of Balnall and Carsecreuch, near Glenluce in Galloway, (as in our New Register of Arms) carried, quarterly, first *or*, on a saltier *azure*, nine lozenges of the first; second *or*, a chevron *chequé*, *sable* and *argent*, between three water-budgets of the second, for Ross; third as the second, and fourth as the first.

Their eldest son, Sir JOHN DALRYMPLE Earl of STAIR, married Elizabeth Dundas, heiress of Newliston, and placed her arms, *argent*, a lion rampant *gules*, on an inescutcheon over his father's quartered arms, as above. He was created Earl of Stair, Viscount of Dalrymple, and Lord Newliston, *anno* 1703. His son again, the present Earl, marshalls his mother's coat with these of his grandfather and grandmother.

It is to be observed, that when a gentleman marries a gentlewoman, whose father did bear any marks of cadency in his coat, the same ought to be continued in the impalement and quartering of the daughter's arms with her husband's, which is just and reasonable: For, by the mark of cadency of her father, she will be known from what branch of the stem of the principal house she is come of. I have shown before, when a coat of arms, surrounded with a bordure, is marshalled pale-ways with another, then that part of the bordure which is next to the other coat impaled with it, must be exempted, and not seen. Again, it is to be observed, if a bordured coat be marshalled with other coats quarterly, then shall no part of the bordure be omitted, but the bordure shall environ the same round. Having treated, I think, sufficiently of the several ways of marshalling husband's and wife's arms, I shall now proceed to treat of the method of marshalling arms of offices.

MARSHALLING ARMS UPON THE ACCOUNT OF OFFICES AND EMPLOYMENTS.

AMONGST the several causes and occasions of assuming arms, lawyers, and writers on the science of armories, give *offices* for one, as well used by ecclesiastics as laics.

I gave out before, page 20. that the Romish churchmen are not obliged to bruise their paternal arms with marks of cadency, although younger sons, or descendants of such, because they are not allowed to marry, and so have no lawful succession: And some lawyers of this opinion tell us, that the end and design of marks of cadency, to bruise the principal bearing; was to difference the descendants of younger sons; so that there is no need of brisures in the arms of ecclesiastics, since they can have no issue. Secondly, They say, that churchmen have no need of additional figures to bruise their paternal bearings; for their arms are sufficiently distinguished from the laics, being only adorned with cherubims, or angels, and not timbred with a military dress, which are marks of greatness and pride, such as the helmet, mantlings, wreaths, and crests.

But more rightly others reason with Scobier, in his *Compartment of Arms*, cap. 17. "That differences or brisures were not invented by law and custom to distinguish the descendants of younger brothers, but to difference brothers themselves." The words of our author, with these of *Jurisprudencia Heroica*, in answer to the former two reasons, are, "Nec obstat prima, nec secunda ratio, quantum quidem discerni colorum usus non solum sit inventus, ad ipsos descendentes ex diversis fratribus dignoscendos, verum etiam ad ipsos inter se discernendos." Neither can churchmen be said to be the end of the family; because, by the Pope's dispensation, they may marry, whose issue may begin and continue their family; so that they must have differencing figures added to the principal or plain arms of the principal family, which only belong to the primogeniture. And as for the other reason, that ecclesiastics are sufficiently distinguished from the laics, in not having their arms timbred with helmet, volets, and crests; yet when they fall into noble feus and jurisdictions they then timbre their shields, as was found in the Council of Brabant; as our author, "Nec obstat alia ratio, quia illud discerniculum, non ipsa arma aut insignia, sed exteriora ornamenta afficit, quantumquam etiam ab ecclesiasticis, præsertim nobilibus, & jurisdictione aliqua imbutis, thymbrum militarem fastum adhiberi vidimus. Et hanc opinionem nuper summum Brabantæ concilium amplexum est." When a churchman marshals the arms of a dignified feu, or these of his office, I mean those of the church, with his paternal arms, he needs no other brisure: And this is the general practice in Europe, of which I proceed to give some examples.

Cardinals, bishops, abbots, priors, and other church officers, in imitation of the laics, when marshalling was in use, began to take some remarkable figures of their offices, and to compose or marshal them with their paternal arms, after the order or method now in use, *parti coupé*, and *quarterly*: Of which I shall add a few instances of the practice of prelates abroad, and then return to those in Britain.

The *first* way mentioned, *parti*, which the English call *parted per pale*, is by impalement, as before, of husband and wife's arms; but with this difference, the arms of office are placed on the right side of the shield *parti*, with the paternal arms of those in office. And though a bishop, or any other prelate, be called *maritus ecclesiæ*, the husband of the church, by the canon law, yet he is but one, in a figurative speech; and the church's arms take place as the more noble, as also do those of secular offices.

The *second* method of prelates marshalling their arms by way of *coupé*, that is, *parted per fesse*, by dividing the shield into two equal parts horizontally, is by placing the coat of the office above, and that of the incumbent below; a frequent practice in Italy.

The *third* method by quartering, is done by a *palar*, and *horizontal line* dividing the shield into four quarters; which way is frequently used by the French and Germans; especially when those high churchmen are temporal princes, as the ecclesiastic peers of France. The Archbishop and Duke of RHEIMS, for his office, carries *azure*, *semé* flower-de-luces *or*, a cross *gules*. The Bishop and Duke of LANGRES, *azure*, *semé* flower-de-luces *or*, a saltier *gules*. The Bishop of LAON, *semé* of France, a crosier in pale *gules*. The Bishop Count of BEAUVAIS, *or*, a cross *gules*, cantoned with four keys of the last. Which arms of offices are placed in the first and fourth quarters, with the paternal ones of those in office.

The three Archbishops, Electors of the Empire, do also marshal their arms of offices with their paternal ones, which are sometimes placed by way of surtout, upon the account of many coats of offices, which they marshal together.

The Archbishop and Elector of MAYENCE, or MENTZ, Great Chancellor of the Empire in Germany, carries, quarterly, first and fourth *gules*, a wheel with white spokes *or*, for his Episcopal See; second and third, the paternal arms of the bishop in possession. The wheel is storied to have been at first assumed by one WILLIGIS, who was chosen archbishop for his eminent piety; and he, out of humility, being the son of a wheelwright, took the wheel, which his successors have continued for the arms of that See. This Willigis (says Hoppingius *de Jure Insignium*) to show his humility, caused paint on all the rooms of his house the wheel of a waggon, with this pentameter, "Willigis recolas, quis es, & unde venis," *i. e.* Willigis, consider what you are, and whence you came. "Hæc rota postea, "insigne successorum in hoc archiepiscopatu permansit, confirmante illud Henrico "imperatore."

The Archbishops of TREVES, Great Chancellors of the Empire in France, and Electors, have been in use to carry four coats of offices, thus, (as by Jacob Imhoff) quarterly, first *argent*, a cross *gules*, for the Arch-See of Treves; second *gules*, a paschal lamb, proper, standing upon a mount in base *vert*, carrying a flag over its shoulder, as abbot of Pruy; third *gules*, a castle *argent*, masoned *sable*, surmounted of a crosier in pale, and below, a crown *or*, as prepositor and overseer of Weissenburg; fourth *azure*, a cross *argent*, as Bishop of Spire; and over all, by way of surtout, an escutcheon of the paternal arms of the archbishop for the time.

But to come home to Britain with some observes of the ancient and modern practice of our prelates in Scotland, in carrying of their arms on their seals of office, and on other places, I observe, of old, they neither did compose, impale, nor quarter their ensigns of office with their paternal ones till after the Reformation from the church of Rome; for before, their seals of arms were formed after the fashion of oblong ovals, upon which are only to be seen the frontispieces of churches, with the image of their patron-saints standing in the porches, or in fine carved niches; and below them small triangular shields, with the incumbent prelate's arms, sometimes adorned with mitre, crosier, or cross-staff: Of which I shall here add some instances.

I have seen several seals of the archbishops of St Andrews, which have the image of St Andrew with his cross, standing in the porch of a church, and below his feet a little shield, with the paternal arms of the archbishop thereon; as especially that of WILLIAM, Archbishop of that See, in the reign of Robert the Bruce, who has on his shield three cinquefoils, or frasiars, being of the name of Fraser, and the shield timbred with a mitre below the feet of St Andrew.

I have seen the seal of JOHN Bishop of GLASGOW, which had upon it the image of St Mungo standing in the portico of the church, and below his feet the shield of arms of that prelate, charged with three bars, to show he was of the name of Cameron, timbred with a mitre; and at the sides of the shield were two salmons with rings in their mouths, and on the legend round the seal, *Sigillum Joannis Episcopi Glasguen*. Which seal is appended to an indenture or agreement betwixt Jean Dowager Queen of Scotland, mother of King James II. and Sir Alexander Livingston of Calder, anent the delivery of the young king's person: which indenture I have mentioned before with the queen's seal.

The seal of JOHN Bishop of Ross had on it the figure of a bishop, with a mitre on his head, standing in a portico of a church; and, at his feet, a shield charged with a bull's head cabossed, being the paternal figure of the name of Turnbull. Besides these, I have seen several other bishops' seals after the same form, with their shields of arms below images of saints, or mitred bishops, supported by angels, and adorned with mitres and crosiers.

ANDREW, Commendator of Jedburgh, upon his seal appended to several evidents, which I have seen, had the image of a saint standing in a fine carved nich; at the foot of which is his shield of arms, quarterly, first and fourth a lion rampant, second and third three papingoes, he being of the name of Home; and behind the shield, a crosier turned to the right.

Upon the buildings of several churches, we find the paternal arms of bishops and abbots only adorned with mitres and crosiers; as these of GAVIN DUNBAR, Archbishop of Glasgow, having only three cushions within a double tressure counter-flowered, adorned with a mitre, for the name of Dunbar, descended of Dunbar of Westfield.

On the wall that surrounds the castle of Glasgow, on several places there; as I am informed, are the arms of JAMES BEATON, the last Romish Bishop of that See, being these of Beaton quartered with Balfour, as a nephew of Beaton of Balfour; and below these arms is a salmon, with a ring in his mouth, which some of his predecessors carried also, to perpetuate a miracle said to be performed by St Mungo, patron saint of the church of Glasgow.

Upon the beautiful abbey of Paisley, as I am informed, are the arms of the Abbot GEORGE SHAW, a brother of Shaw of Sauchie, carrying his arms, three covered cups; and, to show his ecclesiastical dignity, a crosier behind the shields.

On the abbacy of Holyroodhouse are to be seen the arms of ARCHIBALD CRAWFURD, treasurer to King James III. He was a brother of Crawford of Henning, where are only his paternal bearing, viz. a fesse *ermine*, with a star in chief, and the shield adorned on the top with a mitre.

I find none of our Romish prelates ever marshalled the figures of their respective sees (I mean the images of their patron saints, their crosses, crosiers, mitres, or such remarkable things belonging to them) with their paternal bearings, by impaling or quartering of them in one shield, though they have adorned the outer sides of their shields with such figures. And I am of opinion that the custom with us of marshalling arms of episcopal sees, and other ecclesiastical offices, with the paternal arms of the incumbents, is not much older than the Reformation from the Romish church; and the figures of which they are now formed and made up of are taken from the old seals; such as the images of saints and bishops, their crosses, mitres, crosiers, pastoral staffs, and other such things, which will appear to the curious by their blazons: a few of which I shall here give.

The arms now used for the ARCHIEPISCOPAL SEE of St ANDREWS, *azure*, a St Andrew's Cross (*i. e.* a saltier) *argent*, taken from the old seal of that See, before described, which have been impaled with the arms of those that have been in office.

The ARCHIEPISCOPAL SEE of the Church of GLASGOW has for arms, *argent*, a tree growing out of a mount *vert*, with a bell hanging on a branch, and a salmon lying fesse-ways thwart the trunk of the tree, with a ring in its mouth, proper. The salmon, as I observed before, was carried by the Romish prelates, at the sides, and below their shield of arms. ALEXANDER CAIRNCROSS, by divine providence, Archbishop of Glasgow, had on his seal of office the above blazon, impaled on the right,

with his paternal coat on the left, viz. *argent*, a stag's head erased with a cross patee *fitché*, between his attire, *gules*.

The BISHOPRICK of GALLOWAY has for arms, the image of St Ninian, holding in his right hand a cross.

The BISHOPRICK of DUMBLANE, a saltier ingrailed.

The BISHOPRICK of ARGYLE, *azure*, two crosiers in saltier *adossé*, and in chief a mitre *or*.

The arms of the BISHOPRICK of ROSS are two men, the one on the right hand, representing St Boniface in a white habit, his hands lying cross on his breast; the other a bishop, pointing to St Boniface with his right hand, and by his left holding a crosier *or*, with a mitre on his head.

The arms of these bishopricks are impaled with the arms of those who have possessed these offices.

The BISHOPRICK of EDINBURGH was erected out of the Bishoprick of St Andrews by King Charles I. *anno* 1633; so that that See has almost the same arms with St Andrews, and in chief a mitre *or*; which were impaled with the arms of the incumbents.

I shall add no more of them here to incumber my reader, but proceed to a few such bearings of those in England.

The ARCHIEPISCOPAL SEE of CANTERBURY has, *azure*, a pastoral staff in pale *argent*, topped with a cross patee *or*, and surmounted of an episcopal pall, (*i. e.* an episcopal ornament, and not an armorial pale), of the second, edged and fringed of the third, charged with four crosses *fitché sable*.

The ARCHIEPISCOPAL SEE of YORK, *gules*, two keys *adossé argent*; and in chief an imperial crown *or*.

The BISHOPRICK of LONDON, *gules*, two swords in saltier, points upward, proper, hilted and pommelled *or*.

The EPISCOPAL SEE of WORCESTER, ten *torteaux* *sable*, 4, 3, 2, and 1.

CARLISLE, *argent* on a cross *sable*, a mitre with labels *or*.

The EPISCOPAL SEE of St ASAPH, *sable*, a key in bend sinister, and a crosier in bend dexter *argent*.

The SEE of SALISBURY, *azure*, the Virgin Mary (being dedicate to her) crowned, holding the holy babe in her right arm, and a sceptre with her left hand, all gold.

All which ensigns are impaled on the right side of the shields, with the paternal arms of those in office on the left side. For more ecclesiastical arms the reader may see the British Compendium of Arms lately published in *taille douce*.

As for these orders of knighthood, which are both spiritual and temporal, such as the Knights Templars and Hospitallers, and others of such institution, they compose, impale, or quarter the arms of their respective orders with their paternal ones; as do at present the Grand Masters of the KNIGHTS of MALTA; who quarter, in the first place, the arms of that order, being *gules*, a cross *argent*, with their proper arms: but the rest of the knights of that order, in distinction from the Grand Master, do not quarter but compose them with their own, by placing them in chief, or on a chief, which has occasioned one coat of arms to have two chiefs, the one above the other. So much then for ecclesiastical arms. I shall now proceed to the arms of secular offices; some of which I shall here mention.

Seculars, who enjoy high offices, military or civil, sometimes impale or quarter the arms of their offices with their own. The electoral princes of the empire quarter in their shields of arms, the arms or badges of their offices, being the figures of the regalia they carry before the emperor, by virtue of their high posts, as Beckmannus says, *dissert. cap. 5.* "In insignibus suis seculares clinodium istud " inserunt, cui ratione officii portando destinati sunt."

The KING of BOHEMIA, as principal cup-bearer to the Emperor, charged the breast of his lion with a cup.

The DUKE of SAXONY, as one of the electors of the empire, carried over his achievement of many quarters, by way of surtout, an escutcheon parted per fesse, *argent* and *sable*, two swords in saltier *gules*, hilted and pommelled *or*, as Elector Marischal of the empire.

The Duke of BAVARIA and PALATINE carries three shields tied together, the first on the right side, *sable*, a lion rampant *or*, armed and langued *gules contourné*, (*i. e.* looking to the other's shield on the left) for the Palatinate; the second shield, fusile in bend, *argent* and *azure*, of twenty-one pieces, for Bavaria; the third shield, below the above two, *gules*, charged with the imperial mond *or*, which he carries in solemnity before the emperor.

The Elector PALATINE of the RHINE carries parted per pale, first the Palatinate, second Bavaria, and in base a point *gules*, as third Elector. See book *Jeu D'Armoires des Sovereigns*.

The Duke and Marquis of BRANDENBURG, (now King of Prussia) as Elector, carries over his achievement of many quarters, by way of surtout, *azure*, a sceptre pale-ways *or*.

The Duke of BRUNSWICK, (now King of Great Britain) as Elector of the Empire, carries over the fourth quarter of his majesty's arms, an inescutcheon, Charlemagne's crown; of whose imperial achievement afterwards.

Other nobles in the empire, upon account of their employments or offices, carried figures to represent them; as the Earls of OLDENBURG, principal architects in the empire, carried in one of the quarters of their arms two beams of wood, blazoned bars. The Earls of SPIGELBERG, as master-hunters, carry a hart, proper. And the Earls of WERNEGERODA, as master-fishers, carry in their achievement a fish; as Hoppingius de *Jure Insignium*: so that offices and employments are not only the causes of obtaining arms at first, but also of multiplying several arms in one shield; which was a practice with the Romans, Germans, French, English, &c. In France those who had offices of the crown, of old, under the first, second, and third races of the Kings of France, not only took their names from their offices, but their arms, as Hoppingius de *Jure Insignium*, cap. 4: "In Gallia, omnes officiales coronæ Franciæ sub regibus, 1mæ, 2dæ & 3tiæ generationis, non assument aliuide cognomina & insignia, quam ab officio quod gerebant; cujus memoria suis liberis & descendentibus reliquerunt, qui eadem insignia & cognomina retinebant." And, for example, he gives the family of MUSSINI, who, of old, were Earls of SENLIS, and chief butlers of France, for which they carried, to perpetuate their office, a shield quarterly, *or* and *gules*; the first to represent the king's gold cup, and the second the wine; so that the family had the name of Butlers of Senlis. To please some curious, I shall add our author's words, "In cujus rei memoriam (Pincernæ) portaverunt pro insignibus clypeum divisum in quadras, ex auro & colore rubro, quod representabat poculum & cantherium regis, & colore rubro, vinum hacque de causa appellati sunt Pincernæ Silvanectini, *i. e.* Bacheliers de Senlis."

In England, another ancient family descended of ARGENTIUS, and BRIONINI a Norman, became chief butlers in the reign of William II. of England, and took for arms, *gules*, three cups *or*, to show their office, and introduced it as a surname to their posterity. The words of our author are, "Hi, a Davido Argentinio Normano viro militari, qui sub Gulielmo Secundo meruit, & nomen & stemma duxerunt; & in hujus rei testimonium tribus scyphis argenteis in rubro clypeo usi sunt:" Which coat of office is quartered with their paternal coat, *viz. or*, a chief indented *azure*. From this noble stock of worthies, in a direct line, was descended JAMES BUTLER Marquis of ORMOND, and Earl of OSSORY in Ireland, of which he was Lord Lieutenant, and by King Charles II. created a peer of England, by the title of Lord Butler of Lanthony, and Earl of Brecknock, and the 13th year of that king's reign, Duke of Ormond in Ireland, and also a Knight of the Garter: He married the Lady Elizabeth Preston, daughter to Richard Lord Dingwall in Scotland, and Earl of Desmond in Ireland, by whom he had three sons, Thomas Earl of Ossory, Richard Earl of ARRAN, and John. Richard died without issue, Thomas was summoned to the English Parliament by the title of Lord Butler of Moorpark, and was also a Knight of the Garter, and Rear-Admiral of his Majesty's Fleet: He married Lady Amelia Nassau, daughter to Lewis de Nassau, son to Maurice Prince of Orange, and Count of Nassau; by whom he had issue three sons, James Duke of Ormond in England, Charles Earl of Arran, created Lord Butler of Weston in England, who carries the above quartered arms, with a crescent for difference; and another, James, who died young.

CARNEGIE Earl of SOUTHESK, whose arms are *or*, an eagle displayed *azure*, beaked, membered, and armed *gules*; his predecessors, CARNEGIE of Kinnaird, were cup-bearers to our kings, for which, of old, they carried a gold cup on the breast of their eagle, to show their office.

Many civil and politic offices, which have symbols and badges, are not placed within the shield of arms of those in office, as those above mentioned, but at the back, sides, or foot of the shield; such as the marischal's battons, the constable's swords, the admiral's anchors, the master-household's battons, the chamberlain's keys, &c. Of which more fully in the Treatise of Exterior Ornaments.

To put an end to this section, I shall mention here the arms of the Herald Offices in Scotland and England. Those of SCOTLAND are now *argent*, a lion *seiant*, full-faced *gules*, (being the crest of the royal achievement of Scotland) holding in his dexter paw a thistle slipped *vert*; in the sinister, an escutcheon of the second, and on a chief *azure* a St Andrew's cross of the first. Which arms are impaled on the right side with the paternal bearing of Sir ALEXANDER ERSKINE of Cambo, the present Lyon King at Arms, being these of the Earl of Marr, with a crescent for difference, as a cadet of the family. This seal of office is no older than himself; for his father, Sir Charles, also Lyon King at Arms, had on his seal appended to patents of arms given out by him, only his paternal arms; and any particular seal or badge our principal heralds had before, was the sovereign achievement of the kingdom, (called by other nations *l'esmail*) which was hung by a chain of gold about the neck of the principal herald, and on the breast of his brethren heralds and pursuivants, by a ribbon, as their cognizance and badge: And the same, as I read, was practised by the heralds in England.

The principal heralds in ENGLAND, in the reign of Queen Elizabeth, and especially the Garter King at Arms, wore a badge of gold daily, whereon were enamelled only the sovereign's arms; as Ashmole, in his Institution of the Garter, page 208, and 253, and had no proper seal for the office, till Sir EDWARD WALKER, then Garter King at Arms, obtained a licence from the Queen to distinguish himself from the other Kings at Arms, to impale St George's arms, *viz.* *argent*, a cross *gules* on the right side, with those of the sovereign's on the left: And about that time the seal of the office was formed thus, *argent*, a cross *gules*, and, on a chief *azure*, a crown imperial, environed with a garter, buckled and nuved, betwixt a lion *passant gardant*, and a flower-de-luce *or*, which were impaled with the arms of Sir Edward Walker, as they were afterwards with those of his successors in that office.

The heralds in Germany, Flanders, and elsewhere, have the arms of their sovereigns, enamelled or depicted on gold, affixed to their breasts: But I take them to be principal and learned heralds, by royal authority, and not such, as with us, who know nothing of the matter. As Sir John Baptista Chrystin, Chancellor of Brabant, in his curious book entitled *Jurisprudentia Heroica, sive de jure Belgarum, circa nobilitatem et insignia*, whose words are those, in the Spanish Flanders, from paragraph 8. after he had given an account of those of Germany and France. *viz.* "Qualibet deinde provincia apud Belgas suum habet " facialem, ejus titulo celebrem, qui tesseram sive laminam insignibus ejusdem " decoratam (vulgo *l'esmail d'office*) pectori assutam gerit, & in festivo quovis " apparatu ejusdem provincie rege armorum tunica indutus (vulgo *la cottee* " *d'arms du roy*) dextra caduceum gestans assistit." But more of this afterwards, when I come to speak of the Rise, Nature, and Office of Heralds.

#### ARMS OF ALLIANCES.

BESIDES the arms of offices, as I said before, there are other causes of marshalling many coats of arms in one shield, given us by eminent lawyers and heralds, which they call *cumulatio*, or *multiplicatio insignium*. As Hoppingius *de Jure Insignium*, page 782, "De quarteriis sive sectionibus, campis sive areis," called with us *marshalled* or *quartered arms*; and are marks of honour and greatness, esteemed by all nations upon many accounts, especially upon honourable alliances, and succession to noble feus: A practice frequent with the French; as Hoppingius, "Effectus " vero hujus accumulationis, sive conjunctionis insignium est augere dignitatem;

“ etenim hic mos & usus, maxime receptus est Gallis, quo sciant & intelligent his mutationibus jure naturæ, regnique legibus non derogari, sed augmentum esse nobilitatis.”

A *quartered coat of arms* is when the shield is divided into four quarters, or areas, by a perpendicular and horizontal line cutting the centre; and sometimes again these quarters or areas are also divided into as many *quadrans* by the same lines, and are filled up with the arms of different families upon several occasions: by heralds and lawyers called *cumulatio armorum*, of old latined *scutum quarteriatum*, and of late, *scutum quadripartitum*: But Mr Gibbon, an English herald, for quartered arms, says, *scutum in quatuor partes, lineis ad crucis modum ductis, sectum*; after some old heralds, who blazoned a quartered shield, *parted per cross*.

Heralds who write in Latin, call one of these quarters *quarteria*; Chiffletius and Uredus make use of the word *quadrans*; Jacob Imhoff the German, the word *quatra*; and others say *area*, for a quarter.

Sir John Ferne, in his *Glory of Generosity*, gives us three sorts of quartered coats of arms; the first he calls a *plain quartered coat*, the second a *quartered coat*, and the third a *quarterly quartered coat*: Which I shall explain, and give examples by whom carried with us, and other nations.

As to the first, a *plain quartered coat* is when the superficies or field is divided into four quarters or areas; and when the first and fourth quarters contain one coat of arms, the second and third another: so that there are but two different coats of arms twice repeated in a quartered shield; which, says our author, is a suitable disposition of the arms of the son and heir of a gentleman who had to wife an heiress: the father's arms are placed in the first and fourth quarters, and the mother's in the second and third.

It is to be observed, that in marshalling arms with others, upon the account of alliance, and if both houses be cadets, their marks of cadencies must be continued upon both their coats.

Alliances then by marriages has occasioned the multiplication of many arms in one shield, not only almost by all the princes in Europe, but even by nobles high and low, to show their noble descent; and especially by the issue of those who have married heiresses, to show the right they have to territories and lands.

I shall begin with one of the ancientest examples of this kind I have met with in my reading. About the year 1117, FERDINANDUS, eldest son of Sanctius, to-named the Great King of NAVARRE, and Elivira, daughter of Ferdinand the VI. and last Earl of Castile, being the first that was honoured with the title of King of CASTILE, married Sanctia, daughter of Alphonsus King of Leon, sister and heir of Beremond who died without issue.

This Ferdinand, upon account of his wife Sanctia, got the kingdom of Leon; so that he became both King of Castile and Leon about the year 1165, and quartered the arms of those kingdoms thus; first and fourth *gules*, a castle triple, towered and embattled *or*, masoned *sable*, for the kingdom of Castile; second and third *argent*, a lion rampant *gules*, armed *or*, for the kingdom of Leon. Thus blazoned by Hoppingius, “ Reges Castellæ & Legionis, in insignibus, ferunt scutum in parte superiori dextra, & in inferiori sinistra Castellum aureum in campo rubeo; in parte superiori sinistra & inferiori dextra, leonem fulvum in campo albo exhibens.”

The kingdom of Leon was a more ancient kingdom than Castile for many ages; for when Pelagius took that country and town from the Moors, about the year 722, it was always called a kingdom; and he took for his arms a lion, because it is said to be the King of Beasts: As our author, “ Pelagius Legionis rex primus, circa annum 722, eripiens Legionem civitatem a Mauris, leonem pro insignis assumpsit, quia leo est, & interpretatur, rex omnium bestiarum.”

Many are of opinion, that the arms of Leon, being those of the ancientest kingdom, should be placed in the first and fourth quarters; and so to have the precedence of the arms of Castile. Ludovicus Molina, a famous lawyer, defends the method of marshalling, as above blazoned. *1mo*, That the greatest kingdom should be preferred to the ancientest. *2do*, Ferdinand was King of Castile by right of his father, and got Leon by right of his wife, *nomine dotis*; and that in his titles he was named first King of Castile and Leon, preferring the title of the man

to the woman, and the mother's titles ought to follow the father's: His words are, "Turn quod virilis stirpis imperium præferri debuit femineo, maternaque insignia paternis insignibus cedere debuerunt."

The like practice was used in England by EDWARD III. the first of that kingdom, who quartered his arms with those of France. He placed France in the second and third quarters, as arms of alliance, upon the account of his mother Isabel, daughter and heir of Philip IV. of France, and of her brothers, Charles IV. Philip V. and Lewis XI. successive kings of France, who died without any issue. Their cousin-german Philip de Valois, as heir-male, ascended the throne: and, as Edward Howes tell us, in his History of England, King Edward's ambassadors, who came to congratulate his accession to the crown, were questioned, Why the King of England placed the leopards of that kingdom in the first quarter before the lilies of France in the second? To which Sir John Shorditch, the ambassador, made answer, That it was the custom of the times to set the title and arms of the fathers before those of the mothers; which their king had, in reason and duty, done. From which it is to be observed, that arms of alliance, upon the account of maternal descent, were then quartered with the paternal, which had the precedency of the maternal; and which is yet the ordinary custom in Europe, excepting for some special reasons, as that of the same King Edward III. who, upon no other account, at first, quartered the arms of France, but upon the reason of his alliance: yet afterwards, in the 14th year of his reign, when he was encouraged by his allies, to claim the kingdom of France in right of his mother, he placed those of France, as arms of dominion and pretension, in the first quarter, before the arms of England; which his predecessors have continued.

About the latter end of this king's reign, the English nobility began, in imitation of him, to quarter with their own arms coats of alliances. JOHN HASTINGS, Earl of PEMBROKE, who married Margaret, youngest daughter of Edward III. was the first subject in England, (says Sandford, in his genealogical History of that kingdom) who, in imitation of his king, had quartered arms, viz. first and fourth *or*, a manche *gules*; second and third barry of twelve pieces, *argent* and *azure*, with eight martlets orle-ways *gules*, as arms of alliance with the family of Valance: which quartered coat he impaled with the arms of his countess, being then the same with her father's, France and England quarterly.

With us our great families did not all begin at one time to quarter their arms with other coats, upon account of alliance, and other considerations. The first practice of quartering I have met with upon seals, was in the reign of King Robert II. who was crowned in Scoon the 27th of March 1374, as I have observed before. His sons, then, and Leslie, who married the heiress of Ross, with others, began to marshal their arms with those of other families; of which, in the first part of this system. As also did DAVID LINDSAY, first Earl of Crawford, assume the coat of Abernethy, and quartered it with his own, upon the account he was descended of that family by the mother's side: for his grandfather, Sir David Lindsay, in the reign of King Robert I. married one of the three co-heiresses of Alexander Lord Abernethy; whose arms were *or*, a lion rampant *gules*, bruised with a ribbon *sable*, quartered with his paternal, *gules*, a fesse *chequé*, *argent* and *azure*. Which figures were upon David first Earl of Crawford his seal; and ever since have been continued by the family.

A long time after, the Earls of DOUGLAS and ROTHES being descended of the other two co-heiresses of the above Alexander Lord Abernethy, marshalled the arms of Abernethy with their own.

The great and illustrious house of Douglas, for what I have seen, had no quartered coats before William, the first Earl of Douglas, married Margaret, daughter of Donald, sister and sole heir, at last, to her brother Thomas, Earl of Marr: for, before this match, he had only his single paternal coat on his seal of arms, which I have seen appended to a charter of his, of the church of Meikle Cavers, to the abbacy of Melrose; but after the marriage with Margaret Marr, countess and heiress of Marr, he quartered his paternal coat with that of Marr, viz. first and fourth *argent*, a man's heart *gules*, (not ensigned with a crown as now) and, on a chief *azure*, three stars of the first; second and third *azure*, a bend betwixt six cross croslets fitched *or*, for Marr: which arms I have seen, on his seal, appended

to his charter, dated at the Castle of Kildrummy, the 22d of July 1377, wherein he is designed Earl of Douglas and Marr, of the lands of Easter-Fouls, lying in the Earldom of Marr, and shire of Aberdeen, granted to James Mowat. Their shield of arms on the seal was *couché*, and quartered, as I have said, with Douglas and Marr, supported by one lion *seiant*, holding up the shield, his head in a helmet, crested with a plume of feathers; and, at each side of the shield, is a tree growing out of a mount, as a compartment, *semé* of cross crosets, and upon the compartment the right side of the shield rests. His son James, Earl of Douglas and Marr, carried the same arms as his father, as is evident by his seals. He could not have carried Marr if he had not been the son of Margaret, Countess of Marr. It was this valiant Earl that overthrew Henry Percy, surnamed Hotspur, in a combat at Newcastle; and again defeat him in the battle of Otterburn, which was fought the 31st of July 1368. After the battle, this noble Earl James died in his tent. He had no issue but two natural sons; and was succeeded by his half-brother Archibald, Lord of Galloway, in the earldom of Douglas; and by his full sister Isabel Douglas, in the Earldom of Marr.

ARCHIBALD Earl of Douglas and Galloway carried three coats quarterly, first *azure*, a lion rampant *argent*, being the feudal arms of Galloway; second, the arms of Douglas as above for his paternal coat; third *azure*, three mullets *argent*, the arms of Elizabeth his wife, daughter and heir of Sir Thomas Murray, Lord of Bothwell, *panitarius Scotiae*, with whom he got the lordship of Bothwell; and the fourth quarter as the first. It is to be observed, that this Earl and his father Earl William, quartered their wives' arms, being heiresses, with their own; which it seems was our ancient practice, as well as to marshal them, as by impalement, or by way of inescutcheon. This Earl had nothing of the arms of Marr, so that they entirely belonged to Isabel Countess of Marr.

Lady Isabel Douglas Countess of Marr, married Alexander Stewart, natural son of Alexander Stewart of Badenoch, Earl of Buchan, fourth son of King Robert II. He is nevertheless called the eldest son of the Earl of Buchan, in a charter granted to him anno 1404, by his lady Isabel Douglas Countess of Marr: by which charter she gives him the Earldom of Marr and Lordship of Garioch, in consideration of the marriage: and no doubt it was also in consideration of that marriage that he is said to be the eldest son of his father; which does not follow that he was not a bastard: For if he had been a lawful son, he had certainly succeeded his father in the earldom of Buchan, which earldom went to John Earl of Buchan, a younger son of Robert Duke of Albany. ALEXANDER STEWART Earl of MARR, by right of his wife, as said is, carried for arms on his seal, which I have seen, quarterly, first and fourth *or*, a fesse *chequé* (for Stewart), between three open crowns *gules*, which were the figures of the lordship of Garioch, and in these quarters he had no mark of illegitimation; second and third, the arms of Marr as before, *azure*, a bend betwixt six cross crosets fitched *or*: He was commander in chief at the battle of Harlaw anno 1411, a man of great honour, an ornament to his country, and died without issue anno 1426. The earldom afterwards fell into the king's hands, and the sons of the royal family were afterwards designed Earls of Marr.

Many of our ancient families, since the reign of King Robert II. have been in use to quarter the arms of other families with their own, upon account of alliances and other considerations. Many of our ancient and principal families, as Keith Earl Marischal, Hay Earl of Errol, Ogilvie Earl of Arber, Carnegie Earl of Southesk, Forbes Lord Forbes, and many great barons too numerous here to mention, have only been in use, and to this day, to carry their single paternal coats. Perhaps many of them have had no occasion to marshal their arms with others, and some of them have had good right to quarter the arms of other families, upon the account of alliances and other considerations; but upon what reason they have forborne them I cannot pretend to know. Perhaps, upon the mistaken notion, that the more single and plain the coat of arms be, it is the more honourable, and shows a principal family. But what does it lose of that appearance of honour, when marshalled plain and simple with other arms, upon the account of an honourable alliance, noble feus, and other additaments of honour? Since it has been, for many ages, the general practice of kings, princes, and nobles, to marshal other

arms with their own, as rather an additament of honour than a diminution of it, and which does not in the least alter the quality of the bearer, according to the opinion of lawyers; as Hoppingius *de Jure Insignium*, cap 11. "Cumulatio insignium est argumentum aucti honoris; insignium siquidem auctione, honor et dignitas personæ superveniens, ejus qualitatem nunquam mutat aut extinguit."

That some of our ancient families, as I just now said, have had right to quarter the arms of other families with their own, upon the account of marriage, and have not done it till of late, appears from what follows.

The ancient and noble family of MAULE, who carry, for their paternal arms, *parti, argent and gules*, a bordure charged with eight escalops, all counter-changed of the same, is originally French; and have their name from the Lordship of Maule, near Paris, their first and original lands, in latter times erected into a marquisate. [Description of the Generality of Paris.]

ANSOLD Lord of MAULE, and Rectrude his wife, made a donation to the priory of St Martine des Camps, at Paris, in the year 1015, mentioned by Laboureur in his History of Chamont; and his son Guarin Lord of Maule, with Hersende his wife, is named in a charter of Robert King of France, to William abbot of St Germain, before the year 1031. (History of Montmorency by Du Chesne.) He was succeeded by his son Ansold, called by Ordericus Vitalis, for his great riches, *Dives Parisiensis*; who left Peter, his heir, and Stephen, grandfather to Grimald de Maule, who, says Ordericus, was at the taking of Jerusalem in 1098, with Godfrey of Boulogne. Peter, next Lord of Maule, made a very great figure, with consent of his *proceres et milites*, says the above author, who lived near that time. He founded a priory at his town of Maule, for Benedictine monks of St Euvroul, to whom he gave his churches of St Mary, St Germain, and St Vincent, with many lands; by his charter dated in the 1077, printed at length in the *Historie Normannorum Scriptores*, p. 587; and in the year 1098 he was general of the French army against King William II. of England, who had invaded France, and obliged that Prince to raise the siege of Mountfort, and conclude a truce and return to England. (Du Moulin's History of Normandy, page 267.) By Gundesmoth his wife, of a noble family in Champagne, he had four sons and as many daughters. Of the last, one was married to Baudry Count of Dreux, son to Baudry Constable of France; another to Gaucher Lord of Poissy, whose descendants were heritable Pantriers of Normandy; and a third to Hugh Lord Voisins, predecessor to the Seneschals of Toulouse. Ansold Lord of Maule, his eldest son, was a great captain, and famous in the wars of Italy and Greece: he was with Robert Duke of Apulia at the siege of Durrazzo, and distinguished himself at that great battle where Alexis Emperor of Constantinople was overthrown, *anno 1106*. He confirmed his father's donations to the priory of Maule, in presence of his barons and knights, whom he caused do homage to his eldest son Peter. (Ordericus Vitalis, page 589, 590.) He married Odeline Mauvoisine, daughter to Radulph Lord of Rony, Governor of Mante, and died *anno 1118*. His son Peter de Maule, was one of the powerfulest lords of that time; he was one of the French generals at the battle of Brenville, fought in 1119 against King Henry I. of England, and, in the year 1138, he went to the siege of Breteuil, accompanied with forty knights; but, his power rendering him suspected, King Lewis le Gros came and demolished his strong castle of Maule. (Ordericus and Du Moulin.) He married Ade daughter to the Earl of Guines, and niece to the Lord of Montmorency, and was succeeded by his son Roger, who married Idone daughter to Warton Viscount of Chaumont, and Matilde de Montmorency his wife. She is mentioned with him in an agreement he made with the Chapter of Paris in the 1195. (Grand Pastoral of Paris.) He had Peter, Robert, and Simon de Maule, abbot of Joinville. (Gallia Christiana). Peter III. of that name gave certain vineyards lying in his Lordship of Maule to the abbacy of Joinville, by his charter in the year 1224. Of which I have seen an attested copy from the writs of that abbacy, having his seal appended to it, which is very large; and thereon a shield of his arms, being a *parti*, with a bordure of nine escalops, and the legend *Sigillum Petri de Maulia*.† He is also mentioned by De la Rocque in his treatise *Du Ban et Arriereban*, among the Seigneurs of France summoned to attend the King in his

wars *anno* 1236, and again in 1242. He was succeeded by his brother Robert, who was in the expedition to the holy land with the Duke of Brittany and many French lords *anno* 1237, where he was taken prisoner by the Turks; and, at his return, founded the priory of St Leonard, in his barony of Panmure, which lies contiguous to Maule. His arms are done in ancient painting in the church of Maule; the shield *coubé, parti, argent* and *gules*, within a *bordure sable*, of twelve escalops of the first, with helmet, mantling, and wreath; upon which are three ostrich feathers *or*, for crest, and supported by two savages, proper, wreathed about the middle; which ancient arms are cut in the Plate of Achievements. Below the arms is this inscription in old French: "Messire Robert de Maule, lequel fut prisonnier en Turquie, & a son retour fonda le perieuré de St Leonard, assis dans la Baronnie de Panmor, comme ill se veoit par les lettres de la fondation dudit prieure datté de l'an mil."

The arms of his son Bartholomew Lord of Maule, are also painted in the church, differing nothing from his father's, save that the supporters are two lions, proper; and below are the following words:

"Messieur Bartholemy de Maule, filz de Robert, lequel dona aux religieux de Joyenval le fief de Andeleu, assis en cette Baronnie, comme il se veoit par la Chartre de don en L'Abbaye dudit Joyenval, datte de l'an mil deux cent."

He died in *anno* 1248, according to the obituary of the abbey of Joinville, and was succeeded by his son William, who to a deed in favours of that abbey, dated 1263, appends his seal, of which I have seen a copy, being a shield *parti*, as before, and a *bordure* of eight escalops; the fixed number now born by the family of Panmure, and the legend, *S. Guill. de Maule Armigeri*: † He married Sidelene, daughter to John Lord of Torotte, Governor and hereditary Butler of Champagne, by whom he had Hugh, father to Peter Lord of Maule, who gives a charter to the priory of Maule, dated *anno* 1306; and has his arms also painted in the church, with lions for supporters, attended with an ancient inscription, such as those already given. Another Peter, his grandson, married Julietta des Essars, daughter to the Lord of Ambleville, and had Bertauld his heir, and Robert de Maule, Master of Requests, and Counsellor to Charles VI. King of France, in his Parliament of Paris. (Extract out of the Register of the Parliament of Paris *ad annum* 1388.) Bertauld, in the inscription on his tomb, stiled Seigneur de Maule et Montainville, is frequently mentioned in the wars during the reign of King Charles V. who beat the English out of France; he married Jacqueline, daughter to the Seigneur de Blainville, Marischal of France, by whom he had Robert last Lord of Maule in France, whose arms are yet to be seen in the Notre Dame Church of Maule, with two eagles, proper, for supporters, accompanied with the following inscription:

"Messire Robert de Maule, filz de Berthault, lequel fut marie a Dame Anne, d'Anguilliers, ainsi qu'il se veoit parle traité de leur mariage datté de l'an mil III<sup>es</sup>. IIII<sup>es</sup>. VII. & mourut au voyage d' Hongrie."

He died at the battle of Nicopolis in Hungary, fought against the Turk in the year 1398, being then possessed of the Lordships of Maule, Panmure, Montainville, and Herbyville: all which great estate went to his daughter and heir Reginolde de Maule, married to Simon de Morainvillers, Lord of Flacourt, Pantrier to the Dauphin, and Governor of Chartres and Mante. Her arms, in *Iszengé*, are also painted in the church with those of her husband, which are *argent*, nine martlets *sable*, accompanied with an inscription; part of which I have given in the first volume of this work, page 359. Her descendants the Morainvillers Lords of Maule, carried the coat of Maule quartered with their own, from whom it went, by marriage, to the Harlays of Sancy, stiled in their titles Barons of Maule: and their heiress again was married to the Marquis of Villeroy, grandfather to the present Marischal and Duke of Villeroy. This account of the Lords of Maule in France, beside the printed authors above cited, is taken from their charters, donations to abbeys, and other authentic deeds, to many of which their seals are appended; whereof I have seen copies attested by the Sieur Clerebalt, Genealogist to the King of France: I have also seen draughts of their arms that are in the church, and the inscriptions given above, with a great many more on the glass-windows and tombs in the church. and others on the old castle of Maule.

too long to mention here, all taken and painted upon the place, with an instrument thereupon by Mr Chevillard, Genealogist of Paris.

A son of the Lord of Maule came over to England with William the Conqueror; as appears by the list of that Prince's followers in Hollinshed, Vol. II. page 296; and was rewarded by the Conqueror with the Lordship of Hattoun de Cleveland in Yorkshire, out of which Robert and Stephen del Maule make donations to the abbey of Whitby, in the reign of King Henry I. about the year 1130. (Monasticon Anglicanum, Vol. II. page 75.) They were great barons of England, and flourished several generations in that kingdom: The last of them I find there is Serlo de Maule, one of the peers at the coronation of King Henry III. anno 1216, mentioned by John Fox.

This name having come out of England soon after the conquest, with several other Normans and French, is found among the earliest with us in Scotland. William de Maule is witness to several charters in the chartulary of St Andrews, in the reign of King David I. before the year 1152. He got from King David the lordship of Foulis in Perthshire, out of which he made several donations to the priory of St Andrews. (Chartulary of St Andrews.) Sir Richard de Maule is witness to William Lord of Foulis's donations, who designs him *Nepote meo*; and also to other charters in King William and King Alexander's reigns; He seems to be father to Sir Peter and William de Maule, Archdeacon of Lothian, witness to some of King Alexander's charters in the chartulary of Newbottle. Sir Peter de Maule married Christian de Valoins, daughter and heir of William de Valoins, Lord Pannure, and great Chamberlain of Scotland; and got with her the baronies of Pannure and Benvie; for which the family of Pannure carry, with their paternal arms, those of Valoins, blazoned in the First Part of this Work. There is in the chartulary of Arbroath a solemn agreement of this *Sir Peter de Maulia, Dominus de Pannure*, and Christian his wife, with the Abbot of Arbroath, in presence of Alexander Earl of Buchan, Justiciar of Scotland, dated 1254. And that same year, after his death, Christian de Valoins granted a charter for homage and service, to John de Liddel of her lands of Balbenny and Panlathy, which *Dominus Petrus de Maulia*, her husband, had formerly granted to Thomas de Liddel his father: to which charter her seal was appended, having thereon a lady in a long vesture, with a falcon on her hand, without any armorial figure, and the legend *S. Christine de Valoins, D—e de Pannore*. They left two sons, Sir William and Sir Thomas de Maule, Governor of the Castle of Brechin, which Matthew Westminster says, 'He long and gallantly defended against King Edward I. of England, till he was slain in anno 1303.' *Sir William de Maule, Dominus de Pannore*, is one of the barons of Scotland who swore fealty to King Edward I. in the year 1291. (Rymer's *Fœdera*, Tom. II. page 570.) In anno 1293 he grants a charter of his lands of Benvie and Ballrutherie to Rodolph de Dundee; which the Scrimgeours, Constables of Dundee, held long of the family of Pannure. He married Etham, daughter to John de Vaus Lord Dirleton, and Sheriff of Edinburgh, by whom he had Sir Henry de Maule, who sided with King Robert Bruce, by whom he was knighted, and is designed *Henricus de Maule, miles, filius Willielmi de Maule, militis, Domini de Pannore*, in a charter of that King's, dated at Dundee the 24th year of King Robert I. his reign. He gives his lands of Carmylie, lying in the barony of Pannure, to Alexander de Strachan, by a charter *sine data, testibus Joanne Episcopo Brechin, Willielmo de Montealto, &c.*; to which his seal of arms is appended, being of the same size with those of the barons, affixed to the letter to the Pope, anno 1320; and thereupon a shield *couché*, the field *parti*, and a bordure of eight escalops, without any exterior ornament or legend. His son Walter de Maule, next Baron of Pannure, gave a charter of his lands of Carnegie, lying in the barony of Pannure, to John de Banhaird, to be held of him and his heirs, confirmed by King David II. (Haddington's Coll. p. 574.) He grants also his lands of Moncur to Henry Strachan de Carmylie, by a charter, anno 1346, to which his seal is appended, being much larger than his father's, and thereon a shield *couché* charged with the same bearing, viz. a *parti*, and a border of eight escalops, and honourably trimmed with helmet, mantle, and wreath; upon which is a dragon's head spouting out fire, and the wings erected, and the legend round the seal, *S. Gault. de Maull*. The seal with which this was impressed, though much

worn, is yet extant, being of silver, and cut in the Plate of Achievements, and is the most ancient seal that I have seen. He died in the year 1348. (Chartulary of Brechin.) William, Baron of Panmure, his son, married Marion Fleming, daughter to Sir David Fleming, predecessor to the Earl of Wigton, by his first wife Jean, daughter to the Lord Brechin, and was father to Sir Thomas Maule, who was killed, with all his name, at the bloody battle of Harlaw *anno* 1411; by which this family would have been extinguished, if his lady, a daughter of the Lord Gray's, had not been with child, who, after her husband's death, bore a son, Sir Thomas Maule, designed Lord of Panmure in a deed betwixt him and John Lyon Lord of Glamis. It was this Sir Thomas, as heir to his grandmother, who laid claim, at the Earl of Athol's death, to the Lordship of Brechin; which being included in Athol's forfeiture, Sir Thomas recovered only the lands of Hedderwick, Jackstoun, and Staddockmoor, with Leuchland's part of the lordship of Brechin; but afterwards the family of Panmure came to enjoy the whole lordship, with the title of Lord Brechin, and carried the Lord Brechin's arms with those of Maule and Valoins; as marshalled in the First Part of this Work. His son Sir Thomas, third of that name, was very eminent in the reign of King James III. being stiled in many writs, *Nobilis et potens Dominus Thomas Maule, Dominus de Panmure*, and married Elizabeth Lindsay, daughter to Alexander Earl of Crawford; whose mother was the Lady Margaret, lawful daughter to King Robert II. His eldest son, Alexander, married Elizabeth, daughter to Sir David Guthrie of that Ilk, Lord High-Treasurer of Scotland, and was designed of Camestoun and Hedderwick, in several charters, (which I have seen) before the year 1491, to which his seal is appended, and on the shield a *parti*, with a bordure of eight escalops, and a label of three points in chief, as a difference; for he died before his father, who was succeeded by his grandson Sir Thomas Maule, fourth of the name, killed with King James IV. at the fatal battle of Flodden, *anno* 1513, whose son was Robert next Baron of Panmure, active in the wars during the minority of Queen Mary, being of the French faction, and against the union with England.

His great-grandson was Patrick Maule Earl of Panmure, Gentleman of the Bed-Chamber to King James VI. and King Charles I. Keeper of his Majesty's House and Park of Eltham in England, and Sheriff-Principal of Angus. He married three wives, first Frances Stanhope, daughter to Sir Edward Stanhope, Lord President of the North. Secondly, Mary Waldrum, Maid of Honour to King Charles I. his queen, and a near cousin of the great Duke of Buckingham: And, lastly, Lady Mary Erskine, daughter to John Earl of Marr, Lord High Treasurer of Scotland. His daughters were married to the Earls of Kinghorn, Linlithgow, and Northesk. His eldest son, George, second Earl of Panmure, served the king in the civil war as colonel of a regiment of horse, and married Lady Jean Campbell, eldest daughter to John Earl of Loudon, Chancellor of Scotland, by whom he had George Lord Maule, James Maule of Balumbie, afterwards Earl of Panmure, Mr Hary Maule of Kelly, and Lady Mary, married to Charles Earl of Marr. George, third Earl of Panmure, was one of the Lords of the Privy-Council to King Charles II. and King James VII. and married Lady Jean Fleming, only daughter to John Earl of Wigton; but, dying without surviving issue, was succeeded by his brother James, fourth Earl of Panmure, who was of the Privy-Council of King James VII. and married Lady Margaret Hamilton, daughter to William Duke of Hamilton. I have already given the full achievement of the Earls of Panmure in the First Volume of this Work, page 360, which I here repeat again, *viz.* quarterly, first parted per pale, *argent* and *gules*, a bordure charged with eight escalops, all counter-changed of the same, for Maule; second *argent*, three pallets waved *gules*, for the Valoins; third quarter, quarterly, first and fourth *azure*, a chevron betwixt three crosses patee, *argent*; second and third *or*, three piles issuing from the chief, conjoined by the points in base *gules*, for Barclay Lord Brechin; and the fourth grand quarter as the first: Which arms are adorned with crown, helmet, and volets, befitting their quality; and, on a wreath of their tinctures, a dragon *vert*, spouting out fire before and behind, proper, for crest; with the motto, on an escrol, *Clementia et animis*; and supported by two greyhounds, proper, collared *gules*, charged with escalops *argent*.

The branches of this noble family that I have found are these following, according to the time of their descent from the principal stem, though many of them have neglected to register their arms with proper differences.

The first is MAULE of Boath, descended of William Maule, second son to Sir Thomas Maule of Panmure, killed at Flodden: This William married Janet Carnegie, daughter to John Carnegie of Kinnaird, predecessor to the Earls of Southesk, by whom he had Thomas, killed at the battle of Pinky, and David Maule of Boath, who, by Katharine his wife, daughter to David Balfour of Tarry, had David Maule, also of Boath, whose wife was daughter of Lindsay of Kinnettles: His son, Hary Maule of Boath, married Grissel Seaton, daughter of Seaton of Touch. The lineal succession continued till the reign of King Charles I. There are severals descended of this family, as the MAULES in Sweden, of whom James Maule was President of the Police, and Intendant-General of the Mines of that kingdom; and another, a Major-General in the King of Denmark's service. Captain JOHN MAULE, whose father was a younger son of Boath, carried parted per pale, *nebulé, argent and gules*, a bordure of eight escalops, all counter-changed; crest, a sheaf of corn, proper: motto, *Industria ditat*. N. R.

MAULE of Melgum, parted per pale, *argent and gules*, on a bordure wavy eight escalops, all counter-changed. The first of this family was Hary Maule of Innerpeffer, eldest son of Robert, Baron of Panmure, by his second wife Isabel Arbuthnot, daughter of Sir Robert Arbuthnot of that ilk. He had Henry Maule of Melgum: His son, James Maule of Melgum, married Marion Ogilvie, daughter to Ogilvie of Innerquharthy.

THOMAS MAULE, who was a second son of Melgum, gave the partition line wavy; thus, parted per pale wavy, *argent and gules*, on a bordure eight escalops, all counter-changed.

MAULE of Guildie. The first of this family was Andrew Maule, one of the Gentlemen Pensioners to King James VI. and second son of the second marriage to Robert Maule Baron of Panmure.

MAULE of Pitlivie and Ardouny, descended of Thomas Maule, fifth son to Thomas, fifth of that name, Baron of Panmure. Of this branch there have been several honourable persons, as Robert Maule, Esq. Page of Honour to King James VI. and Gentleman of the Privy-Chamber to King Charles I.; and Thomas Maule, Esq. Gentleman of the Bed-Chamber to Prince George of Denmark; and a flourishing family of the Maules in Ireland, whose arms are not registrate in our books.

MAULE of Balmakelly, second son to Patrick Earl of Panmure, and Frances Stanhope his wife, was colonel of a regiment of foot in the service of King Charles II. He married a daughter of the Earl of Wemyss.

JAMES MAULE of Balumbie, second son to George Earl of Panmure, before he was Earl, carried the simple arms of Maule, with a crescent for difference.

And Mr HARY MAULE of Kelly, the third son, carried first the paternal arms of Maule, with a mullet, and afterwards the quartered coat of Panmure, with a crescent for difference, with crest and supporters; the same with his brother the Earl of Panmure, being now the only representative of this noble family: motto, *Glementia et animis*.

The second way of marshalling arms in one shield, called by Sir John Ferne *a quartered coat*, is when there are more than two coats quartered together; then the fourth quarter is not always the same with the first, nor the third quarter the same with the second, but different arms; which shows the bearer's alliance to several families.

The STEWARTS Earls of TRAQUAIR carry four coats, quarterly, first Stewart, second Buchan, as descended of a younger son of Stewart of Buchan, a branch of the Stewarts Earls of Athol; third *sable*, a mullet *argent*; and fourth *argent*, an orle *gules*, and in chief three martlets *sable*, for marrying one of the heiresses of Rutherford of that ilk, in the reign of King James IV.

CAMPBELL Earl of BREADALBANE carries three coats quarterly; first *gironné* of eight pieces, *or* and *sable*, his paternal coat; second *argent*, a galley *sable*, her sails trussed up, and oars in action, for Lorn; third *or*, a fesse *chequé, azure and argent*,

as descended of one of the heiresses of Stewart of Lorn; the fourth quarter as the first.

*Quartered Arms* have sometimes an inescutcheon surmounting them in the centre, which contain *arms of alliance, paternal or feudal ones*. Which little shield or inescutcheon was called, of old, by our heralds, a *moyen in fesse*; by the English, an *escutcheon of pretence*; and by the French, a *surtout*; because it covers some part of all the four quarters; and the Latins say, *mediæ regioni incumbit p̄mula*.

As for the antiquity of bearing an inescutcheon over arms, we find it anciently used by the Emperors of Germany; for they always placed an inescutcheon of their paternal coat on the breast of the imperial eagle, to show that they were elective, and out of what family.

Guillim observes, that in the reign of Richard II. of England, SIMON BURLY bare over his own arms an inescutcheon of the arms of HUSSAY. The first bearing of an inescutcheon over arms that Sandford gives us, is that of RICHARD Duke of YORK, who, in the year 1442, carried, quarterly, quartered, first France and England quarterly, with a label of three points *argent*, charged with nine torteauxes; second Castile and Leon quarterly; third Mortimer and Burgh, quarterly; and fourth as the first. Which first quarter were his paternal arms, as descended of King Edward III. and the third quarter was his maternal: And over all an inescutcheon *gules*, charged with three lions *passant gardant or*, within a bordure *argent*, for Holland, being these of his grandmother Eleanor Countess of March.

The ancientest bearing of an inescutcheon or surtout that I have met with, was on the seal of arms of JOHN Earl of FLANDERS, son and heir of Philip the Bold Duke of Burgundy, and his wife Margaret, Countess and heiress of Flanders. This Earl John carried the arms of his father, Burgundy modern and ancient, quarterly; and the arms of his mother, being those of Flanders, on an inescutcheon over all, *anno 1404*, which were continued so marshalled by his son and successor till the good Duke of Burgundy added more quarters.

The ancient and honourable family of the HAYS of Yester, now Marquis of TWEEDDALE, have carried anciently quartered arms; for, in the year 1420; Sir William Hay, Knight, Sheriff of Peebles and Lord Yester, carried then quarterly the coats of FRASER of Olivercastle, and GIFFORD of Yester, upon the account of marriages with the heiresses of these families, and placed his own paternal arms in an inescutcheon over all; as appears by his seal of arms appended to the charter of foundation of the Collegiate Church of St Bathans, *anno 1421*.

LIVINGSTON Earl of LINLITHGOW has his paternal arms quartered with those of CALLENDER of that ilk, as a coat of alliance; and that anciently, upon the account of marrying the heiress of Callender of Callender, viz. quarterly, first and fourth *argent*, three cinquefoils *gules*, within a double tressure counter-flowered *vert*, for Livingston; second and third *sable*, a bend betwixt six billets *or*, for Callendar; over all, on an inescutcheon *azure*, an oak tree *or*, within a bordure *argent*, charged with eight cinquefoils *gules*, as a coat of augmentation for the title of Linlithgow. This noble family had for some time of late gilliflowers, in place of cinquefoils; as in Sir George Mackenzie's Science of Heraldry.

Sir Thomas Home of that ilk, in the reign of King Robert III. married Nicola Pepdie, heiress of Dunglass, with whom he got that barony, and impaled her arms with his own, which I have seen cut upon stone in the chapel of Dunglass. Their son and heir Sir Alexander Home quartered Home and Pepdie; as appears by his seal appended to writs, *anno 1445*, which I have seen. His son and heir again married Margaret Landels, heir of the Lord Landels; and his son ALEXANDER first Lord HOME, placed by way of surtout over his quartered arms, an inescutcheon of the arms of Landel, being *or*, an orle *azure*.

As for the marshalled arms of the families of the Earl of Marchmont, Home of Wedderburn, and others of the name, I have given an account of them in the First Part of this System.

It is to be observed, that in all arms quartered with coats of alliance, the paternal coat is either placed in the first quarter, or in surtout, as in the above examples of Hay of Tweeddale, Home, &c.

The third way of marshalling many coats of arms in one shield, by the above-named author, is called *arms quarterly quartered*; that is, when some or all the four areas of the shield, commonly called *the grand quarters*, are again quartered: an instance of such counter-quartered arms I have given a little before, being those of Richard Duke of York; and I shall add, for another, the arms of WILLIAM Earl of SELKIRK, eldest son of William Marquis of Douglas, by his second lady, Mary Gordon, daughter to the Marquis of Huntly, who married Anne, eldest daughter and heiress of James Duke of Hamilton; upon which he was created Duke of HAMILTON for life in the year 1661, and carried, quarterly, first grand quarter quartered, first and fourth *gules*, three cinquefoils *ermine*, for Hamilton; second and third *argent*, a ship with her sails trussed up *sable*, for the title of Arran, as carried by the family of Hamilton. Second grand quarter, the arms of Douglas, *argent*, a man's heart *gules*, ensigned with an imperial crown *or*, and, on a chief *azure*, three stars of the first. Third grand quarter as the second, and the fourth as the first. Here the arms of Hamilton are preferred to those of his own, being marshalled in the first quarter, upon the account, as I think, of the feudal dignity being invested in that dukedom only for life, and obliged to take upon him the name of the family; upon which account the wife's or mother's coat is sometimes placed in the first and fourth quarters, when the husband or heir derive not only their heritage, but their title and dignity from the wife or mother; as Sir George Mackenzie observes, who gives for instance the bearing of ERSKINE Earl of MARR, as descended from the old Earls of Marr, who place the arms of Marr before those of Erskine; as did also Lyle Lord Lyle, upon pretension to the Earldom of Marr, quarter the arms of Marr in the first place before his own: And Mr JAMES MONTGOMERY of Lainshaw, as representative of the family of Lainshaw, and Lord Lyle, takes upon him the title of Lord LYLE, whose descent see in the First Part of this System, page 216, and page 377, where he carries, quarterly, first grand quarter quartered; first and fourth *azure*, a bend betwixt six cross crosetts *fitché or*, for Marr Earl of Marr; second and third *gules*, a fret *or*, for Lyle Lord Lyle: second grand quarter, *argent*, on a fesse *azure* three stars of the first, for Muir of Skeldon: third grand quarter as the second, and fourth as the first; and over all, by way of surtout, the quartered coat of Montgomery Earl of Eglinton; crest, a cock rising; supporters, two leopards, proper: motto, *An I may*.

This practice of placing the wife's or mother's arms before paternal ones, is upon account the wife or mother are of more eminent nobility than the husband or father. I shall add some instances here of this practice in England, in marshalling the arms of their wives and mothers as heiresses, on account of their eminency and dignity, before those of the father or son, which has been done by Knights Companions of the Most Noble Order of the Garter, as appears by their plates of arms on their stall in Windsor-Hall, so marshalled by the care of the Garter, principal King of Arms in England; as Ashmole gives them in his Institution of that Order, chap. 26. sect. 4. p. 718.

RICHARD NEVIL, who married Eleanor, daughter and heir of Thomas Montacute Earl of Salisbury, being created Earl of Salisbury, after his father-in-law's decease, bore for arms, as on the back of his stall in Windsor, as a Knight of the Garter, first and fourth quarter counter-quartered, viz. first *argent*, three fusils in fesse *gules*, for Montacute; second *or*, an eagle displayed *sable*, for Monthermer; third as second, the fourth as first, being the quartered arms of his father-in-law, with his paternal ones in the second and third quarters, viz. *gules*, a saltier *argent*, and in chief a lambel of three points *componé* of the last, and *azure*. This Earl's eldest son, with his wife Eleanor, having married Anne, sister and sole heir of Henry Duke of Warwick, marshalled her arms first, and next his mother's; and both before his own. After the same manner, William Nevil, who married Jean, daughter and heiress of Thomas Lord Falconbridge, placed her arms in the first quarter, *or*, a lion rampant *azure*; and his own in the second quarter, *gules*, a saltier *argent*, charged in the centre with a mullet *sable*, for his difference. He was also a Knight of the Garter.

The first quartered arms that I meet with, as I observed before, were no sooner than in the reign of King Robert II.; for, before that time, there were only single coats to be seen; but after the custom of marshalling once began, those who mar-

ried heiresses, and got honourable possessions by them, were fond enough to show their alliances, titles and dignities, and pretensions to the same.

The ancient family of OGILVIE of that Ilk carried only, of old, *or*, a lion *passant gardant gules*, collared and crowned with an open crown, and not with an arched one, as now represented; for there were none of that form either in Scotland or England; when this family matched with the daughter and heiress of Ramsay of Auchterhouse, about the reign of King Robert II. and with her got the lands and designation of Lord OGILVIE of Auchterhouse soon after, as appears by their seals appended to evidents, on which they quartered the arms of Ramsay, *viz. argent*, an eagle displayed *sable*, beaked and membred *gules*, in the second and third quarters, with those of Ogilvie in the first and fourth: And many of the branches of this family carried the same, as Ogilvie of Innerquharity; of whom before. OGILVIE of Inchmartin, by marrying Christian Glen, one of the daughters and co-heiresses of Sir John Glen of Inchmartin, in the reign of King Robert III. quartered the arms of Glen, *viz. argent*, a lion rampant *sable*, armed and langued *gules*, in the second and third quarters with those of Ogilvie. OGILVIE of Findlater, married the heiress of Sinclair of Deskford, in the reign of King James II. carries now quarterly, first and fourth Ogilvie; second and third *argent*, a cross ingrailed *sable*, for Sinclair. These arms are illuminated, with many other barons' arms in the House of Falahall, 1604, with this variation, that the lion in the first and fourth quarters is not crowned, and below the lion, in these two quarters, is placed a crescent *gules*. The first of this family is said to be a third son of Sir Walter Ogilvie of Lintrathan, predecessor to the Earl of Airly, now chief of that name, who carries only the plain coat of Ogilvie.

WALTER OGILVIE of Banff gets a charter from George Earl of Huntly, (and is therein designed *Armiger noster*) of the lands of Auchannachy, in the forestry of Boyne, *anno* 1491, and confirmed by King James IV., having married one of the co-heiresses of Home of Ayton, carries, quarterly, first and fourth Ogilvie; second and third *argent*, three papingoes *vert*.

Sir WILLIAM FORBES of Pitsligo, son to Sir John Forbes Lord Forbes, in the reign of King Robert III. married Margaret Fraser, only daughter of Sir William Fraser of Philorth, and his wife Agnes Douglas, a lady of the family of the Douglasses; by her he got the barony of Pitsligo, whereupon that family have been in use to quarter the coat of Fraser with their own. This family was dignified with the title of Lord by King Charles I. *anno* 1633.

FORBES of Tolquhon, in Buchan, a younger son of Forbes Lord Forbes, for marrying the daughter and heir of Sir Henry Preston of Formartin, quarters the arms of Preston, *argent*, three unicorns' heads erased *sable*, with their own: And, upon the same account, FORBES of Riras, for marrying one of the daughters and co-heiresses of Wemyss of Rires, quartered the arms of Rires with the arms of Forbes.

I think I have given a sufficient number of examples of arms of alliances. All the quartered arms that I have met with belonging to Scots families, do not exceed six different coats of arms, which are marshalled after these three ways, *plain quartering*, *quartering*, *counter-quartering*, of which I have given examples with their surtouts, or inescutcheons. With other nations, especially the Germans, we will find thirty or forty different coats of arms marshalled altogether in one shield; of whose various dispositions and methods of marshalling I have treated elsewhere, and shall speak of them afterwards: But, first, I go on with the other causes of marshalling many coats of arms in one shield.

#### OF ADOPTION AND SUBSTITUTION

AS THERE are many causes and occasions of obtaining at first a coat of arms, so are there several causes and ways of augmenting them, by marshalling others with them in one shield, as *offices* and *alliances*, of which before; and I proceed to others; and, first, of *adoption*.

Anciently with many nations there was a custom, when the last person of a noble house died without issue or successors, and the family came to be extinct.

the arms thereof were buried with him in the grave, as John Baptista Christyn, in his *Jurisprudentia Heroica*, Art. 2. "Hinc recte institutum est, ut ultimo ejusdem "familie extinctæ, ipsa insignia cum ipso cadavere inhumarentur;" of the practices of which formality he gives several instances of old, and of late in Swedland; and the reason he gives, "Ne ignobiles nobilium deferant arma, familiasque conturbent," *i. e.* that the ignoble should not assume the arms of an extinct family, lest they disturb and confuse others with a pretended nobility.

A stranger, or ignoble person, according to our author, cannot assume the arms of an extinct family without the consent of the sovereign, or of being permitted to carry them by adoption, contract of marriage, testament, or other valid disposition from those of the said extinct families, having had power to make such concessions. I shall here add the second article about the same, from the edict of Albert, and Isabel Infanta of Spain, Archdukes of Austria, and Dukes of Burgundy, published the 14th December 1616, from the French copy. "We discharge all our subjects, "and the inhabitants of the countries under our obedience, of what quality or "condition soever they be, to carry or engrave the name or arms of other noble "houses or families, albeit the line masculine of the same be extinct, saving and "excepting the gentlemen to whom the same have been permitted by adoption, "contract of marriage, testament, or other valid disposition from those of the said "family, having power to make such concessions: Or those who carry the name "and arms of such extinct families, have from us obtained express consent, and "letters patent in due form, and caused registrate the same in the registers of our "officers of arms, as shall be after declared, under the pain, that who shall do "otherwise shall pay the fine of a 100 florins, over and above the reparation of "what shall be done in the contrary."

Amongst the many ways of obtaining arms, of augmenting, multiplying and changing them, is *adoption*.

*Adoption*, then, is a legal act, whereby one or many are brought into a family, as lawyers say, "Actus legitimus per quem quis in alienam recipitur familiam," invented for the comfort of those who have no issue; and in case of failing of one, others are substitute to succeed, according to the destination of the adopter. *Adoption* is commonly called by the French, *adfiliation*, *sic adoptivi vocantur adfilii*.

It is a great comfort and solace for one dying without issue, to have the benefit of a law or custom, to adopt other of his own kindred, or out of it, to perpetuate the grandeur of his family in his name and arms, lest they go to oblivion in the grave with himself. And, as the custom is agreeable to nature, so is it of a very long standing: For Josephus, in his History of the Jews, tells, that Abraham adopted the son of Aram, his wife's full brother, before she had a son: And the Scripture tells us, that the daughter of Pharaoh adopted Moses, and Mordecai adopted Esther, the daughter of his uncle, Esth. chap. ii. ver. 7. It was the custom also of other nations, especially with the Romans, to adopt, and that those whom they adopted went often under the name of the adopter. Octavius was called Cæsar, from Julius Cæsar who adopted him. Pomponius Atticus was surnamed Cecilius, from Q. Cecilius his adoptive father, and the two sons of Paulus Æmilius adopted by Fabius Maximus and Scipio Africanus, the one was named Fabius and the other Scipio; and the ensigns of the adopters, as well as names, passed from the adopters to those they adopted, by the custom of the Romans, as that golden chain or collar used by the family of Torquati, from which they had the name: which name and ensign descended to their posterity, as is to be seen on the Roman coins; and that when one of another tribe was adopted into this family, he also did assume that badge or ensign of honour, as may be seen in another medal relating to D. Junius Silanus, sometime Prætor of Macedonia, who was adopted into the Manlian family of the Torquati; as in Ashmole's Institution, chap. 7. sect. 6. page 219. And these adoptions were made by public authority, and many ceremonies, which were used in several countries according to their different customs, where many illustrious persons used this way of instituting and naming their heirs to their estates, upon condition they take upon them the name and arms of their families, and to use them on all occasions as they had been their lawful begotten children, by a fiction of law. As Hoppingius *de Jure*

*Insignium*, par. 5. speaking of adoption, "Quamvis fictionem inducat, tamen quia fictio hæc legis est, & quidem accommodata ad actum favorabilem, de quo ipsa lex disponere posset, dicendum videtur, hoc perinde haberi, ac si vere & per naturam, nomen et insignia ista adoptatus ferret." So the adopted may carry the name and arms, as if they were their own, and as sons by nature. *Cassan. Cat. Glor. Mund.* part 1st. says, "Such assumption of name and arms may be regularly made to the adopted, when there is no heir in the family, nor any other that can pretend right to the name and arms; but if otherwise, the adopted cannot use them without the consent of all those in the family who have right to them." Other lawyers are of the first opinion; and some say, that name and arms alone cannot be alienated, except the adopter and disputer give with them his estate: And they say, "Quod multa cum universitate transeunt, quæ singulariter per se prohibentur."

By the general custom of Europe, he who has no children may give away his estate to a stranger, upon condition that he carry the name and arms of the grantor; as *Jurisprudentia Heroica*, "Usu tamen obtinuit, ut qui liberos non habet, possit in aliam transferre feuda sua & hereditatem, ea conditione, ut hæres ille, seu totaliter adoptatus, nomen & arma ferat adoptantis:" For which he gives us two eminent instances; one of them I shall here add, that is of the Principality of Orange, in so far, that he that is prince is obliged to carry the arms of Chalons, or lose the principality; as appears by the testament of JOHN DE CHALON, first Prince of ORANGE of that family, of the date the 21st of October 1417; as also by testament of William Prince of Orange, the son of Lewis, the son of the foresaid John, 1459; also by the testament of John the son of William, dated the 6th of April 1502; also by a testament of Philibert, the son of John, in the year 1520. Which ordinance was put in execution by Rene, the son of Henry Count de Nassau, and of Dame Claua de Chalons, who leaving the name and arms of Nassau, retained the name and arms of Chalons; and, dying without issue 1544, with permission of the Emperor Charles V. instituted WILLIAM Count of NASSAU, his cousin-german, Prince of Orange, who carried his arms as his successors have done, quarterly, first *azure*, *semé* of billets, a lion rampant *or*, armed and langued *gules*, for Nassau; second *or*, a lion rampant *gardant gules*, (the French say for a lion in this posture, *leopard lionné*) crowned, armed, and langued *azure*, for Catzellenbogen; third *gules*, a fesse *argent*, for Vianden; fourth *gules*, two lions passant *gardant*, *or*, (the French call them leopards) langued and armed *azure*, for Brunswick, some say for Dietz; over all, by way of an escutcheon, *gules*, a bend *or*, for Chalons, quartered with *or*, a hunting-horn *azure*, mouthed, ringed and stringed *gules*, for Orange: which arms are surcharged with *chequé* of nine points, *or* and *azure*; the French say *Sur le tout du tout, cinque points d'or, equivoques, a quere d'azure*, for Geneva.

The other instance our author gives is from England, of the family of the name of PERCY, whose arms were *sable*, a chief indented *or*: William Lord Percy having only a daughter, Agnes, who was married to JOCELINE DE LOVAINE, a younger son of Godfred Duke of Brabant, who carried *sable*, a lion rampant *or*: Lord William Percy adopted his son-in-law, who was obliged to disuse his own name and arms, and carry only the name and arms of Percy, which he and his issue performed, till the practice of marshalling many arms in one shield; Then the family quartered the arms of Joceline de Lovaine with those of the name of Percy: And again, Henry Percy Earl of Northumberland married the sister and heires of Anthony Lord Lucy, for his second wife, and got with her a great estate, but she had no issue to him; he, with his lady's consent, gave that fortune to Henry Percy surnamed *Hotspur*, a son of a former marriage, upon condition that he marshalled the arms of Lucy, being *gules*, three lucy fishes, (*i. e.* pikes) haurient *argent*, with his own; so that the Earls of Northumberland of the name of Percy carried after that, quarterly, first and fourth Joceline de Lovaine; second and third Lucy; and in an inescutcheon, by way of surtout, the arms of Percy.

Lawyers tell us likewise, That when the adopter and the person adopted are both noble, the last loses nothing of his native nobility, *Dignitas per adoptionem acquiritur vel augetur, non minuitur.*

If the adopter be ignoble and the person adopted noble, there is no detriment to the last, who still keeps the nobility of his blood, *Adoptio mutat gentem, non genus*; and here there is no question about arms. But,

When a noble person adopts an ignoble one, the question is, Whether the ignoble becomes noble by adoption? Hoppingius *de Jure Insignium*, cap. 7. is for the affirmative; but generally all lawyers are for the negative, and tell us, *Nobilem ex ignobili adoptio non facit*; and that the ignoble adopted has no right to use the armorial ensigns of the noble adopter. Sir John Ferne, in his *Glory of Generosity*, page 67. says, "That the ignoble cannot succeed more to the honours of their adoptive fathers, than bastards to their fathers;" and regrets such a succession in England, where many of a base and ungentle state, as adopted sons, do inherit the names, possessions, and arms of their adoptive fathers, whereof some are in the counties of Hampton, Huntingdon, and Worcester.

Adoption, says our last named author, is an alienation, and any man may give away his estate to a stranger; but his arms, the ensigns of his nobility, he cannot, so long as any of his kindred are alive, yea, if there be but a bastard remaining capable of the King's legitimation; as in his forenamed book, page 299.

This author adds three observations, when a person leaves his estate to another, upon condition to use his name and arms. "First, That he who is so benefited and enjoined must carry both name and arms, and so fulfil the testament. Secondly, If the heir, a stranger, be of more noble blood and family than the adopter, he is then not obliged by the testament to disuse his own name and arms, but may quarter the arms of the disponent, if he pleases, after his own. And thirdly, If the heir be of inferior blood and dignity, he is obliged to leave his own name altogether, as also his proper arms, except he marshal them after the adopter or disponent's arms."

By our law we have no formal adoption, to speak properly, but materially, the same way of conveying of estates and possessions to strangers and others, who could not have otherwise succeeded but by alienation and disposition, with consent of authority, especially as to conveying of honours: which way I take for a kind of adoption, and call the arms of such persons who enjoy the estate, name, and arms of others so disposed to them, *Arms of Adoption*, to distinguish them from *Arms of Alliances*, treated of in the former title, which the bearers, as general heirs to them, may carry or not carry as they please: but here those who obtain estates by this way of adoption, are obliged, by the destination of the disponent, to carry his name and arms, or to marshal them with his own. What the learned Sir George Mackenzie says, as to this point, in his *Science of Heraldry*, page 80, I shall here add: "That the learnedest antiquaries and lawyers conclude, that when a person leaves his estate to another, upon condition that he shall bear the disponent's name and arms, he who is to succeed is not by condition obliged to lay aside his own name and arms, but may quarter his own arms with those of the disponent, except the disponent do, in the institution, prohibit the bearing of any arms besides his own, and the heir, in marshalling his own and the disponent's arms, may use what order he pleases, by giving the first quarter either to his own or to the disponent's, except the contrary be expressed in the institution."

It is evident then, that adoption, and such way of leaving estates behind them, may be said to have been the cause not only of disusing arms, by carrying those only of the adopter or disponent, but also of marshalling or quartering the heirs' arms with those of the adopter's or disponent's, whether of kindred or strangers.

Some have relinquished both their name and arms, and only used those of the adopter's or disponent's, altogether strangers to one another; as of late with us JOHN BIGGAR of Woolmet, nominate as his heir, WALLACE, a nephew of Sir Thomas Wallace of Craigie, sometime one of the Senators of the College of Justice, to succeed him in his estate of Wolmet, upon condition that he use only the name and arms of Biggar of Woolmet, which he and his successors continue to do; the arms being *argent*, a bend *azure*, betwixt two mullets *gules*.

The same way RANKEN of Orchard-head, who carried *gules*, three boars' heads erased *argent*, betwixt a lance issuing out of the dexter base, and a lochaber-axe issuing out of the sinister, both erected in pale of the last, was obliged to leave his

name and arms, and use only, as heir adoptive of LITTLE of Over-Libberton, his name and arms, being *sable*, a saltier ingrailed *argent*, though he was near of kin to Little of Libberton.

SIR WILLIAM BALLENDEN of Broughton, Treasurer-depute in the reign of King Charles II. and thereafter Lord BALLENDEN, having been unmarried, passed by his sister's son David Lord Cardross, and adopted JOHN KER, younger son of William Earl of Roxburgh, and settled his estate upon him, and got the title of honour conveyed to him; and accordingly, upon the Lord Ballenden's death *anno* 1670, Mr Ker, as his adopted heir, did succeed him, and wore his coat of arms, without any mixture or addition of his own paternal bearing, according to the destination, being *gules*, a hart's head couped, between three cross crozlets, all within a double tressure, counter-flowered with flower-de-luces *or*; and got likewise his heritable office of Usher to the Exchequer, which he officiate by a depute.

SIR JOHN MAXWELL of Pollock, having no issue of his body, passed by his sister the Lady Kelburn, in the succession of his estate, and adopted Mr GEORGE MAXWELL, younger of Auldhouse, and accordingly put him in the fee of his estate in his own lifetime, whose son is the present Sir John Maxwell of Pollock, one of the Senators of the College of Justice, (and sometime Lord Justice-Clerk), carries *argent*, on a saltier *sable*, an annulet *or*, stoned *azure*; of whom before in the First Part of this System.

WILLIAM COCHRAN of that Ilk, having but one daughter, he married her to ALEXANDER BLAIR, son of John Blair of that Ilk, and in so much adopted him, that he was designed Cochran in the lifetime of his father-in-law, and carried the arms of Cochran, and not those of Blair; as did his issue the Earls of Dundonald; of which in the First Part of this System.

HUGH MONTGOMERY Earl of EGLINTON, who died without any issue *anno* 1612, had passed by his own nearest heir-male of the House of Montgomery, and settled his estate upon his cousin-german, ALEXANDER SEATON, son of Robert first Earl of Winton, and his Lady Margaret Montgomery, daughter of Hugh Earl of Eglinton, aunt of the last Earl, who accordingly succeeded; and, as he was obliged by the Earl of Eglinton's destination, assumed the name and arms of Montgomery, which were then, quarterly, first and fourth *azure*, three flower-de-luces *or*, for Montgomery; second and third *gules*, three annulets *or*, stoned *azure*, for Eglinton. Mr Alexander Seaton, who was adopted into the family, left his own name for that of Montgomery, and carried the above arms, and placed over them an inescutcheon of the arms of his father, viz. *or*, three crescents within a double tressure, counter-flowered *gules*, which are painted in a room in the house of Seaton: But though Montgomery Earl of Eglinton could dispose of his estate as he had a mind, yet he could not make over his honours to Mr Alexander Seaton; and therefore it was sometime before King James VI. was prevailed on to confirm to him the titles of Earl of Eglinton and Lord Montgomery, which was at last done by the intercession of the Queen, upon Mr Alexander Seaton's marrying Lady Anne Livingston, daughter to Alexander Earl of Linlithgow, who was one of the Queen's Maids of Honour, and the titles of honour and precedency of the Earls of Eglinton were confirmed to him, of whom is lineally descended the present Earl of Eglinton: The inescutcheon with the arms of Seaton above mentioned, was disused, and the arms of the family were then marshalled as now, carried thus; quarterly, first and fourth Montgomery; second and third Eglinton; all within a bordure *or*, charged with a double tressure counter-flowered *gules*. See more of this in the first volume of this Treatise of Heraldry, page 375.

Since I am speaking here of several ways and means of acquiring arms, and augmenting them, and since they are acquired by privileges, contracts, and dispositions, I shall not altogether omit, but briefly speak of, these two ways following, viz. *Prescription*, &c.

#### PRESCRIPTION, CUSTOM, AND STATUTE, OF CERTAIN PLACES.

THESE have not only given new arms at first, but have been means of augmenting and marshalling them with others; for these things which are acquired by

concessions, privileges, and contracts, can be acquired by *Prescription*; as Hop-pingius, paragraph 2. " *Quæ enim privilegio sive pacto acquiri possunt, ea etiam præscriptione acquiruntur;*" and again, N. 223. " *Concessibile quod est per principem, etiam præscriptibile est.*"

The time allowed by our author to complete *Prescription of arms*, is to be distinguished; if the arms be used without the knowledge of authority, then time immemorial is required; but if exposed to public view, and known to authority, not interrupting them, then forty years time gives a right to them.

Nobility itself is acquired by immemorable prescription, much more the right of using arms in such a long time, " *Cujus contrarii non extat memoria, acquiri et præscribi posse sine titulo;*" as also the regalia, parts of the sovereign authority, in such a time are prescribable, as our author, " *Regalia majora, æque ac minora, indistincte immemorabili præscriptione acquiruntur;*" *Ibid.* N. 222. where he tells, That a bastard has no right to disuse his mark of illegitimation under the prescription of forty years.

Sir George Mackenzie, in his *Science of Heraldry*, page 12. says, " By our law, where prescription is not allowed, except in the cases wherein it is introduced by a special and express statute, it is probable that prescription might well have defended the using of arms before the 125th act, Parl. 12. James VI. But since that time it should not, seeing the act ordains all arms to be matriculate in the Lyon's books and registers."

I think it very hard that a person cannot by right, *jure antecessorio*, carry the arms which his progenitors used, legally perhaps, the authority and warrant being lost through time; more especially when accounts of them were so indifferently taken and kept by our provincial heralds, and in latter times as indifferently preserved.

By the customs and statutes of certain countries or cities, arms are acquired; because a certain nobility is acquired by the same there, and arms necessarily follow: as our author, " *Consuetudines & statuta insignia tribuere; ratio, nobilitas enim, pro cujusque loci consuetudine, et statuta inducitur et æstimatur;*" But this is only a nobility at home, according to the customs and statutes of the place, called *Nobilitas secundum quid*, and not a general and true nobility in all places; because it is not according to the laws and customs of nations, and their arms cannot be received without the consent and approbation of the sovereign, whose subjects they are: But more of this in another place.

#### OF PATRONAGE.

ARMS OF PATRONAGE are these of patrons and superiors, carried in part or in whole by their clients and vassals, to show their dependence.

They formed of old their arms after those of their patrons and over-lords, or took a part of them to compose or quarter with their own, as soon as these ways became fashionable.

In many shires of our kingdom where our ancient earls, lords, and great men, had been patrons and superiors, there we find their armorial figures more frequent than others in the bearings of many of the present nobility and gentry, which show their progenitors to have been clients and vassals to them, though now living in other shires, to have been originally from such shires, where such figures do predominate, as in Annandale, where the ancient Lords of Annan dwelt, carried a saltier and chief: There the Bruces, Murrays, Johnstons, Jardines, Kilpatricks, and several others, carry such figures of different tinctures accompanied with other figures, to distinguish themselves from one another. In Douglasdale and other countries which the Douglasses possessed in property or superiority, there many old families have stars. And in Fifeshire lions are carried upon account the lion was the armorial figure of the M'Duffs Earls and over-lords of Fife; and in Angus, lions, upon the account of their old earls. And in those shires where the Stewarts of old had interest, many families have their figures chequered, from the Stewarts' fesse *chequé*, which they have been in use to carry upon the account of patronage, as Ross Lord Ross, Semple Lord Semple, Houston of that ilk, Brisbane of Bishop-

ton, Hall of Fulbar, Fleming of Barrochin, Shaw of Bargarran, and those of the name of Spruel, with several others, whose possessions were in the shire of Renfrew, and other countries belonging to the Stewarts, where figures chequered are presumed to be originally so carried, upon the account of patronage; and the same I observe in many other shires with us; and the same practice was anciently used in England.

Camden, in his *Remains of Britain*, page 118. says, "Gentlemen began to bear arms, of whom they held in fee, or to whom they were most devoted; so, whereas the Earl of CHESTER bare garbs, (wheat sheaves) many gentlemen of that country took wheat sheaves. Whereas the old Earl of WARWICK bare *chequé*, or and *azure*, a chevron *ermine*, many thereabout took *ermine* and *chequé*. In Leicestershire and the country confining, divers bare cinquefoils; for that the ancient Earls LEICESTER bore *gules*, a cinquefoil *ermine*; from which the family of Hamilton with us, who carry the same. In Cumberland and thereabout, where the old Barons of KENDAL bare *argent*, two bars *gules*, a lion *passant or*, in a canton of the second; many gentlemen thereabout took the same, in different colours and charges in the canton."

The gentleman who wrote the introduction to the sixth edition of Guillim's *Display of Heraldry*, gives a handsome account of the Rise, Nature, and Progress of Arms, where, page 7. he citeth Camden, as I have done; and tells us, "That there is no one acquainted in the History of England but knows, that, of old, most of the great estates and commands of that kingdom were in the hands of such families of the conqueror and his issue as they granted them to, who, by tenure, in their persons, and with their tenants, servants and dependants, were to attend their sovereigns in their wars. These great men granted parts of their tenures to persons either related to them by match, service, or affection, upon such terms as they themselves either were obliged to the first granter of them, or else on other conditions of advantage to them; giving them also coat-armour, which were usually parts of their own, with the differences as best pleased them: Thus, among others that bore arms by this bounty of lords, &c. or according to Mr Camden's expression, by borrowing from their lords' arms, were many of the principal gentry of England." And so our author goes on with several instances more than I have given above; and then tells us, "That now touching the granting of arms from some great earls, and passing of coats from one private person to another, which also was matter sometimes acted before the reductions of the heralds under one regulation, the following precedents which I take, says he, from the learned Mr Camden, may not be impertinent." And so this gentleman gives us seven proper instances; the last of which I shall here add in his own words.

"Another example of the like nature with the former is, from a grant of arms from BARTON to BOOTH, which you now have in the family of Booth, from whence the Right Honourable the present Earl of Warrington is descended. Their arms were, anciently, a chevron ingrailed, and a canton charged with a mullet; as appears by a charter of Thomas del Booth, bearing date 43d Edward III. but at present, *argent*, three boars' heads erased and erected *sable*; which coat was the ancient arms of the Bartons of Barton in *Com. Lan.* And granted to John, the son of Thomas Booth of Barton, *per chartam Thomæ Barton de Barton Predict. anno 5. Hen. IV. 1404.*"

Our author here does not tell upon what account arms were thus transmitted from one to another, whether upon account of alliance, adoption, or feudal right, &c. but merely, as I take it, that as great men could give their arms to whom they pleased without consent of the sovereign or his heralds; so that there could be no regulation about that time of marks of nobility in England. But our author proceeds: "Though it was usual for great men, both of the clergy and laity, to give arms and titles, with places of dignity, to inferior gentry, or lesser nobility, who did acquire arms at that time, and did gain them by that means: yet Mr Camden informs us, that in this and succeeding ages, at every expedition, such as were gentlemen of blood would repair to the Earl Marischal, and by his authority take coats of arms, which were registered always by officers of arms in the rolls of arms made at every service, whereof many yet remain,

“ (sayeth Camden) as that of the siege of Carlaverock, the battle of Stirling, the siege of Calais, and divers tournaments.”

In Italy and Spain the practice of marshalling the arms of patrons or over-lords with those of their clients and vassals, has been anciently very much in use; as Menestrier tells us, “ That in Placenza, the four principal families there, viz. “ Anguini, Fontani, Landi, and Scoti, had their arms impaled on the right side, as “ coats of patronage, with those of other families in that country and city, who “ associated and subjected themselves as vassals and clients to one or other of those “ above-named four principal families.”

The book entitled *Œu des Armories des Soveraigns et Estats d'Europe* gives us the blazon, and the reason of the armorial bearing of the Duke of MODENA and FERRARA, thus blazoned by the French, tierce in pale, first *or*, a double eagle displayed *sable*, beaked, membered, and crowned *gules*, (the armorial figure of the empire, because that prince is under its protection) *coupé* with *azure*, three flower-de-luces *or*, for France, within a bordure double indented, *or* and *gules*, for Ferrara, (Nicolas Lord of Ferrara came under the protection of Charles VII. of France); second *gules*, two keys placed in saltier, *adossé*, *or* and *argent*, *lié azure*, and in chief the papal tiara, (upon the account that Ferrara is a vicarage of the See of Rome) and over the keys an escutcheon *azure*, charged with an eagle displayed *argent*, crowned, beaked, and membered *or*, for the Marquisate of Este; third France, within the bordure of Ferrara, *coupé* with the empire, as before. These arms would, with us, be blazoned thus, quarterly, first and fourth the empire; second and third France, within a bordure double indented, *or* and *gules*; and over all, a pale, charged with the papal ensigns, and surmounted with an escutcheon of Este.

Cardinals have been in use to add to their paternal bearings, the paternal arms of the popes or other princes, by whose means they have attained to that dignity, and were called arms of patronage.

The Kings of Sicily and Arragon quartered with their own the arms of the family of Suabia, as arms of patronage; as did also the Dukes of Parma, and the Princes of Mirandula, the arms of other potentates; of which in another place.

#### GRATITUDE AND AFFECTION

ARE observed by some heralds to be the cause of marshalling several coats of arms in one shield: of which there are but few instances to be found with us.

The arms of the benefactor are sometimes found quartered with those of the beneficiary, upon the account of gratitude.

The *double tressure* flowered within and without with flower-de-luces, the armorial figures of France, granted by Charlemagne to Achaius King of Scotland, and after confirmed by many Kings of France to those of Scotland, and carried by them as a figure of gratitude and affection, to perpetuate the ancient and memorable league, the mutual friendship and assistance betwixt those kings and their subjects; which figure is still continued by their successors Kings of Great Britain, as one of the fixed and proper figures of the imperial ensign of Scotland.

Such other figures of gratitude and affection have been near these 600 years carried in the armorial ensigns of the Dukes of Brunswick; as Hoppingius tells us in his *Treatise de Jure Insignium*, cap. 87. page 308. “ De variis acquirendi insignia modis,” viz. That when HENRY Duke of BRUNSWICK came to England to visit his ally Henry II. of that kingdom, who then carried for arms, *gules*, five leopards *or*, King Henry gave two of them to be carried by his friend the Duke; which figures have been constantly carried by his successors: For which our author cites an ancient author, John Bangen Thuringisch, *in anno Christi 1143*, page 58. “ Refert, Ricardum Angliæ regem quinque aureos leopardos insignium “ loco detulisse, ac veniente ad eum affine suo Henrico Brunsvicensium duce, “ duos clypeo leopardos detraxisse, illique donasse;” which are now marshalled with other figures in the fourth quarter of the royal achievement of George, now King of Great Britain; of whose arms I shall be more particular afterwards.

Anciently it was a great sign of affection and kindness, for princes to grant to other princes parts of their imperial ensigns, which was not allowed even to their lawful issue, as I observed before in the chapter of Marks of Cadency.

Menestrier tells us, that the Prince of ANTIOCH addressing himself to Lewis XI. of France, for supply to recover his dominions out of the hands of the infidels, was courteously received by that king, who supplied him with all things necessary for the recovering of his principality, for which he quartered the arms of France, (which could not be without consent of the king) as a sign of grateful acknowledgment, with his own.

The arms of the BOYLES of England. I may call them arms of affection; because David Earl of Glasgow quarters them with his own, upon the account of affection to Boyle Earl of Burlington, and other branches of that name in England, who acknowledge their descent from his family in Scotland, which is of an old standing in the sheriffdom of Ayr: In the reign of Alexander III. they possessed the lands of Kelburn; for, in charters about that time, mention is made of *Ricardus Boyl Dominus de Kaulburn, i. e.* Kelburn, and *Walterus Cummin Dominus de Rowgallen, i. e.* Rowallen; as in the evidences of the charter-chest of Rowallen.

Hugo Boyle, in 1399, makes a mortification to the monks of Paisley for the welfare of his soul. This family continued down in a direct male line till the reign of King Charles I. that John Boyle of Kelburn, having no male issue, married his only daughter and heir, Grissel Boyle, to David Boyle of Haleshill, a cadet of his own family, his great-grandfather being a brother of it, whose grandchild DAVID BOYLE of Kelburn was created Earl of GLASGOW, Viscount of KELBURN, Lord BOYLE of Stewarton, and carries, quarterly, first and fourth *or*, an eagle displayed *gules*, as a coat of augmentation, upon his creation as Earl, being formerly the crest of his family; second and third parted per bend *crenellé, argent* and *gules*, for the surname of Boyle in England, as a coat of affection; and over all an inescutcheon *or*, three harts' horns *gules*, the paternal coat of Boyle of Kelburn, as is to be seen in the plates of the First Volume of this Treatise.

#### RELIGION,

As I observed before, has given rise to many armorial figures, in the several crusades, holy expeditions for the recovery of Jerusalem, and the Holy Land, from the Saracens, as *crosses* of divers forms, *allerions, martlets, palms, escudops, piles*, &c. which are frequently borne in arms. But as for entire coats quartered with others, merely upon account of religion, I find but few instances, the custom of quartering many coats of arms in one shield not being generally so old as the crusades. However, I have mentioned religion as one of the causes of marshalling, because churchmen are in use to quarter the ensigns of their high offices (as patron saints, and other holy relics) upon account of devotion, with their own arms; which knights also of religious orders also were in use to do.

Besides, I observe kings have been in use to marshal arms, upon account of religion, with their own, as the Kings of HUNGARY, Barry of six pieces, *argent* and *gules*, with those of religion, viz. *argent*, a cross patriarchal *gules*, standing on a mount of three degrees *sinople*; which cross Stephen King of Hungary received from Pope Sylvester II. for bringing his subjects into the Christian faith.

Sandford, in his History of England, tells us, that King RICHARD II. having chosen King EDWARD the CONFESSOR for his patron saint, impaled that holy king's arms, being *azure*, a cross fleury between five martlets *or*, in the first place, with those of his own in the second, being France and England, quarterly.

His grandfather King EDWARD III. made choice of several patrons, as Ashmole tells us, the Holy Trinity, the Virgin Mary, whose figure he and his Knights-Companions wore on the right shoulder on their habits for some time; St GEORGE of Cappadocia, a martyr, his ensign, *argent*, a cross *gules*, and St Edward the Confessor, sometime King of England, his arms as just now blazoned, under whose protection himself and all the Knights-Companions, together with the affairs of the Order, might be defended, conserved, and governed; as is evident, says our author, by the charter of foundation of Windsor College, granted by that king:

and that the two last were his special patron saints whom he invoked in his cry of war. Thomas Walsingham, in his *History of England*, page 159. tells, that at a skirmish near Calais, in 1349, King Edward seeing his soldiers put to a stand, and like to be worsted, in great heat of anger, drew his sword, and cried out, *Ha St Edward! Ha St George!* which the soldiers hearing, ran presently to him and gained the victory. St George became the sole patron of the Order of the Garter, and from him it was called *Ordo Divi Sancti Georgii*, and the Companions, *Equites Georgiani*; and that saint's picture on horseback, with a shield of silver, charged with a cross *gules*, became the badge of that Order, and these arms were advanced, both by land and sea, on the English standards.

King HENRY VIII. ordained the Great Seal of that Order to have an escutcheon with the arms of St George impaled on the right side, with the quartered arms of France and England, ensigned with an imperial crown, and encircled with the garter; which seal of the Order so formed continued till the reign of King James I. of Great Britain, who added to the arms of France and England those of Scotland and Ireland.

It is to be observed, that in marshalling of arms, those of religion, and of patron saints, take place before other arms, and even those of dominion.

Since I am here speaking of arms upon account of religion, and before of arms of churchmen, I thought it not far out of my road to add a paragraph (showing that in England arms granted to the clergy ought not to descend to their children) from a discourse of the duty and office of a herald of arms, written by Francis Thynne, Lancaster Herald, 3d day of March 1605, in a letter to a peer, taken from the Ashmolean Library, No. 835, and printed in the Supplement to Guilim's Display, the sixth edition.

"Arms appointed for bishops ought not to descend to their children, for they are not within the compass of the law of arms, which only takes notice of bishops as officers of the church, and not as military men, or persons to be employed in offices or affairs of laymen, though some of them have been very great soldiers; for both canons and examples do forbid the same, since in temporal actions in time past it was alleged against them. For it was objected to Hubert Walter, Archbishop of Canterbury, being Chief-Justice and Chancellor in the time of King John, that he intermeddled in lay-causes, and dealt in blood. As also the same was laid against other clergymen for having of offices in the exchequer, and the king's house, when some of them were clerks of the kitchen, some treasurers of the household, &c.: yea, so much did our ancestors derogate from the arms of the bishops, as that the bishops which were interested in the arms of their ancestors, might not bear the arms of their house, without some notorious difference, not answerable to the differences of other younger brethren; as did the Bishop of Lincoln, Henry Burgensche, the Archbishop of Canterbury, Thomas Arundel, the Archbishop of York, Richard Scroop, the Bishop of Norwich, Henry Spencer, and many others, who did not bear the common differences of arms of younger sons, but great and notorious differences, as bordures, some ingrailed, some with mitres, or such like, whereof I can show your Lordship many forms. And that it was not, before the time of Bartolus, the lawyer, in the government of Charles the IV. Emperor, permitted to gown-men (or as the French termeth them, of the long robe, for under that name learned men, clergymen, and others, are comprehended) to bear armories. Or else why should that great lawyer Bartolus argue the matter, Whether it were convenient that he should take arms, (the peculiar reward and honour of military service in ancient time) or whether he should refuse them at the emperor's hands? For, if it had been then used that the long robe should have enjoyed the honour of arms, Bartolus would never have doubted thereof. But since it was not then accustomed, he made question whether he should take those arms or not; but in the end concluded, that the fact of the prince was neither to be disputed nor rejected, and therefore was willing to assume the arms the emperor had given him." I shall proceed to arms granted by sovereigns themselves, or their heralds empowered to grant them.

## GENERAL AND SPECIAL CONCESSIONS OF ARMS.

ARMS are the proper ensigns of nobility, when they proceed from the concessions of sovereigns, or their principal heralds empowered to that effect.

Sovereign princes, who acknowledge no superior, without doubt, have the only right, not only to nobilitate their well-deserving subjects within their respective dominions, but to give them arms suitable to their merit, which will pass for ensigns of nobility in all kingdoms, which they may expose to show their honour; as Hoppingius, "Is qui insignia a suo rege vel principe meruit, in alterius regis principisve regno deferre possit."

The emperor, kings, the pope, and even independent commonwealths, are in use not only to grant arms at first to their well-deserving subjects, but after, upon some emergent merit, and advancement to nobility, to augment them, to confirm, to change and adorn them in the shield; as also the timbre of the shield with noble helmets, mantlings, crowns, crests, and other exterior ornaments, and even to adorn and augment both shield and timbre with honourable figures at one time: of which afterwards.

The above mentioned author Hoppingius, cap. 87. memb. 5. in his Treatise *de Jure Insignium*: "Non solum conferendi nova insignia imperator, papa, reges superiorum non recognoscentes, potestate uti possunt; verum etiam certa de causa augendi, mutandi, diminuendi, & confirmandi, vetera facultate excellunt, non quoad clypeum solum, sive scutum solum, sed quoad galeam, sive timbrum tantum, vel denique quoad utrumque, nunc propter bellicæ virtutis gloriam, nunc propter dignitatem & officium, nunc propter successionem, aliasve infinitas causas, fieri solet." Of which practice our author gives several instances, whereof I shall add a few.

The Emperor Charles V. added to the arms of the MENNENSI, (*Quæ sunt decem cubi seu scaci*, which I take to be *chequé* of ten pieces, *argent* and *sable*) who had fought valiantly for the House of Burgundy, the cross of Burgundy, being that of St Andrew, trunked *vert*, to be placed in the base of the shield; as the words of the diploma, "Crucem Burgundicam, sive S. Andreae, viridis coloris, truncatis seu mut-tis utrinque ramis, deferendam, & posteris transmittendam, dedit;" as also the shield of arms was to be adorned with a helmet, and, for crest, a dog's head.

Alphonsus King of Arragon, in the year 1511, dignified WISTAN BROWN, an Englishman, with the Order of Knighthood, and added to his shield of arms a black eagle.

As the shield of arms used to be augmented by sovereigns for special services, so they have been in use to adorn the timbre, helmet, and crest, with additaments of honour, of which I shall give one instance from our author. The Emperor Maximilian I. honoured the crest of ERIC Duke of BRUNSWICK (being the train of a peacock) with a star, for his eminent valour in a battle against the Duke of Bavaria: And the same practice is with us, as the crest of the Earl of WINTON, being a dragon *vert*, charged with a blazing star on its shoulder, for the eminent valour of the family; and the Duke of LAUDERDALE got from King Charles II. for crest, a lion *seiant*; of which more fully in the Chapter of Crests.

Since I am here speaking of *Arms of Concession*, I must distinguish betwixt *general* and *special concessions*. By the first, I understand those which the principal herald is empowered to grant, by virtue of a general clause for that end, in many of the patents of our nobility: which ordinarily runs thus, or in such like words, "Mandamus Leoni nostro armorum, ut tale additamentum armorum præsentibus insigniis præfati Domini, &c. ut in talibus casibus usitatis det & præscribat."

Arms, again, of *special concession*, are particularly mentioned and blazoned in the diplomas, letters patent, or grants of the sovereign, and are ordinarily of some part of the sovereign's ensigns or regalia, which cannot be allowed or given by the principal herald without a special warrant from the sovereign.

Both these arms of general and special concessions are commonly called *coats of augmentation*, because they augment the bearing.

The practice of giving *coats of augmentation*, by the general clause in the patents of nobility above mentioned, is no older than the reign of King James VI. given to those who were advanced to degrees of dignity; and the lands from which they had their title of lord, viscount, earl, &c. not being noble feus with arms annexed to them, desired coats of augmentation as best pleased them, to supply the want of feudal ones; of which afterwards.

The first that I have met with is that used by the Earls of Winton, when ROBERT LORD SEATON was created Earl of WINTON with all solemnity at Holyroodhouse, the 10th of November 1601, he got a coat of augmentation from the herald suitable to the merit of the family, viz. for the title of Winton, *azure*, a blazing star of ten points, within a double tressure, flowered and counter-flowered *or*, (having right before to the tressure by special concession); with the motto, *Intaminatis fulget honoribus*; to show the constant loyalty and heroic virtue of the family.

The next coat of this kind I meet with, is that of the Lord LIVINGSTON, who, when he was advanced to the dignity of Earl of LINLITHGOW, augmented his arms with an inescutcheon, *azure*, an oak tree within a bordure *argent*, charged with eight cinquefoils *gules*, which he placed over his quartered arms of LIVINGSTON and Callender, by way of surtout, for the title of Linlithgow; of which families in the First Part of this System, and elsewhere, in an Essay of the Ancient and Modern Use of Armories, I have given the several arms engraven on copperplate, with these following, viz. SEATON EARL OF DUNFERMLINE, KER Marquis of LOTHIAN, who, when he was created Earl of Lothian in the year 1606, took for a coat of augmentation, *azure*, the sun in its splendour, proper, which is quartered with the paternal coat of the family.

As also HAMILTON Lord BINNING, when he was created Earl of MELROSE, 13th March 1619, took for that title a coat of augmentation, viz. *argent*, a fesse waved between three roses *gules*, relative to his title of Melrose, which he quartered in the second and third quarters, with his paternal in the first and fourth quarters, and which are so carried by his successors, though he got his title altered to that of Earl of Haddington.

Viscounts and lords of Parliament have also been in use, with us, to add coats of augmentation to their paternal ones. Sir ALEXANDER SEATON, second son of George Lord Seaton Earl of Winton, and his countess, Lady Anne Hay, daughter to Francis Earl of Errol, being created Viscount of KINGSTON, he quartered in the second and third places, with the paternal arms of Seaton, as a coat of augmentation, *argent*, a dragon *vert*, spouting out fire, being the crest of the family of Winton, which with others may be seen in my foresaid Essay.

I have observed, that all coats of augmentation of this kind, through Europe, give place to the paternal arms; which order has been observed with us, except in the achievements of the Earl of Lothian, and the Lord Cardross: But the heir of the last, David Erskine Earl of Buchan, has placed the coat of augmentation since more rightly in surtout; which may be seen in *taille douce* in the First Part of this System. I can find no reason for such coats of general concession by the herald, to precede the paternal or other dignified feudal arms in one shield.

Many of our nobility, who have the same right to assume coats of augmentation, have never made use of them.

But arms of special concession, being composed of the figures of the royal arms or regalia, have precedency in composing or marshalling to all other sorts of arms. Of which,

*Arms of special concession* are those granted by princes and free states, not only to their subjects, but also to strangers, by a particular grant or patent, containing the blazon of such a coat, made up of some part of the figures of the sovereign's ensign, or regalia, to be added to the receiver's own proper arms.

I am not here treating of the first grants of arms, as marks of honour, which I have said before, in the definition of arms, to have been granted by sovereigns, for distinguishing person and families, as their proper ones: But here I understand them new coats or additaments of honour, by special concessions of sovereigns to be joined with their proper ones.

Such have been very frequently granted by our sovereigns, and those of other nations, to well-deserving persons, both of the high and low nobility; as also upon communities ecclesiastical and secular.

Sir John Ferne tells us, in his fore-cited book, that when Charlemagne erected the six ecclesiastical peers of France, he granted to them arms of the same tinctures and figures with the royal ensign of France; which, though they have been so carried, as I have shown before, yet I doubt very much of the antiquity of them. As for secular communities, there are several instances which may be given of such grants of other nations, and with us at home, which have been honoured with the favour of such royal badges; and I shall here but give one instance: The Town of **ABERDEEN** got the double tressure, a part of the royal bearing, added to their arms, by the order of King Robert the Bruce, for their fidelity and loyalty to him, being *gules*, three towers embattled *argent*, and masoned *sable*, within a double tressure, flowered and counter-flowered of the second.

In this manner, sovereigns and free states have honoured and rewarded their favourites and well-deserving subjects with a part of their arms, as additaments of honour; of which I shall give some instances.

Charles IV. Emperor of Germany and King of Bohemia, honoured his Chancellor **BARTOLUS**, the great lawyer, with a concession to him and his issue, for to carry the royal arms of Bohemia, *or*, a lion with two tails *gules*, as Bartolus tells himself, in his Treatise *de Insigniis*, thus, “ A Carolo Quarto, clarissimo principe, Romanorum imperatore, nec non rege Bohemiæ, mihi, tunc Cancellario ejus, concessum est, inter cætera, ut ego & omnes de agnatione mea, leonem rubeum cum caudis duabus in campo aureo portare.”

There are many ancient families in Germany who marshal with their own bearings the imperial eagle, by special concession from the emperor: But it is to be observed, that these eagles granted by the emperor have but one head; and lawyers tell us, that the emperor, and other sovereign princes, cannot grant their entire imperial ensigns to any person; as John Limneus, “ Licet ab imperatore sit insignia concedendi potestas, illa tamen limitata, ne alicui integram aquilam, maxime vero imperialem, concedant.”

The Emperor Charles V. King of Spain, not only augmented the arms of **ROBERT DE CLUSIS** within the shield, but also adorned the shield with exterior ornaments, marks of a true nobility, as by letters patent 10th of October 1543, with the complete achievement illuminate in the middle of the patent, which I thought fit here to blazon in English, and after give it in Latin, for its singularity, as in the diploma.

Quarterly, first and fourth *sable*, three oak branches leaved and acorned *or*; 2 and 1, his paternal arms; second and third *azure*, three stars of six points *or*; 2 and 1, his maternal ones; and, on a chief *or*, an eagle displayed with one head *sable*: the shield is timbred with an open helmet, mantling of the tinctures of the arms, and the wreath of the same colours; upon which, for crest, are two wings expanded *sable*, and betwixt them proceeds the Burgundian cross of St Andrew trunked *or*. Amongst several diplomas of nobility and arms which John Baptista Christyn, Chancellor of Brabant, gives in his excellent book, *Jurisprudentia Heroica*, I shall add a part of the above-mentioned Robert's, that the curious may know somewhat of the form of blazon by concessions. After the titles of the emperor, and introduction, the diploma goes on thus, “ Tibi præfato Roberto de Clusis gentilitia arma & insignia tua, tam paterna quam materna, non modo confirmanda & approbanda, verum etiam augenda & ornanda, duximus, ac tenore præsentium, confirmamus, approbamus, & augemus, & ornamus, atque ad hunc modum deferenda & gestenda concedimus.

“ Videlicet, scutum quadripartitum, cujus superior dextra, & inferior sinistra, in campo nigro, tres ramusculos quernos transversos, cum binis foliis, & glande in medio florum aurei sive crocei coloris, sursum conversis, triangulari forma positos, quæ arma tua posita sunt; inferior vero dextra, & superior sinistra partes, in area azurei seu cælesti coloris, materna tua armorum insignia, nimirum tres stellæ sex radiis, singulæ aurei sive crocei coloris, triangulari similiter forma collocatas (*i. e.* 2 and 1) nempe unam in basi, reliquas duas in superioribus angulis, singulæ complectuntur. Et in vertice scuti aurei seu crocei coloris, aqui-

“Iam nigram, unius capitis dextrorsum flexi a pectore supra, rostro aperto, lingua vibrante, & alis extensis: Porro scuto incunbit galea aperta, nigri & aurei seu crocei colorum, laciniis redimita, in cuius cono, super fascia tortili, eorundem colorum, inter geminas alas nigras extensas, crux divi Andreae, sive Burgundicae, truncata, aurei coloris, eminet. Quemadmodum, hæc omnia in medio præsentium accuratius depicta sunt, volentes & hoc nostro Cæsario statuentes edicto, quod posthac tu præfate Roberte, ac liberi & hæredes & descendentes tui antedicti, huiusmodi arma & insignia, insignium veræ nobilitatis, habeatis & defertis ubique locorum ac terrarum, in omnibus & singulis honestis decentibusque actibus & expeditionibus, nobilium armigerorum more, tam joco & serio, tournamentis, hastiludiis, bellis, duellis,” &c. By such royal concessions the receivers are not only nobilitate, but qualified to be admitted into military exercises, serious or in disport; such as combats, joustings and tournaments, where none are allowed but those that are truly noble.

In France there are a considerable number of old families which enjoy the like favour, in carrying flower-de-luces, the imperial figures of France, by letters patent; for which see Menestrier and other French heralds.

The Dukes of Savoy have made concessions of several quarters of their armorial ensigns to several families; as to the House of VILES of Ferrara, who carry, quarterly, first and fourth the wild horse of Saxe, which belongs to Savoy, as his original arms; second and third the proper arms of the House of Viles, and over all, by way of surtout, the cross of Savoy.

The REPUBLIC of VENICE has made several concessions to their own subjects of their symbolical figure, the winged lion of St Mark, the armorial figure of that republic; as also to strangers, as by that one granted by the senate to RENE DE VOYER DE PAULINY, Count de ARGENSON, the French king's ambassador to that republic, which are to be seen on the monument erected for him there at St Job's church; as Menestrier gives us; quarterly, first and fourth *azure*, two leopards *or*, for Voyer de Pauliny; second and third *argent*, a fesse *sable*, for the House de Argenson, and, by way of surtout, the arms of the republic, viz. *azure*, a lion *seiant* winged, and diademed *or*, holding a book open, with these words upon it, *Pax tibi, Marce, tu evangelista meus*.

Other potentates have been in use to do the same honour, not only to their subjects, but to strangers. The Kings of France have honoured several Scots families for their valour, with their arms, as the Stewarts of Lennox, the Douglasses, and the Kennedys.

SIR HUGH KENNEDY of Ardstanshire, who, for his valour in the wars of France against England, being under the command of John Stewart Earl of Buchan, was honoured by the King of France with his arms, viz. *azure*, three flower-de-luces *or*; which he and his successors marshalled in the first and fourth quarters with those of Kennedy in the second and third quarters, as those descended of him, viz. the Kennedys of Bargeny, the Kennedys of Kirkhill and Binning in the shire of Ayr; of which more particularly in the First Volume.

Selden tells us, in his Titles of Honour, “That when Gustavus Adolphus King of Sweden received the investiture of the Garter from Henry St George, Richmond-Herald, and Peter Young, Gentleman Usher, at Darsaw in Prussia, the 27th of September 1627, he conferred the honour of knighthood upon them; and, by a particular grant in their patents of honour, allowed them to quarter the arms of Sweden with their proper arms.”

King James I. of England, and VI. of Scotland, was graciously pleased to confer solemnly the dignity of knighthood upon NICOLAS DE MOLINE, a noble senator of Venice, sent by that state to his majesty; as also, for a further honour, to ennoble the coat-armour of the said Nicolas de Moline, being *azure*, the wheel of a water-mill *or*, (by way of augmentation) with a canton *argent*, charged with the badges of the two kingdoms, viz. of the red rose of England, and thistle of Scotland, conjoined pale-ways; as by letters patent under his Majesty's Great Seal of England, appeareth in these words, “Eundem dominum Nicolaum de Moline, in frequenti procerum nostrorum præsentia, equitem auratum merito creavimus, & insuper equestri huic dignitati in honoris accessionem adjecimus, ut in avito clypeo gentilitio cantonem gestet argenteum, cum Angliæ rosa rubente partita, & Scotiæ

“ *carduo virente conjunctum: Quæ, ex insignibus nostris regis speciali nostra gratia, discerpimus, ut virtuti bene merenti suus constaret honor; & nostre in tantum benevolentie testimonium extaret.*”

As I hinted before, though sovereigns cannot grant their entire armorial ensigns (being marks of their authority) to subjects or strangers, which cannot but be in prejudice or dishonour of their throne and kingdom, as lawyers tell us; yet we see they have granted their shields of arms to be quartered with the paternal coats of those they favoured: So that, in that case, they were not imperial arms, but signs of honour and gratitude to the receivers. It is true the emperor seldom or never granted the eagle with two heads to any prince, but with one head only; neither properly could he with two, because they are the proper and fixed figures of the empire, and not these of his paternal family out of which he is elected: But other hereditary princes seem to be at more freedom to give their own paternal bearings, though ensigns of their sovereignty, to be marshalled with others; but neither the emperor nor other princes ever did adorn the shields of their favourites with their royal timbre, *i. e.* helmet, crown, crest, &c. Of late we find that the Emperor Leopold II. when he made JOHN CHURCHILL Duke of MARLBOROUGH and Marquis of BLANDFORD, one of the Princes of the Empire, by the title of Prince of MINDELHEIM in Swabia, *anno* 1705, he allowed to him and his heirs-male to carry the emperor's crest, *viz.* the imperial eagle displayed with two heads *diademé or, i. e.* the heads encircled with rounds, or orbits of gold, as that of the emperor's; but he placed his arms on the breast of the eagle as a supporter, being, as said is, a prince of the empire: But in Britain, as a peer thereof, he had his achievement otherwise; as in the sixth edition of Guillim's Display, at the title of Dukes, page 99. thus given us, *sable*, a lion rampant *argent*, a canton of St George, *viz. argent*, a cross *gules*, surrounded with the Order of the Garter; crest, on a wreath, a lion *gardant couchant gules*, sustaining a banner *argent*, charged with a hand of Ulster, *viz.* an hand sinister erect, and couped at the wrist *gules*; supporters, two wiverns *gules*, that on the right having St George, or the English ensign, *viz. argent*, a cross *gules*, that on the left, St Andrew, or the Scot's ensign, *viz. azure*, a saltier *argent* depicted on targets, or oval shields, upon each of their respective breasts, and suspended on their necks by collars of gold. He was first dignified with the title of Baron of Churchill of Eyemouth in Scotland, 1632, and after, Baron Churchill of Sandridge in England, 1635, Earl of Marlborough 1689, and Marquis and Duke 1702.

Menestrier, in his Treatise of Arms, in the chapter of *Grants and Concessions*, gives an instance of a woman receiving a coat of augmentation, which was when the Emperor Charles IV. passing from Padua to get himself crowned at Rome, with his empress, who took in her train JEAN BEANCHITTIE, the widow of a famous lawyer: Amongst other favours, the empress gave her a grant to carry in the middle of her arms, in a lozenge shield, those of Lithuania, *viz. gules*, a chevalier armed in all points, on horseback *argent*, brandishing a sword; and on his left arm a shield *azure*, charged with a cross, with double traverses of the second, being a part of the empress's bearing, a daughter of the King of Poland, and Duke of Lithuania: which grant was confirmed by the emperor.

Henry VIII. of England honoured his wives with additional arms; of which afterwards: and of late Charles II. of Great Britain granted a coat of augmentation to ANNE CLARGES, wife to George Monk Duke of Albemarle, *viz. azure*, a flower-de-luce *or*, within a bordure of the last, charged with eight roses *gules*, quartered in the first place, with her paternal coat in the second, being barry of twelve pieces, *argent* and *azure*; and, on a canton *sable*, a ram's head couped *argent*, with four horns *or*, as being descended of the family of Clarges in Hainault in Flanders.

It is only sovereign princes and republics that can make such concessions of their public ensigns, being more sacred than those of subjects, which may be more freely assumed, with less authority, upon the accounts before mentioned, by *marriage, alliance, adoption, &c.*

Which additaments of honour are either placed in one quarter, with the proper arms of families, or marshalled with them in distinct quarters: Which last way is the proper subject now in hand.

But since anciently there has been, and still continues a frequent practice of composing some one part or other of the royal ensigns or regalia with paternal arms, I shall here insist a little on them with their proper situation, with paternal figures in one shield or quarter, before I proceed to give further instances of marshalling *arms of special concession* with paternal ones in distinct quarters.

The pieces or figures of sovereign ensigns or regalia claim a precedence in the most honourable place of the shield or quarter before the paternal figures, and are to be placed in chief in a dexter canton; and sometimes sovereigns ordain their achievement as a crest or supporters, if they be convenient for that end: Of which afterwards when I speak to exterior ornaments.

Menestrier tells us, "That it is the general practice of Europe to give the most honourable place of the shield to those royal figures; and that some princes, in their concessions of them, expressly ordain them to be so placed; as John King of Arragon and Sicily, rewarding two knights for these good services, and to put a particular mark of respect upon them, allowed them to carry the armorial figures of Arragon, Navarre, and Sicily, on condition they should place them on a chief above the arms of their families; and though they had a chief before, they behaved to add another." And this is the reason we see foreign arms oftentimes have two chiefs; of which I have given instances in the First Volume of this System, and shall here add another.

The Princes of MASSA in Italy, of the name of CIBO, have their paternal arms honoured with two concessions, placed upon two chiefs, the one *soutenu* of the other; that below contains the arms of GENOA, granted for the successful negotiation of William Cibo for that republic with Pope Clement VII. 1532; and above, another chief, with the arms of the empire, viz. the eagle with one head, granted by Maximilian the emperor when he made Alberick Cibo a prince of the empire, whose blazon is thus, quarterly, first and fourth *or*, a bend *chequé*, *argent* and *azure*, (the paternal coat of Cibo) a chief *argent*, charged with a plain cross *gules*, (the arms of Genoa) surmounted of a chief of the empire *or*, a double eagle displayed *sable*, and, (for diminution, and to difference it from that of the empire) on its breast, a scroll *fesse-ways*; on it the word *Libertas*; second quarter *azure*, an eagle displayed *argent*, crowned *or*, for Este, quartered with Ferrara, *azure*, three flower-de-luces *or*, within a bordure indented of the same, *gules*; third quarter, *coupé*, *or* and *gules*, the branch of a thorn tree *sable*, flowered *argent* in pale, for the family of Malespine; and over all, by way of surtout, on a lozenge escutcheon *or*, five torteauxes *gules* in orle, surmounted of the sixth *azure*, charged with three flower-de-luces *or*, as a coat of alliance with the Medicis Dukes of Tuscany: Which arms are to be seen engraven in *Jeu d'Armoiries*, and in my Essay of the Ancient and Modern Use of Armories, with several others, which I may have occasion here to mention.

The Dukes of TUSCANY and the MEDICI placed the arms of France upon one of their torteauxes above the rest, as all the families and cities in France, who carry flower-de-luces as additaments of honour, by concessions of the sovereign, place them in chief, or on a chief; and the same practice is used in Britain, by the following examples.

Sandford, in his before-mentioned History, tells us, "That Henry VIII. of England honoured the arms of THOMAS MANNERS, whom he created Earl of RUTLAND, upon the account he was descended from a sister of King Edward IV." his paternal bearing being, *or*, two bars *azure*, and a chief *gules*; the chief was then formed, quarterly, *azure* and *gules*, on the first two flower-de-luces *or*; on the second a lion *passant gardant or*; the third as second, and the fourth as first, which were parts of the armorial figures of England.

Guillim says, "Sometimes these augmentations are found to be borne upon a chief of the escutcheon above the paternal coat;" for which he gives the above example of the Earl of Rutland; and then adds, "It is a form of bearing of a part in part; for here is, says he, abated one flower-de-luce of the arms of France, and two lions of the arms of England, and both on the chief part of the escutcheon." Yet we meet with sometimes the augmentation in the centre of the shield, as in the arms of COMPTON Earl of NORTHAMPTON, viz. *sable*, a lion *passant gardant or*, between three helmets *argent*, garnished gold: which lion, being one

of those of England, is an augmentation. And he who adds the Blazons of the Nobility to Guillin's Display, gives us, page 314. an example of a coat of arms worthy to be mentioned, whose words I shall here add, "viz. *azure*, a naval crown, within an orle of twelve anchors *or*, borne by the name of LENDON, and was granted by Sir Edward Walker, Garter King at Arms, by patent, dated at Brussels the 10th of May 1658, in the 10th year of the reign of King Charles II. to Captain Robert Lendon, born of honest parents at Allington, in the county of Devon, who, in his youth, actively applied himself to navigation; and being an officer in the royal navy, *anno* 1648, (which, for some years before, had been, and then was, possessed and employed by the usurped power of a rebellious parliament) had thereby the happy opportunity, out of a due and loyal sense of his duty to his lawful sovereign King Charles II. to be the prime and active instrument to induce twelve ships (which his anchors resemble) of the said navy, to their duty and obedience, and to embrace his majesty's service against his rebellious subjects."

There is no part of the imperial ensigns of sovereign princes, and even their regalia, but have been granted by special concessions, as by our kings, to honour the arms of some of the best families of the kingdom, which have also been granted to strangers, as a testimony of our king's favour: Of all the pieces of honour in the arms of Scotland, the double tressure most frequently has been allowed to be carried, as a badge of a royal maternal descent, loyalty, and virtue; of which I shall give in short a few instances.

THOMAS RANDOLPH Earl of MURRAY, Lord ANNANDALE and MAN, as a nephew to King Robert Bruce by his sister, was the first of his family who was allowed to place the double tressure round his paternal figures, the three cushions *gules* in a field *or*; as is evident by his seals of arms appended to charters. And Sir Alexander Seaton of that ilk, being son of Sir Christopher Seaton, and Christian, sister to King Robert Bruce, was the first of the progenitors of the noble family of the Earls of Winton and Lord Seaton, who encompassed the three crescents, the paternal figures of Seaton, with the double tressure counter-flowered *gules*, in a field *or*, upon account of his royal maternal descent. There are many other noble families, upon the same account, on whom I cannot insist here, as Lyon Earl of Strathmore: Nor of those who carry it upon account of merit and favour of our kings, as Douglas Duke of Queensberry, Erskine Earl of Kelly, Gordon Earl of Aberdeen, Gordon Earl of Aboyne, Scott of Thirlestane, &c. of whom before in the First Part of this System.

The arms of several strangers have been honoured by our kings with the double tressure: King James V. knighted and honoured one NICOL COMBET, a Frenchman, with it, as did King James VI. JACOB VAN EIDEN, a Dutchman, and several others; as their patents bear in the Chapel Rolls in England, titled, *Diversi tractatus amicitiarum tempore Jacobi regis*:

Sylvester Petra Sancta, an Italian, in his Treatise of Arms, speaking of the double tressure, says, "Celebris est duplaris limbus, quem paralellæ lineæ duæ, ac simul florentes, describunt in tessera regis Scotorum;" and gives us the arms of a Dutch and French family with the tressure.

Another piece of our sovereign arms, I mean the lion, the figure of the ancient ensign of Scotland, has been allowed to be carried by several families of this kingdom, as a sign of their royal favour, within three shields; as that granted to Sir ALEXANDER CARRON, who carried the banner of Scotland before King Alexander I. in his expedition against the rebels in Mearns and Murray: Where, by Sir Alexander's conduct and eminent valour, the king obtained a notable victory over the rebels; for which his name was changed from Carron to SCRYMGEOUR, which signifies a hard fighter, (as our historians) and got a coat of arms suitable thereto, viz. *gules*, a lion rampant *or*, armed and langued *azure*, holding in his dexter paw a crooked sword, or scimitar, *argent*. (See Plate of Achievements, and more of this family in the Appendix.) And, in later times, favourites have been allowed to embellish the shield of arms with a lion, as a crest or supporter; as that allowed to the Duke of Lauderdale. And the same may be said of the unicorn, the supporter of the achievement of Scotland, the St Andrew's cross, the thistle, crown, sword and sceptre, the ensigns and regalia of the kingdom, have been granted by

our sovereigns to their well-deserving subjects; of which in the First Part of this System; as also to strangers as additaments of honour, not only by way of composing with their paternal figures in one area, but also by distinct areas or quarters marshalled with their own; of which by and by.

As to the first way, by composing them in one quarter with the paternal arms, I shall give for instance the arms of MURRAY the Earl of ANNANDALE, being *azure*, three stars *argent*, with a crescent in the centre, all within a double tressure flowered and counter-flowered *or*; and, for an additament of honour, a canton of the second, charged with a thistle *vert*, ensigned with an imperial crown. And the same thistle, with the crown, was granted by King Charles II. to Sir GEORGE OGILVIE of Barras, for his fidelity and real preservation of the regalia of Scotland, to the loss of his lady, and his long imprisonment in the usurpation of Oliver Cromwell. King Charles I. was pleased to raise and advance Dame ELIZABETH BEAUMONT, then the wife of Sir THOMAS RICHARDSON, Lord Chief Justice of the Common Pleas in England, to the honour of Baroness of Cramond in Scotland, and continued the same honours to her and Sir Thomas's heirs-male, by letters patent the 28th February 1628; which was the only female creation to be met with in this realm. He honoured the arms of Sir Thomas with the additament of a canton *azure*, charged with a St Andrew's cross *argent*, the ensign of Scotland.

But, to leave such pieces joined in one field with the paternal ones, I shall proceed to give a few examples of those who carry some of the royal figures, which make up entire quarters by themselves.

The ancientest coat of special concession which I meet with in books of heraldry, is that memorable one, *viz.* a sword supporting an imperial crown, by King Robert I. with the barony of Barns, to his nephew Sir ALEXANDER SEATON, for his own singular service in Scotland and Ireland, in the service of Edward Bruce, the king's brother, and in consideration of his father's loyalty and near alliance to the royal family; of which before.

In latter times our kings have been in use to honour their well-deserving subjects with such pieces of their imperial ensigns as King James VI. did to the deliverers of his person from the pernicious attempts of John Ruthven Earl of Gowrie, his brother Alexander Ruthven, and their accomplices, on the 5th of August 1600. *viz.* to Sir John Ramsay, Sir Thomas Erskine, and Sir Hugh Herries, who killed the chief assassins, and delivered the king, who gave them special concessions, as follows.

Sir JOHN RAMSAY of Wyliecleugh, a cadet of the family of Dalhousie, who carried for his paternal arms *argent*, an eagle displayed *sable*, beaked and membered *gules*, and, on his breast, a crescent of the last, for his brotherly difference, was nobilitate by the said king, with the title of Viscount of HADDINGTON, and with an additament to his arms, *viz.* *azure*, a dexter hand holding a sword in pale *argent*, hilted and pomelled *or*, piercing a man's heart *gules*, the point supporting an imperial crown, proper; which he impaled on the right, with his paternal on the left, side of the shield. And when King James VI. was advanced to the crown of England, he created him Lord Baron of KINGSTON upon Thames, and Earl of HOLDERNESS, with this special post of honour relative to his coat of augmentation, that upon the 5th of August annually, (which was a day appointed to be kept holy for that king's happy delivery from the hands of his enemies) he and his heirs-male for ever should bear the sword of state before the king and his successors. This Earl married Elizabeth, daughter to Robert Earl of Sussex, and with her had two sons and a daughter.

Sir THOMAS ERSKINE, eldest son of Sir John Erskine of Gogar, immediate younger brother to John Lord Erskine, first Earl of Marr, and regent of Scotland in the minority of King James VI. being one of the deliverers of that King, was also honoured with a coat of special concession, *viz.* *gules*, an imperial crown within a double tressure, counter-flowered with flower-de-luces *or*, which he quartered in the first and fourth places with the paternal coat of Erskine, and was by the King created Lord DIRLETON, and after Viscount of FENTON, the 18th March 1606, and then Earl of KELLY 1619: and, upon that King's accession to the crown of England, he was made Captain of the English Guards, Groom of the Stole, and Knight of the Garter. From him is lineally descended the present Earl of Kelly, who

carries the above arms, as do the descendants of his family; as Sir ALEXANDER LRSKINE of Cambo, Lyon King of arms, with a crescent for his difference, whose father was the second son of the family of Kelly.

The other deliverer, Sir HUGH HERRIES of Cowsland, a cadet of the Lord HERRIES, was also honoured with another coat of augmentation by King James VI. which he quartered in the first and fourth quarters with his paternal arms, thus, *azure*, a hand in armour issuing from the right side of the shield, holding a sword supporting an imperial crown, proper; second and third *argent*, three urcheons *sable*.

SANDILANDS LORD TORPHICHEN carries quarterly, first and fourth parted per fesse, *azure* and *or*; on the first an imperial crown, proper; and, on the second, a thistle *vert*, as a coat of augmentation; second and third grand quarter, quarterly, first and fourth *argent*. a bend *azure*, the paternal bearing of the name of Sandilands; second and third, the arms of Douglas, being arms of patronage as some will.

Sir JAMES SANDILANDS Baron of SANDILANDS and WISTON, in the upper ward of Clydesdale, descended of Sandilands of that ilk, in the reign of King David Bruce, married Eleanor Bruce, uterine sister to William Earl of Douglas, who, upon the account of the said marriage, gave to the said Sir David the barony of West-Calder, called Calder-Comitis; upon which that family ever since have quartered the arms of Douglas with their own, as arms of patronage: Of which family was Sir JAMES SANDILANDS, Lord of St JOHN, Great Prior of the Knights of Rhodes, in the kingdom of Scotland; and as such he carried the thistle and crown, as the badge of that high office. He was sent by the Parliament of Scotland ambassador to Francis and Mary, King and Queen of France and Scotland. This Sir James became protestant, and was created Lord Torphichen: which honour, for want of heir-male of his body, fell by inheritance to the Baron of CALDER his cousin, whose successors enjoy the same with the coat of augmentation.

King Charles I. when he advanced Sir JOHN HAY of Netherleif, descended of the family of Errol, into high places and dignities, as Clerk-Register, High-Chancellor of Scotland, Lord HAY of KINFAUNS, Viscount of DUPLIN, and lastly Earl of KINNOUL, 25th March 1633, honoured him with a coat of augmentation, viz. *azure*, an unicorn *salient argent*, horned, maned, and unguled *or*, (the supporter of the royal achievement) within a bordure of the last, charged with half thistles *vert*, and half roses *gules*, joined together by way of *parti* per pale, being the badges of Scotland and England, to represent the union of these kingdoms in the person of King James VI.; which coat of augmentation was quartered in the first and fourth quarters with these of the paternal coat of Hay, *argent*, three escutcheons *gules*: Unto which honour and arms, Hay Viscount of Duplin, by descent and tailzie, has of late succeeded, and carries the same arms; of which, with others above mentioned, see in the plates of the Essay of Ancient and Modern Use of Arms.

It is to be observed, then, that Arms of Special Concession have precedency of Paternal Arms, when marshalled with them, as well as the pieces of the royal ensign, when composed with others in one area, possesses the honourable and chief places; which is clear by the above practice, and by that of England in the following examples.

Richard II. of England is the first King that I have observed to have granted such arms of augmentation to his subjects; and, as I observed before, added to his imperial ensign the arms of Edward the Confessor, upon the account of religion, being *azure*, a cross fleury between five martlets *or*; which bearing also he granted, out of his mere grace, (as Camden in his Remains tells us) to THOMAS Duke of SURREY, with the addition of a bordure *ermine*, to impale with his proper arms; and the same again without the bordure to THOMAS MOWBRAY Duke of NORFOLK, to be impaled on the right side, with his own on the left.

The same King, the ninth year of his reign, granted a coat of special concession to his favourite ROBERT VERE, Earl of OXFORD, Marquis of DUBLIN, and Duke of IRELAND, that he should bear with his own arms, during life, *azure*, three imperial crowns *or*, within a bordure *argent*, as the words of that concession bears, given us by Sandford in his Genealogical History; "Rex concessit Roberto de Vere facto Marchione de Dublin, quod ipse, quamdiu viveret & terram & dominium Hiberniæ haberet, gerat arma de auro, cum tribus coronis de auro, & una circumferentia vel bordura de argenteo:" These he quartered in the first place with his

paternal, being, quarterly, *gules* and *or*, on the first a mullet *argent*. He was the first that bare the title of Marquis in England. He died without issue, and was succeeded into the fortune and honours of the earldom of Oxford by his uncle Aubrey de Vere, who carried the paternal arms of the family, and transmitted them to his successors. The mullet or star on the first quarter, some English heralds, such as Leigh, Guillim, and Morgan, say, represents a fallen star, or meteor, which fell down from heaven upon the shield of one of the progenitors of Vere Earl of Oxford when he was at the siege of Jerusalem, and has been so carried by the family since: But that ingenious gentleman who wrote the Introduction to the sixth edition of Guillim's Display, looks upon it as a fable about the star; and tells us, "That it was only a distinction in the arms of that family, from the arms of the Lord SAY's family, (a flourishing house at that time in the same service) which, excepting the star, did bear quarterly *gules* and *or*, the same with Vere, who was obliged to difference from the Lord Say; for two different families in one nation could not bear one coat without some addition.

He gives us a late concession of arms to Sir CLOUDSLY SHOVEL, one of the Admirals of England, viz. a chevron betwixt two flower-de-luces in chief, and a crescent in base, indicating two victories by the flower-de-luces over the French, and by the crescent another over the Turks.

And, in the fore-mentioned 6th edition of Guillim, at the title of Civil Honours, page 66. there is another occasion than those mentioned of quartering other coats of arms: "Thus, if an Englishman in the field, when the banner royal is displayed, do put to flight any gentleman which is an enemy to his prince, from his banner of arms, the English soldier may honour his own coat in the sinister quarter with the proper coat of the gentleman he has so put to flight. An instance of this kind (says our author) is the coat of Sir JOHN CLARK, who took prisoner Lewis de Orleans, Duke of Longueville, at the Journey of Bomy by Cerovenes, Henry VIII."

Some carry their prisoner's coat as a part of their crest; thus did RICHARD WALKER of Gromebridge in Kent, who took prisoner John Duke of Orleans, at the battle of Agincourt, and hung the entire coat of the said Duke by a string, upon a branch of a walnut tree, his own proper crest.

In the blazon of the arms of WILLIAM FERDINAND CARY, Baron of HUNSDON, by patent first Eliz. 1558, *argent* on a bend *sable*, three roses of the first, the arms of a vanquished Arragonian knight; the proper arms of Cary being *gules*, a chevron between three swans *argent*.

Women are also honoured by titles of honour and concessions of arms, as additions to their paternal ones; of which last I have spoke before, page 34. As for their additions of honour, I shall here add some few examples with the English, who say, as in Guillim, "Women in England are noble according to their husband's quality (as also in Scotland) and so are either honourable and noble, or ignoble; their honourable dignities are princesses, duchesses, marchionesses, countesses, viscountesses, and baronesses."

The noblesse are all knights' ladies, who, in all writings, are stiled *dames*; all esquires' and gentlemen's wives, only *gentlewomen*.

The third sort comprehends the plebeians, and are commonly called *good-wives*.

*Noblewomen* are so by creation, descent, or marriage.

Of women honourable by creation are divers examples; of which the first (as our author remembers) was Margaret Countess of Norfolk, created by Richard II. Duchess of Norfolk; and many of them had their honours granted by patents to themselves, and the heirs-male of their bodies to be begotten; with special clauses, "That their heirs-male shall have voices in parliament, creation-money, their mother's titles, as if she a dutchess, he a duke; and if a countess, he an earl; with the ceremony of mantle, surcoat, arms, and coronet, &c." The like grant had Lady Margaret, daughter to the Duke of Clarence, created Countess of Salisbury by Henry VIII. Thus also the Lady Elizabeth Finch, being by King James I. created Viscountess of Maidstone; and by King Charles I. Countess of Winchelsea, the dignity entailed on the heirs-male of her body begotten. Not to instance any more, I shall only mention the wives of Henry VIII. who was very liberal in

bestowing such titles and arms upon his favourites, and especially his wives. His second wife ANNE BOLEYN, before he married her, to qualify her for his bed, he advanced to the dignity of Marchioness of PEMBROKE; and to honour her paternal bearing, which was to be impaled with his royal one, he added three noble coats of arms of the families of the royal blood, and those of dignified feus, to wit, those of Lancaster, Angoulesme, and the Dutchy of Guienne, which were all marshalled in the chief places before her own in one shield: as Sandford in his Genealogical History of England.

His third wife being JANE SEYMOUR, daughter of Sir John Seymour, he honoured her family with arms composed with figures of the royal ensign, and created her brother Edward, Lord BEAUCHAMP; and the additament of honour to the arms was, *or*, on a pile *gules*, betwixt six flower-de-luces *azure* in pale, three lions *passant gardant* of the first, being those of England, which were quartered by his successors in the first and fourth quarters, before the paternal arms of Seymour, viz. *azure*, two wings conjoined in lure *or*, as carried by the family of SEYMOUR Duke of SOMERSET.

His sixth wife, KATHARINE PARR, sister of WILLIAM Marquis of NORTHAMPTON, was not only honoured in her own person, but her father's family also, with such another coat of concession, viz. *argent*, on a pile *gules*, betwixt six roses of the last, three roses of the first, which were marshalled in the first place before the paternal ones of PARR, viz. *argent*, two bars *azure*, within a bordure engrailed *sable*.

Queen Elizabeth was more sparing in granting such concessions of the royal ensigns; nay, on the contrary, resented the using of them with their own, by those who had right to them to show their maternal descent, albeit agreeable to the approved practice of England.

This resentment was specially remarkable on the descendants of Henry VII. as particularly MARY Queen of SCOTLAND, great grand-daughter to that king, by his eldest daughter Margaret, wife to King James IV. of Scotland, for showing the maternal descent of King James V. her father; and to Frances Brandon, Dutchess of Suffolk, also grand-daughter to the same King, by his younger daughter Mary, widow of Lewis XII. of France, afterwards married to CHARLES BRANDON Duke of SUFFOLK. This Dutchess durst not, during her lifetime, show her maternal descent: but the Queen was pleased to honour her funerals with a coat of augmentation, as by her order and warrant; which I have inserted verbatim in my Essay of the Ancient and Modern Use of Armories, page 148.

From which may be observed, first, That Arms of Special Concession are the ensigns of sovereignty, or pieces of them, which cannot be granted by heralds without a special warrant from the sovereign. Secondly, That such arms shall take place before all other sorts of arms. And thirdly, Heralds are to record them in the registers, and to pass them in all solemnities.

I shall only add, for a conclusion of this section, some general observes from Ashmole, in his Institutions of the Garter; "That the Kings of England, as sovereigns of that order, have been of late in use to grant to the Clinodial Knights additional arms in distinct quarters from their paternal ones on their banners, (which ought to hang over their stalls, lest otherwise they should seem too naked), as King James I. of Great Britain was pleased to give to ROBERT CARR Viscount of ROCHESTER, afterwards Earl of SOMERSET, whose paternal coat being *gules*, on a chevron *argent*, three stars of the first, he first added a lion *passant gardant or*, in the dexter chief point, as a special gift of favour, being one of the lions of England. And then, says our author, a new invented coat to be borne quarterly, being quarterly *or* and *gules*." He also tells, chap. II. sect. 7. "King James granted to Sir Thomas Erskine a coat of augmentation to be quartered with his paternal, when he was made a knight of that order:" But, with submission to that learned author, that coat of augmentation of Sir THOMAS ERSKINE Earl of KELLY was granted long before, upon another account than to fill up his banner when made a Knight of the Garter, as I have shown before. The same learned author tells us, chap. 7. sect. 2. "That the Garter, the principal ensign of that order, has been given by way of armory (but without the motto) in sundry bearings; as on the seal of arms belonging to the office of Garter Principal

“ King of Arms, where the garter surrounding a crown (of which before in the section of Offices) is placed in chief between one of the lions of England and a flower-de-luce of France. And, to instance families, says he, we find *argent*, three demi-garters *azure*, buckled and garnished *or*, granted by King Henry VII. to his servant PETER UARBON, and *sable*, a garter between three buckles of the same, to be borne by the name of BUCKLAND or BOWLAND, in the county of Northampton.”

Having, I suppose, already satisfied my reader with a sufficient number of instances of Arms of Special Concession, and showed their nature and right of precedence to others, as being originally parts of the ensigns of sovereignty, and only granted by sovereigns, I shall proceed to speak of Feudal Arms.

#### OF FEUDAL ARMS, OR ARMS OF DIGNITIES.

AMONGST the many ways of acquiring arms, that of noble feus and territories is one; the possessors of which have right to carry those figures which seem to be annexed to dignified feus; such as those of dukedoms, marquisates, earldoms, and old baronies, which the possessors carry to show their dignities by possession of them, by right of succession, or grant of the sovereign; as Hoppingius *de Jure Insignium*, paragraph 2. “ Cum feuda nobilia titulo successionis vel beneficio domini jus & voluntatem habentis, insignia conferri & perfecte acquiri palam est.”

*Feudal Arms*, in my humble opinion, were originally either those that were granted by sovereigns upon the erection of dignified feus, or the arms of the old possessors, which, by a long continuance, seemed to be annexed to the feus: as in France, Guienne, an appanage, the dukedoms of Burgundy Ancient and Modern, the counties of Vermandois, Dreux, Evereux, Aubigny, &c. all appanages of old of the sons of France, and have for arms annexed to them those of their ancient possessors the sons of France, who failing by want of issue, or otherwise, their successors into such noble feus, though strangers, marshalled the arms of those feus with their own, by the favour of the sovereign.

With us I shall mention some feudal arms which seem to be annexed to earldoms and lordships, before I proceed to give examples of others, with their blazons, and by whom now carried. The earldom of Arran, lordship of Lorn, Orkney and Caithness, afterwards earldoms, the arms properly belonging to them of old, and now still, are ships, lymphads, or boats, the emblems of their inhabitants, trade, and the service which they were obliged to perform to their sovereigns, by the reddenos of the charters of those noble feus; some of which I have seen, as that of LORN, viz. *unam navim viginti remorum si petatur tempore belli*: being obliged to furnish a ship of twenty oars for service in time of war, when required.

Some lawyers are of opinion, that ignoble persons, in possession of noble feus, are nobilitate by them, and may carry arms at their pleasure without authority, providing they assume them not (*in emulationem alterius*) to the prejudice of others; because, say they, every man may choose a name for himself, seeing this is not forbidden in any law; as Bartolus, *lib. 1. Cod. de Dignitate*; and Segoin in his *Treatise de Regno Italico, lib. 7.* tells us, “ That about the year of God 937, the Emperor Otto brought in a custom to Italy, by which the ignoble became noble, by possessing noble feus, and had right to carry arms; but still this was thought to be done with the special consent of the sovereign, and is so understood by the law and customs of all nations.” Hoppingius *de Jure Insignium*, in the fore-cited paragraph 3. proposes the question, and answers *negative* thus: “ An autem ignobilis, per feudi nobilis consecutionem, & talis qui ejus feudi arma deferendi potestatem habeat efficiatur? Respondetur non.” Joan. Gallus tells us the same, and that it was so decided and determined in France in the year 1282, “ That none could carry marks of dignity and honour without the approbation of the sovereign.” And the anonymous author of *Observationes Genealogicæ, lib. 1. cap. 39.* tells us, by the custom of Flanders and other countries, though noble feus be alienable by the ancient possessors to strangers, the dignity cannot pass to them, but returns to the sovereign: And the same holds in Britain, that those who

acquire noble feus, the dignity of them must be granted by the sovereign: without which grant the purchasers cannot use the arms of those noble feus; for arms, these many ages, being hereditary marks of honour, and in place of the Roman statues, cannot be assumed without the consent of the supreme power.

Though arms in their first acceptation, as *symbola*, were anciently the only way of expressing things, and used to distinguish persons, families, and communities, or taken up at pleasure by any man; yet hath that liberty for many ages been denied, and made the rewards and ensigns of merit, or the gracious favours of princes, regularly formed and disposed in a comely dress, first by the Germans, where arms are said by some to have begun, as their terms, regular descriptions, and blazons did in France, whom all Europe have imitated therein. I shall pass by their ancient practices, having spoken before of them, and where I have omitted in Britain, I shall insist a little on those in England and more fully of their practice in Scotland. As to the present subject, in England, none were allowed arms by the laws of gentility, but those that have either right to them by descent or grant, or purchased them from the badge or body of any prisoner they, in open and lawful war, had taken; of which I have given some instances before.

Therefore Henry V. of England did publish by proclamation, "That no man of what estate, degree or condition soever, shall assume such arms, or coats of arms, except he hold, or ought to hold them by right of inheritance, or by the donation of some person who hath sufficient power to give them; and that he shall make it appear to officers appointed by us for that purpose, by whose right or gift he enjoys them, except those that bare arms with us at the battle of Agincourt." From that ingenious gentleman that wrote the Introduction to Guillim's Display, of the sixth edition, I shall here add the words of the law, which the author gives us from the archives in the Tower of London. "Quod nullus cujuscunque status, gradus, seu conditionis fuerit, hujusmodi arma, sive tunicas armorum in se sumat, nisi ipse jure antecessorio vel ex donatione alicujus ad hoc sufficientem potestatem habentis, ea possideat aut possidere debeat, & quod ipsa arma, sive tunicas illas ex cujus dono obtinet, demonstrationis suae personis ad hoc per nos assignatis seu assignandis manifeste demonstrat, exceptis illis qui nobiscum apud bellum de Agincourt arma portabant," &c.

By which it is plain the voluntary assumption of arms is denied by the Kings of England; and which is also done by the Kings of Scotland, by the 125th act, 12. Parl. Jacob. VI.; of which more particularly in another place. But to return to feudal arms, and their particular practice.

Arms, as I have said before, were anciently taken, not only as marks of noble descent, alliances, offices of merit, and royal favour, but also of right to feus, territories, jurisdiction, and other valuable things in possession, or of pretension to them.

Those who had or pretended to such arms, did not of old place them in one shield, but carrying sometimes one, and sometimes another, (which I have demonstrated in the Essay of the Ancient and Modern Use of Arms, chap. 3. and elsewhere:) They came in use to carry these arms in different and distinct shields, and other military furniture; which gave occasion for seals to be made with two sides, a face, and a reverse: the face where a man is represented in a throne, or on horseback, with a shield of arms, called the royal or equestrian side of the seal, and the other side, called the reverse, another shield of different arms.

Ordinarily, before the use of marshalling many arms in one shield, there were distinct arms on the equestrian side, where a man is represented on horseback in his surcoat, upon which were arms different from those on the caparisons of his horse; and they again from those on the shield or buckler which he carried upon his left arm: And, upon the other side of the seal, called the *reverse*, ordinarily the paternal or principal coat of arms, accompanied with other shields of arms, commonly called *collateral shields*, because placed at the sides, or below the principal or paternal ensign, which they did accompany upon the account of alliance, office, or territories; as may be seen on foreign seals and coins, especially dollars.

To illustrate this practice I shall bring a few examples from Olivarius Uredus's Collections of the Seals of the Earls of Flanders; and I shall mention the like in

England and Scotland. BALDWIN Count of HAINAULT and Marquis of NAMUR, his seal had two sides, face and reverse; on the first was a man on horseback brandishing a sword, and about his neck hung a shield of arms, bendy sinister of six pieces, for the earldom of Hainault; and, on the reverse, a shield of arms charged with two cheverons, as Marquis of Namur, in *anno* 1178. He married Margaret, sister and heir of Philip Earl of Flanders; she bore to him Baldwin Earl of Flanders, who left two heiresses, Jean and Margaret; the first married to Ferdinand son of SANCTIUS King of LUSITANIA, *anno* 1211: He had on his seal of arms, upon the one side, a man on horseback in his coat-armour, or surtout, barruly of ten pieces, the arms of Lusitania, and on his left arm a shield charged with the Lion of Flanders; and, on the reverse, or other side of the seal, the ancient arms of Hannonia, three cheverons; so that there were three coats of arms upon one seal; which I have mentioned before, with others, page 30.

Other great men in that country, and in the countries near thereto, continued all the arms they had right to, but placed them at the sides, or round their proper arms in the middle; and in later time they have heaped them up in one shield by way of marshalling. I shall here add what the German Hoppingius *de Jure Insignium*, paragraph 3, says, "Vix enim ullus in & extra imperium invenitur princeps, comes, baro, qui non sum, ex diversis feudis regalibus, in quibus ipse vel majores ejus successerunt, auctum habeat clypeum."

Sandford, in his Genealogical History, gives us several instances of this practice of old in England; and some of which I have given in this Treatise, chap. 2. and of the same in Scotland, and shall here add one from Sir George Mackenzie's Science of Heraldry, chap. 27. page 88. viz. the achievement of the Lord BRECHIN, of old, being three shields, one upright, the other two collateral ones lying horizontally, all conjoined at three points; the uppermost *argent*, an eagle displayed, with an arrow through its breast, *gules*; the second shield, on the right side, *argent*, three piles (or rather the passion-nails of our saviour) conjoined in point *gules*; the third shield, *azure*, three garbs *or*, the feudal arms of the earldom of Buchan.

I shall add here a deduction of the ancient and great family of Brechin Lord Brechin, and how it came to terminate into the family of Maule Earl of Panmure.

DAVID Earl of HUNTINGDON in England, and Earl of GARIOCH and Lord BRECHIN in Scotland, brother to King William the Lion, both grandsons to King David I. carried, according to Sir John Ferne, *argent*, an escutcheon within a double tressure flowered and counter-flowered *gules*. What authority Sir John Ferne had for assigning these arms to Earl David I know not, but to several of his charters (Collect. of Charters in the Cotton Library) his seal is appended, having the picture of a man on horseback, and on his arm a shield, charged with three piles issuing from the chief, and conjoined by the points in base. He died in England, *anno* 1219, (Dugdale's Baronage) and left his lordship of Brechin to Henry his natural son, from which he took his surname.

This Henry Lord Brechin, and his descendants, used for their armorial bearing, *or*, three piles *gules*, as still carried by the Earls of Panmure; as appears by an ancient collection of ordinaries in the Cotton Library. He is witness to a charter of King William to Malcolm Earl of Fife, where he is called *Henrico filio comitis David fratris mei*; and JOHN Earl of CHESTER, his brother, in a donation to the canons of St Andrews, designs him *Henricus de Brechin, filius comitis David*; and the same Earl John, in a mortification to the monks of Aberbrothock, calls him *Henrico de Brechin fratre meo*. (Register of St Andrew's Priory, and Chartulary of Aberbroth.) By Julian his wife he had,

William Lord Brechin, who founded the *Maison Dieu*, or St Mary's Hospital of Brechin, for the salvation of the souls of William and Alexander Kings of Scotland, John Earl of Chester and Huntingdon his uncle, Henry his father, and Julian his mother: And in the foundation-charter designs himself *Willelmus de Brechin, filius Henrici de Brechin, filii comitis David*. (Confirm. by King James III. in 1477, wherein the original is transumed.) He is a witness with Alexander Stewart of Scotland, and David de Graham, to a charter of David Bishop of St Andrews to the monks of Paisley, in 1247, and stiled *Willelmo de Brechin, barone et milite*.

(Chartul. of Paisley.) *Anno* 1254, he was an arbitrator betwixt the Abbot of Aberbrothock and Peter de Maule Lord of Panmure, concerning the marches of the baronies of Aberbrothock and Panmure, which the Earl of Buchan, Justiciar of Scotland, by the king's special command, had perambulated. (Chart. of Aberbroth.) Further, in 1255, he was one of the Magnates, with whose counsel, *et aliorum plurium baronum*, the king gave commission to the Earls of Monteith, Buchan, and Marr, to treat with the English. (Rymer's *Fœdera*.) He was also one of King Alexander III. his Privy Counsellors, and one of the regents of the kingdom in his minority, deputed *ad gubernationem regni, et custodiam corporis regis et regine*. (*Ibid.*) And, in the year 1283, one of the *Proceres Scotiae*, who obliged themselves to receive Margaret of Norway as heir of the crown, failing issue-male of the king's body. (*Ibid.*) This great lord married a daughter of William Cumin Earl of Buchan, Justiciar of Scotland. (Andrew Winton's MS. Hist.) And most probably those are his arms given by Sir George Mackenzie in his Science of Heraldry, page 88. which he calls Lord Brechin, of old, with an antique mantling, where there are three shields of arms; that on the right has the arms of Lord Brechin, as blazoned above; that on the left the arms of Buchan, his wife's family; and the third shield is charged with an eagle displayed, pierced with an arrow, which perhaps were his mother's arms, whose family is not well known: And this practice of collateral shields was frequent in Scotland before the use of marshalling; for which see my Essay on the Ancient and Modern Use of Armories, page 55. But the similitude of the Lord Brechin's bearing with that of the name of Wishart, has led Sir George Mackenzie into the mistake of calling Lord Brechin the Wisharts, whose arms are carried by the Marquis of Douglas; whereas none of that name ever were concerned with the lordship of Brechin, or used that title. By \_\_\_\_\_ Cumin, his wife, William Lord Brechin had for his son and successor

David Lord Brechin, who is found in the Ragman's Roll among those who swore fealty to Edward I. King of England in 1296, (Prynne's Hist.); and was one of the great barons of Scotland whom King Edward required to attend him with their men, horses, and arms, into France, 1297; but the same year he was allowed to return home, upon giving his obligation to arm himself, and return again to the king's service, dated at Maghefeld 30th of May, and 25th of King Edward's reign. (*Fœdera Angliæ*.) He was at many of the battles fought after Baliol's renunciation, particularly at that of Methven in 1306, where he took Sir Simon Fraser prisoner. (*Fœdera*.) And in 1308 he was one of King Edward's council, from whom he gets a letter thanking him for his past services, and encouraging him to continue *consilium et auxilium suum* in his service. (*Fœdera*, Vol. III.) He continued on the English side, with his relations the Cumins, till the battle of Inverury, where this Lord Brechin, the Earl of Buchan, and Sir John Mowbray, commanded the army, which was routed by King Robert: Upon which the Lord Brechin retired to his castle of Brechin, which he had garrisoned; but being besieged by the Earl of Athol he made his peace with the king, (Barbour's Life of Robert Bruce, p. 168.) and ever after continued most loyal, having married a sister of King Robert I. and daughter of Robert de Bruce Earl of Carrick, (Buchanan) by whom he had David his successor, Thomas Brechin of Lumquhat, forfeited with his brother, (Inventory of the Registers) and a daughter, Margaret, married to Sir David Barclay, knight, in 1315; as appears by his charter of that date, "Margaretæ filiæ domini David de Brechin, de terris de Cairny, Barclay, &c. pro matrimonio inter eos contrahendo." (*Penes C. de Panmure*.)

Which David Lord Brechin, his son, called the *Flower of Chivalry*, in his youth went to the Holy Land, and signalized himself against the Saracens. (Buchanan.) In the 1320 he is one of the barons who wrote that bold letter to the pope, in behalf of King Robert Bruce, and the independency of Scotland; but next year, viz. 1321, he was unhappily made privy to the Countess of Strathern and the Lord Soulis' conspiracy against the king his uncle; for not discovering of which he was tried at the Parliament, called the *Black Parliament*, and suffered death, to the universal regret of the people, being the king's nephew, "Et omnium ætatis suæ juvenum, & belli, & pacis artibus longe primus," says Buchanan. This powerful lord, at his forfeiture, possessed the lordship of Brechin, the barony of Rothe-

may, the lands of Kinloch, and part of Glenesk; all which were given by King Robert Bruce to Sir David Barclay, (Inventory of the Registers) who had married the Lord Brechin's sister.

Which David Barclay Lord Brechin had, for his paternal estate, the barony of old Lindores, and lands of Cairny in Fife, out of which he and Margaret Brechin, his wife, gave a fishing in pure alms to the monks of Balmerino. (Regist. of Balmerino.) He was High Sheriff of Fife, (Sibbald's Hist. of Fife) and was famous in the wars of King Robert Bruce, with whom he was present at most of his battles, particularly Methven, where he was taken prisoner. (Barbour, p. 32.) He is also frequently mentioned in the wars of King David Bruce, whom he faithfully adhered to; and, in 1341, by that king's command, seized Sir William Bullock, Chamberlain of Scotland, suspected of treason, and committed him to prison; but afterwards having a feud with the Douglasses, he was murdered at Aberdeen in 1350 by John of St Michael and his accomplices, at the instigation of William Douglas of Liddesdale; as related by Fordun, who calls him *Nobilis vir et potens dominus David de Barclay miles*. (Hearne's *Scoticronicon*, Vol. IV, p. 1040.) By Margaret Brechin, his wife, he left David his heir, and Jean, married to Sir David Fleming of Biggar, by whom he had a daughter, Marion, the wife of Sir William Maule of Panmure; as appears by a charter of this William to Marion Fleming, his wife, the daughter of Sir David Fleming, of his lands of Scryne, &c. confirmed by King Robert II. *ad annum* 1381. (*Penes C. de Panmure*.)

David, next Lord Brechin, by his charter *sine data*, grants his lands of Kyndestlyth, to be held of him and his heirs, to Hugh Barclay his cousin, son to David Barclay his uncle, from whom CULLERNY is descended: (*Chart. penes Hen. Barclay de Cullerny*.) And in 1363, he grants a charter of confirmation of the lands of Dunmure, lying in his barony of Lindores, to ROGER MORTIMER. (*Penes C. de Panmure*.) He went to the wars of Prussia, for which he obtained a safe conduct from Edward III. of King England, to pass through his dominions, attended with twelve esquires, and their horses and servants, dated in 1364, the 37th of Edward III. (Extract from the Tower of London.) And after his return he is also mentioned in the wars of King David Bruce. By Jean his wife he left one daughter, Margaret, his heir, who was married to Walter Stewart, second son to King Robert II. by Euphame Ross his queen. (*Chart. in pub. Archiv.*)

This Walter is first designed in charters Lord Brechin only; but afterwards he comes to have the titles of Palatine of Strathern, Earl of Athol and Caithness, and Lord Brechin: And by the foresaid Margaret, his wife, he had David Stewart, who died an hostage in England for the ransom of King James I. and Allan Earl of Caithness, killed at the battle of Inverlochy in 1430, without issue. (*Scoticronicon*.) But the Earl of Athol, though his lady died before himself, kept possession of this lordship till the 1437, when he was executed for the murder of King James I.; at which time Sir Thomas Maule of Panmure laid claim to the estate of the Lord Brechin, as heir to Margaret Countess of Athol, heiress of Brechin, to whose heirs it had been provided by a charter 19th October 1378; (*in pub. Archiv.*) and took instrument upon the Earl's declaration, before his execution, that he possessed the lordship of Brechin only by the courtesy. (*Instrum. Penes C. de Panmure*.) And that same year Thomas Bisset of Balwylo makes oath judicially, "That David Lord Brechin, father to the Countess of Athol, had no brothers, and "but one sister, Jean Barclay, the wife of Sir David Fleming, and grandmother "to Sir Thomas Maule, killed at the Harlaw." (*Penes C. de Panmure*.) And the said Sir Thomas Maule, in 1442, takes a notorial transumpt of the above charter of Dunmure by David Lord Brechin, to preserve and show his right to the superiority of those lands, as heir to the said Lord Brechin; notwithstanding of which the family of Panmure got possession only of the lands of Hetherwick, Leuchlands, Jackston and Staddockmuir, parts of the Brechin estate; and the Privy Council in King James II. his minority, caused annex the lordship of Brechin to the crown, on pretence of Athol's forfeiture; (Acts of Parliament) and in 1487, James, the king's second son, amongst other titles, was created Lord Brechin.

But this lordship being sometime after again dissolved from the crown, has now been a considerable time enjoyed by the family of Pannure, who are heirs of blood to the ancient Lords BRECHIN, whose title they carry, together with their arms, viz. quarterly, first and fourth *azure*, a chevron betwixt three crosses patee *argent*, for Barclay; second and third *or*, three piles issuing from the chief, conjoined by the points in base *gules*, for Brechin, which are placed in the third quarter of the Earls of Pannure's shield of arms, as blazoned page 49. of this volume.

Most of our ancient earldoms, and some of our old lordships have, as it were, armorial ensigns annexed to them; which were either those granted upon their erection into noble feus, or those of the ancient possessors, and, by the favour of the sovereign, are transmitted with the dignity of the feu to other different families, who, by modern practice, quarter the arms of these dignities conferred on them with their proper arms, merely as feudal ones, and not upon the account of descent or alliance with the ancient possessors of these dignified feus, nor upon the account of special concession, patronage, or otherwise, but only as invested in these noble feus: So that we meet with distinct families carrying one coat of arms, but upon different accounts; as by many instances in the former, and in this Volume, to which I shall add a considerable number here, to show the honour and dignity of our ancient and modern families.

I begin with the name CUMING or CUMIN, once a numerous and powerful family, whose arms were *azure*, three garbs *or*. The most eminent family of the name was dignified with the Earldom of BUCHAN; which noble family came to a period in the reign of Robert Bruce, upon the account of their rebellion in adhering to the interest of England; (a branch of which family now remaining is CUMIN of Coulter, who carries the above arms to show his descent; see Appendix, page 58. and Plate of Achievements) and their arms ever since became the feudal ensigns of the earldom of Buchan, to several different families who were honoured with the title of that earldom.

The first that I have found to carry them, as such, was ALEXANDER STEWART, fourth son of King Robert II. when created Earl of BUCHAN by his father, who, by our old books of blazon, carried, quarterly, first and fourth Stewart, *or*, a fesse *chequé*, *azure* and *argent*; second and third *azure*, three garbs *or*, as the feudal arms of the earldom of Buchan: After his death, having no lawful issue, that dignity returned again to the crown. Afterwards King Robert III. invested JOHN, second son to ROBERT Duke of ALBANY, Earl of FIFE and MONTEITH, in the earldom of Buchan, who carried then the arms of Scotland, quartered with the feudal arms of Buchan; as in the First Volume, page 48.

King James II. bestowed the earldom of Buchan upon his uterine-brother James Stewart, second son to James Stewart, called the black Knight of LORN, and his Lady, Jean Beaufort, Queen Dowager of King James I.

Which James Earl of Buchan married MARGARET, daughter and heiress of OGLIVIE of AUCHTERHOUSE: By her he had ALEXANDER Earl of BUCHAN, and LORD AUCHTERHOUSE, who carried, as in our old books of blazon, quarterly, first and fourth *or*, a fesse *chequé*, *azure* and *or*; second and third *azure*, three garbs *or*, for the Earldom of Buchan: But the German writer Jacob Imhoff, upon what reason I know not, speaking of this family, makes the fesse *chequé* *sable* and *argent*, and accompanies it with three wolves' heads erased *gules*. Alexander Earl of Buchan's grandson, viz. JOHN, Master of Buchan, was killed at the battle of Pinky: His estate and dignity came to Christian his daughter and sole heir, who was married to Robert Douglas, son of William Douglas of Lochleven, a younger brother of William Earl of Morton. Their son was JAMES DOUGLAS Earl of BUCHAN, who carried, quarterly, first and fourth Douglas of Lochleven, viz. *argent*, three piles issuing from a chief *gules*, charged with two stars of the first; second *azure*, three garbs *or*, for the earldom of Buchan; third *or*, a fesse *chequé*, *azure* and *argent*, for Stewart. And he having but one daughter, Mary, his heir, who was wife to JAMES ERSKINE, eldest son of John Earl of Marr, by his second lady Mary Stewart, daughter of Esme Duke of Lennox: James Erskine, in his wife's right, was Earl of Buchan, and carried, quarterly, first Buchan; second Stewart; third Stewart of Lennox, upon the account of his mother; and fourth Douglas of Lochleven, upon the ac-

count of his wife, as just now blazoned; and over all, by way of an inescutcheon, the arms of Marr and Erskine, quarterly; as in Plate 7. fig. 3. in the Ancient and Modern Use of Armories: so that he carried both feudal coats of arms, arms of alliance and descent. The issue of this family failed, and David Erskine, eldest son of Henry Erskine Lord Cardross, whose progenitor was Henry, immediate younger brother of James Earl of Buchan, by his wife Mary Douglas, heiress of the earldom of Buchan as above, was, by the Parliament of Scotland, declared Earl of Buchan, and took his place in Parliament according to the seniority of the Earls of Buchan. But more of him and the cadets of the family with their arms, in the First Volume, page 40. and his achievements in *taille douce*, Plate IV.

The old Earls of ATHOL carried paly of six pieces *argent* and *sable*. This ancient and noble family, for want of issue-male or otherwise, came to the CUMINS, and, upon their forfeiture, returned to the crown, the fountain of all honour. Robert II. conferred that earldom upon Walter Stewart his second son. He carried the arms of Athol, quartered as feudal ones with his paternal: but being forfeited as one of the murderers of King James I. that earldom was again annexed to the crown.

King James II. bestowed that earldom upon his uterine-brother John Stewart, the black Knight of Lorn, and Jean Queen Dowager: JOHN the then Earl of ATHOL carried, quarterly, first and fourth Stewart; second and third paly of six pieces, *argent* and *sable*, for the title of Athol; as did his descendants, till that dignity came to MURRAY Earl of TULLIBARDIN, now Duke of ATHOL, who now carries those arms as feudal ones; of which before, Volume First, page 50. and 248.

The old Earls of MARR, of the same name, had for arms *azure*, a bend between six cross croslets fitched *or*, which became feudal ones to other families, who were honoured with the earldom of Marr; for which see Volume First, page 127.

The arms of the old Earls of MARCH and DUNBAR became the feudal arms of that earldom to other families that were honoured with that dignity, after it was annexed to the crown by King Robert III. upon the forfeiture of George Dunbar Earl of March. King James II. created Alexander his second son Duke of Albany, Earl of March, Lord Annandale, and of the Isle of Man: Upon which account he carried the arms of those dignities quarterly; first the arms of Scotland entire; second *gules*, a lion rampant *argent*, within a bordure of the last, charged with eight roses of the first, for the earldom of March; third *gules*, three legs of a man armed proper, conjoined in the centre at the upper parts of the thighs, flexed in a triangle, garnished and spurred *or*, the arms of the Isle of Man; fourth *or*, a saltier and chief *gules*, the feudal arms of the Lordship of Annandale, which were on his seals; and at this day are to be seen entire on the College-church of Edinburgh, to which he was a benefactor. This duke was twice married; first to Katharine Sinclair, daughter to William Earl of Orkney: she bore to him a son Alexander, who married Margaret, daughter of the Lord Crichton, and had a daughter married to David Lord Drummond. Alexander Duke of Albany, &c. after his marriage, entered into religious orders, was abbot of Inchaffray and Scoon, and afterwards Bishop of Murray. He resigned his temporal honours in favours of his younger brother John Duke of Albany, son of the foresaid Alexander Duke of Albany, by his second wife, a daughter of the house of Bologne. This John Duke of Albany, Earl of March, Lord Annandale, of the Isle of Man, Count of Bologne, and Count of Auvergne, was Governor of Scotland for several years in the minority of King James V. He carried on his seal of arms as his father, before blazoned. I have seen a large piece of gold, coined in the year 1524; upon the one side is an eagle displayed, and *diademé*, and below it an escutcheon, quarterly, as before, impaled with the arms of his dutchess, Anne de la Tour and Auvergne, viz. quarterly, first and fourth *semé* of France, a tower, for the Count DE LA TOUR; second and third *argent*, a gonfannon *gules*, the gonfannon (*i. e.* the banner of the church, which I have described in the First Volume, page 406, and caused cut it in Copperplate IX. fig. 20.), and over all an inescutcheon, charged with three *torteaux*, for Bologne; which shield of arms was adorned with a ducal coronet.

This duke died without issue and his dignities returned to their respective sovereigns; but the titles of March and Man were given, with the arms of those dignities, to the family of Lennox and Lord Darnly; so that I shall here add briefly these ensigns as an example of feudal arms.

HENRY LORD DARNLY, the eldest son of Matthew Earl of Lennox, before he was married to Mary Queen of Scotland, being created Duke of ROTHSAÿ, Earl of ROSS, and Lord of the ISLE of MAN, had the arms of the last two dignified feus marshalled with those of the family, and as husband to Queen Mary, viz. quarterly, first and fourth *azure*, three flower-de-luces *or*, within a bordure *gules*, charged with eight buckles of the second, for AUBIGNY and EVEREUX in France; second and third *or*, a fesse *chequé azure and argent*, for Stewart; over all, by way of surtout, *argent*, a saltier ingrailed, cantoned with four roses *gules*, for the earldom of Lennox. But I shall here give Prince HENRY's arms, as they stand cut and illuminate on his mother's tomb in Westminster, viz. quarterly, first quarter counter-quartered, Aubigny (or Evereux as before) with Stewart, and in surtout the arms of Lennox, as his father before; second quarter the arms of the Isle of Man, as before blazoned; third quarter *gules*, three lions rampant *argent*, for the earldom of Ross; and in the fourth quarter the arms of Douglas Earl of Angus, being those of his mother. Upon what account the English placed them there I know not, for she was not an heiress; but with us, in our books of blazons illuminate, they were counter-quartered as the first. All which are impaled with the royal arms of Scotland, supported on the right side with a wolf, proper, and on the left by the unicorn of Scotland, and the achievement ensigned with the imperial crown of Scotland. The arms of the family of Lennox, more fully deduced, may be seen in my book of the Ancient and Modern Use of Arms, and there cut in copperplate, chap. 15.

The estate and dignities of the earldom of Lennox devolved by right of succession on Robert, who was Bishop of Caithness, and after him on his nephew CHARLES, second son of MATTHEW Earl of LENNOX, who, as Earl Matthew's brother and successor, carried both quarterly; first Aubigny; second Stewart; third the arms of the earldom of March; fourth as the first; and over all, in surtout, the arms of the earldom of Lennox, before blazoned, being feudal arms; which may be seen in my forementioned book. So, as I observed before, feudal arms have been much frequented and used by our nobles. This Earl Robert resigned the earldom of Lennox into the King's hands *ad remanentiam*, who confirmed the earldom of March to him: but he died soon after without any issue, and that earldom returned also to the crown.

King James VI. conferred the earldom of Lennox upon his cousin Esme Stewart, Lord Aubigny in France, son and heir of John Lord Aubigny, brother of Matthew Earl of Lennox, grandfather of King James VI. ESME was High-Chancellor of Scotland, and created Duke of LENNOX, and carried for arms, quarterly, first and fourth the feudal arms of Aubigny in France, second and third Stewart, and, by way of surtout, the feudal arms of Lennox; which may be seen in my forecited book, Plate VI. fig. 6. He married CATHARINE DE BALSAC, sister to the Sieur D'ENTRAGNES, who bore to him two sons and as many daughters; Ludovick his successor, and Esme Lord Aubigny; Henrietta married to John Gordon first Marquis of Huntly, and Mary to John Earl of Marr; who had to their husbands many children, matched with noble families in Scotland; which is the reason why we see so frequently the arms of Sieur d'Entragnes, viz. quarterly, first *azure*, three saltiers coupé *argent*, and, on a chief *or*, as many saltiers coupé of the first; second *argent*, a fret *sable*; third *gules*, three buckles *or*; fourth as the first, and in surtout *argent*, a serpent gliding in pale *azure* vomiting out of its mouth a child *gules*. Which arms, I say, with these of Lennox, are frequently to be met with on the funeral escutcheons of our nobles, as proofs or branches of their maternal descents from the houses of Huntly and Marr.

The male line of Esme Duke of Lennox failed in Charles Duke of Lennox and Richmond in England, who died without issue in the year 1672, and the honours returned to King Charles II. who was served heir to him; so that these noble feus with their arms returned to the crown.

Of late the honours and arms of the earldoms of March were conferred upon WILLIAM DOUGLAS, second son to William Duke of QUEENSBERRY 1703; upon which account he quarters the arms of that earldom with those of his father's.

The arms used by the RANDOLPHS Earls of MURRAY, being *argent*, three cushions within a double tressure, flowered and counter-flowered with flower-de-luces *gules*, became the feudal arms of that earldom, when possessed by other families, with the title of Earl of Murray.

ARCHIBALD DOUGLAS, brother to James Earl of Douglas, who was, by King James II. created Earl of MURRAY 1449, carried, quarterly, first and fourth the above blazon of the earldom of Murray, second and third the paternal coat of Douglas: He was forfeited for his rebellion 1455.

King James IV. bestowed that earldom on his natural son JAMES STEWART, begot on Jean Kennedy, daughter to the Earl of Cassilis, who carried, first and fourth, the ensign of Scotland, bruised with a batton sinister; second and third *argent*, three cushions within the double tressure *gules*, for the earldom of Murray: He had no sons, but two daughters, and the earldom being a masculine feu at the time, returned to the crown.

Mary Queen of Scotland conferred the dignity of the earldom of Murray on her natural brother JAMES STEWART, Prior of St Andrews, by letters-patent of the date 10th February 1563, to him and his heirs whatsoever. The Earl of Murray, who was Regent of Scotland, carried the same quartered arms as his predecessors in that earldom. He was killed in the town of Linlithgow, and left behind him only one daughter, Isabel, his heir, who married JAMES STEWART Lord DOUNE, who, in her right was Earl of Murray, of whom is descended the present Earl of Murray, who carries, quarterly, first the arms of Scotland, within a bordure, gobonated *argent* and *azure*, as descended from the regent; second *or*, a fesse *chequé*, *azure* and *argent*, for Stewart of Doune; third *argent*, three cushions within a double tressure counter-flowered *gules*, for the earldom of Murray; and the fourth as first.

The ancient Earls of DOUGLAS, when dignified with the titles of noble feus, as that of the Earldom of GALLOWAY, carried the arms of that country, being *azure*, a lion rampant *argent*; and when dignified with the title of Duke of TOURAINNE in France, and with the lordship of ANNANDALE in Scotland, quartered the arms of those dignities with their paternal ones thus, quarterly; first *azure*, three flower-de-luces *or*, for the dukedom of Touraine in France; second Douglas; third *azure*, three stars *argent*, for MURRAY Lord of BOTHWELL; fourth *argent*, a saltier and chief *gules*, for the lordship of Annandale; sometimes they left out of their achievement the arms of Galloway, to a branch of the family dignified with the title of Earls of Galloway: And other younger sons of the family, who were Lords of Liddisdale, quartered the arms of that lordship, being *sable*, a lion rampant *argent*, with the paternal coat of Douglas with suitable differences.

But I cannot omit to give an account, in short, how this ancient and noble family of Douglas branched out in many honourable families, who carried all feudal arms, with which they were dignified, and marshalled them with their paternal one.

WILLIAM first Earl of DOUGLAS had three wives, the first, Margaret, heiress of Marr, of whom James Douglas Earl of Marr; which branch did not continue long, as I showed before. The second wife was a daughter of Dunbar Earl of March; of her came the Earls of Douglas and Lords of Galloway, and their branches: And by the third wife, Margaret Stewart, daughter and heir of John Stewart Earl of Angus, their son was George, the first of the Douglasses Earls of Angus, in right of his mother. He married Mary, daughter to King Robert III. who bore to him JAMES Earl of ANGUS, who carried, and his successors, by our old books of blazon, and on their seals of arms, quarterly, first *gules*, a lion rampant *argent*, for the earldom of Angus; second Douglas; third *or*, a fesse *chequé* *azure* and *argent*, surmounted of a bend *gules*, charged with three buckles of the first, for STEWART of Bonkill; fourth *or*, a lion rampant *gules*, surmounted of a bendlet *sable*, for ABERNETHY. This noble family of the Douglasses, Earls of Angus, carried sometimes the same coats of arms otherwise marshalled; on which various marshalling of arms I cannot now insist, but give you the arms of that noble fa-

mily as they have been more constantly used, and now carried by the Duke of Douglas, viz. quarterly, *azure*, a lion rampant *argent*, for Galloway (if the field were red, as I think it should be, it would stand for the earldom of Angus, to which they had more right than to Galloway); second *or*, a lion rampant *gules*, surmounted of a bendlet *sable*, for Abernethy; third *argent*, three piles issuing from the chief *gules*, for Wishart, and not for the Lords of Brechin, as some say; fourth *or*, a fesse *chequé argent* and *azure*, surmounted of a bend *gules*, charged with three buckles of the first, for Stewart of Bonkill; of which family were the Stewarts Earls of Angus; and over all, by way of surtout, the arms of Douglas, which I have blazoned before, and caused them to be also engraven in the above mentioned book, the Ancient and Modern Use of Arms.

The Town and Barony of MONTROSE carried arms relative to its name, viz. *argent*, a rose *gules*; and from that barony David Lord Lindsay Earl of Crawford was honoured with the title of Duke of Montrose, by King James III.; which dignity did not continue in the family.

King James IV. honoured WILLIAM LORD GRAHAM with the dignity of Earl of MONTROSE in the year 1445, upon which he and his successors, Earls of Montrose, carried, quarterly, first and fourth *argent*, on a chief *sable*, three escalops *or*, for Graham; second and third *argent*, three roses *gules*, for the title of Montrose, now carried by the present Duke of Montrose.

The arms of the lordship of BADENOCH, *or*, three lions' heads erased *gules*, as arms belonging to that feu; which dignity was given by King James II. to the Lord Gordon for his special services, and have been marshalled in the achievement of his bearing, and is now carried by the Duke of Gordon; of whom I have deduced the descent of the family in my former writings.

To come to a close of this section of Feudal Arms, I shall only mention these of the earldoms of Arran, Orkney, Caithness, and lordship of Lorn.

The arms properly belonging to these feus are *ships* or *boats*; of which I spoke before at the beginning of this section.

The arms of the Isle of ARRAN, *argent*, a ship with its sails furled up *sable*. King James III. erected that isle into an earldom, in favours of THOMAS BOYD, son of Robert Lord Boyd, Chancellor of Scotland. Whether he quartered the arms of Arran with his own, I know not; for he enjoyed that earldom but a short time.

King James IV. bestowed that earldom upon JAMES LORD HAMILTON, who was created Earl thereof the ninth of January 1503; for which the family since have been in use to quarter the arms of the earldom of Arran, as feudal ones, with their own.

The Lordship of LORN's arms are, a lymphad (an old-fashioned ship with one mast) *sable*, with flames of fire issuing out of the top of the mast, and from the fore and hinder parts of the ship; as by our old paintings and blazons called St Anthony's fire. This Lordship belonged anciently to the M-DOWALLS, who carried those arms for want of male issue, which came to an heiress, who was married to one of the name of Stewart of the family of Darnly, whose posterity were possessors of Lorn: King James II. 1445, created JOHN STEWART Lord of LORN, who carried for arms, quarterly, first and fourth these of Lorn, as above; second and third *or*, a fesse *chequé, azure* and *argent*, with a garb and chief *azure*. Lord John had no lawful sons, but a natural one, Dougal, predecessor of the Stewarts of Appin, and three daughters heirs-portioners; the eldest, Isabel Stewart, was married to Colin Campbell Earl of Argyle; Margaret, the second, to Sir John Campbell of Glenorchy; and the third daughter to Archibald Campbell, the first of the family of Ottar.

WILLIAM STEWART of Innermeath, as heir-male to John Stewart Lord Lorn, claimed the lordship of Lorn, and accordingly, as heir-male, was seised in that lordship the 21st of March 1469; and in the month of November, the same year, resigned that lordship in King James III. his hands, in favours of Colin Earl of Argyle, for which the Earl gave him other lands, and the King dignified him with a title of Lord INNERMEATH.

Since which time, the Earls of Argyle, as Lords of Lorn, have always been in use to quarter the arms of that lordship, as before described, (without the flames of

fire issuing from the mast) as feudal arms with their own, and carried by his Grace the present Duke of ARGYLE, thus, quarterly, first and fourth, *gironné* of eight pieces, *or* and *sable*; second and third *argent*, a ship with her sails furled up, and oars in action, *sable*.

Sir JOHN CAMPBELL of Glenorchy, who married the other sister, Margaret, and whose issue was honoured with the title and dignity of Earl of BREADALBANE, quartered the whole bearing of John Stewart Lord of Lorn, with the paternal arms of Campbell, to show their descent from the Stewarts of Lorn, viz. quarterly, first, *gironny* of eight pieces, *or* and *sable*, for Campbell; second, *argent*, a ship with her sails furled up, and oars in action *sable*, for Lorn; third, *or*, a fess *chequé*, *azure* and *argent*: which coats of arms are to be seen cut in copperplate in the above-mentioned book of the Ancient and Modern Use of Armories, chap. XV.

The armorial figures of the ancient Earls of ORKNEY and CAITHNESS were ships, upon the account before mentioned. TORPHIN is said (as by Sir James Dalrymple in his Collections, page 164.) to have been the first Earl of ORKNEY, and created by King Malcolm II. His grandchild Renavald, to whom King David I. directs a mandate thus: TO RENEVALD EARL OF ORKNEY, *et omnibus probis hominibus Cataneis et Orkadiae*, in favours of the Monks of the Abbacy of *Durnach in Cataneis*; as our above-mentioned author, page 269. Another Torphin, Earl of Orkney, Zetland and Caithness, (Sir James Balfour in his manuscript says) married a natural daughter of King William the Lion, and she bore to him John, his son and successor. Alexander Ross, in his Annals, says he has seen this Earl John's seal of arms, which he describes thus, *Navis circa liliis intexto*, i. e. a ship within a double tressure; which last figure, it seems, was allowed upon the account of his descent from the royal family. Which arms are often painted and blazoned in our old herald books, and, as a feudal coat, quartered in the armorial bearings of those who were dignified with the titles of Earls of Orkney and Caithness, thus blazoned by some; and, as in Sir George Mackenzie's Heraldry, quarterly, first, *azure*, a ship at anchor, her oars erected in saltier within a double tressure, counter-flowered *or*, for the title of Orkney; second and third, *or*, a lion rampant *gules*, by the name of SPAR; fourth, *azure*, a ship under sail *or* (by some *argent*), by the title of Caithness; and the SINCLAIRS of Roslin of old, and now, have been in use to carry these coats, when dignified with those noble feus, by placing their cross ingrailed *sable* over them: But see more of this honourable family with their arms, and those of their cadets, in the First Volume of the System of Heraldry, chap. XV. page 118.

SINCLAIR Lord SINCLAIR of Ravensheugh marshals with his paternal coat the feudal arms of the Earldom of Orkney and Caithness, as being the lineal heir-male of William, Earl of Orkney, upon the account of his pretensions to these earldoms.

#### ARMS OF PRETENSION.

PRETENSION is another cause of marshalling arms in one shield, by those who pretend a right to sovereign dominions and feudal dignities, though possessed by others.

The Kings of Spain have been in use to show their right of pretensions to the kingdoms of Portugal and Jerusalem, though in the possession of others, not only in using their titles, but their arms on their seals and ensigns, and in marshalling the arms of those kingdoms with their own. Upon the same account, the Dukes of Savoy have quartered the arms of the kingdom of Cyprus with their own, and the English have not been wanting to do so with these of France.

CHRISTIAN III. King of DENMARK, about the year 1546, quartered the arms of SWEDEN, viz. *azure*, three crowns *or*, with his own; which gave ground of jealousy to the Swedes, thinking that the Danes, by usurping those arms, pretended right to the kingdom of Sweden; as Beckmanus says, "*Tantum insigniorum istorum usurpatione, quoque jus aliquod in regnum Swediæ, Dani prætexerunt*;" so that a bloody war broke out between these nations. King James IV. of Scotland interposed for a peace by his two ambassadors, Sir Robert Anstruther of that ilk, and Sir James Spence of Wormiston, who happily accommodated the contest between

these two kingdoms, by four articles relating to the bearing of these arms, account of which I have given before in the 16th chap. in the Essay of Armories.

Carrying arms upon the account of pretended right to kingdoms, dignified feus, and other things, has been the occasion of much bloodshed, enmity, and discord almost everywhere; so that, Hoppingius *de Jure Insignium*, cap. 87. speaking against assuming or usurping the arms of others, says, "Quis autem tam alienus a civili conversatione inventus unquam, qui non ob indifferentem insignium delationem, dissidia, rixas, odia, injurias, certamina orta viderit, legitime."

The Kings of Denmark, amongst other reasons of pretending right to the superiority of the city of Hamburg, has one, that the city had, on its public places, anciently the arms of HOLSTEIN, and was a part of their dominions, viz. *gules*, a nettle stalk of three leaves expanded, and, on its middle, an escutcheon *argent*; as Beckmanus tells us, "Inter rationes pretensionis regum Danie in civitatem Hamburgensem, una fuit, quod folium urticæ, principum Holsatiæ insignia, a tempore Christiani tertii passim urbis insignibus, in Curie portis, sigillo publico, ac moneta, scripserunt;" which being the arms of the princes of Holstein, and the kings of Denmark succeeding to them, have had a pretension to that city by law; for arms being fixed upon moveables or immoveables, presume a right of property or superiority to these things: But how far that pretension will reach, I leave to lawyers.

The Swedes and Polanders engaged in a war upon the account of carrying the arms of Sweden, which Sigismund III. of Sweden used after he was deposed; and, when elected King of Poland, marshalled with the arms of Poland, to show, as it were, his right and civil possession of Sweden, and natural one of Poland: which was so hotly resented by the Swedes, that he was forced to come to an accommodation at the treaty of Oliva, in the year 1662, where he renounced his right to Sweden, its titles and arms, and that he should not use them in any affairs and letters to that kingdom; but, as being once their king, he had liberty to use the title and arms of Sweden in his writs to other foreign states, princes, and private persons; and that, in all time coming after his death, the kings of Poland should forbear the titles and arms of Sweden.

As the use of *arms of pretension* has been troublesome; so the omission of using such has been no less prejudicial to some. It was objected to Richard Duke of York, when he claimed the crown of England, as heir to Lionel Duke of Clarence, that he did not carry Clarence his arms, as heir to the crown. He answered, That he might have done it, but he forbore them, as he did also the claim to the crown; which he also missed at the time: But he and his posterity were more careful to use them afterwards.

The Dukes of ANJOU, who were Titular Kings of Jerusalem, Sicily, Arragon, and Naples, quartered the arms of those dominions with their proper ones, upon the account of pretension; and the Princes of ORANGE have been in use to do the same with the arms of Geneva.

Many of our noble families in Scotland have been in practice anciently and now to quarter the ensigns of dignified feus with their own, upon account of right of pretension. MALISE GRAHAM, though he was deprived by King James I. of the earldom of Strathern, and, in place of it, got the earldom of Monteith; yet he and his successors, Earls of Monteith, carried the armorial figures of the earldom of Strathern, viz. *or*, a fesse *chequè*, *azure* and *argent*, and, in chief, a chevron *gules*, which were quartered with their paternal arms *argent*, on a chief *gules*, three escalops *or*, as always pretending right to that earldom.

The Lords ERSKINE of the same name, upon their right of pretension to the earldom of Marr, quartered these of that earldom with their paternal arms, long before they attained to the possession and dignity of that earldom.

The Lords of SEATON have been in a constant use to quarter the feudal arms of the earldom of Buchan, viz. *azure*, three garbs *or*, upon the account of pretension to that earldom, since the reign of King James II. being lineal heirs by descent to John Stewart Earl of Buchan, High Constable of France, second son of Robert Duke of Albany, Governor of Scotland. George Lord Seaton married Lady Jean Stewart, only daughter and heir of the said John Earl of Buchan, from whom were

descended, in a right line, all the Lords of Seaton and Earls of Winton, who have been in use to quarter the arms of Buchan to show their right; but more of this family in the first volume, page 231.

Having treated of the various occasions and causes of marshalling many coats of arms in one shield, I proceed to these of *dominions*.

#### ARMS OF DOMINION.

As to arms of dominion, I have already given a full account in my Essay on the Ancient and Modern Use of Armories, chap. XIV. But that book being now almost out of print, for the benefit of such of my readers as have not seen it, I think myself obliged to give a repetition of several things there advanced, and necessarily to be known in this System of Heraldry; and particularly the variations of the armorial ensigns of Scotland and England, to which I shall add these ensigns after the union of the two kingdoms, as they were borne by our late sovereign Queen Anne; and lastly, as they are now borne by his present Majesty.

*Arms of dominion* are these which belong to sovereign princes and commonwealths by right of sovereignty; and these may be said, in a strict sense, not to be properly arms, as I have before defined them, but rather ensigns and badges of public authority, and of a longer antiquity; for of old, the Persian, Grecian, and Roman monarchies had fixed ensigns of their sovereignties, as other monarchs have since used.

In carrying such ensigns, there are three specialties to be observed, rising from the different way of obtaining sovereignty, by *succession of blood, election, and conquest*; of which in order.

And first, The person who ascends the throne by legal succession, must be either a sovereign, or a subject descended of a private family; if the first, he marshals his own sovereign ensigns with the arms of the dominion he succeeds to: and it is the opinion of some, in marshalling of them, to give the first quarter to the arms of the ancientest sovereignty, as the kings of England carry in the first quarter the arms of France before those of England.

But the first practice I meet with in marshalling arms of dominion, is in the achievement of the kings of Spain, where the latest kingdom is preferred to the ancientest.

About the year 1017, FERDINAND, eldest son of SANCTIUS, to-named the Great, King of NAVARRE, and Elivira, daughter to the sixth and last Earl of Castile, who carried, in a red field, a castle of gold, because in a battle against Miramolin, King of the Moors, he recovered that country; as Hoppingius tells us, "*Castiliæ sive Castellæ insignia castrum aureum, rubro in campo, eo quod magno illo prælio contra Miramolinum Maurorum regem victor extitisset perhibitur.*"

This Ferdinand was the first that was honoured with the title of King of Castile, and married Sanctia the daughter of Alphonsus, King of Leon, and sister to Beremund, who died without issue. Ferdinand, by this marriage, became king of CASTILE and LEON, and marshalled the arms of both these kingdoms in one shield, viz. first and fourth, Castile; second and third, Leon, *argent*, a lion rampant *gules*; thus blazoned as by the above author, "*Reges Castellæ et Legionis quadripartitum in insignibus offerunt scutum, in parte superiori dextra et in inferiori sinistra castellum aureum in campo rubeo; in parte superiori sinistra et inferiori dextra leonem fulvum in campo albo exhibens.*"

The kingdom of Leon was a more ancient kingdom than Castile for many ages; for, when PELAGIUS took that country and town from the Moors about the 722, it was called a kingdom, and he took for his arms a lion, because it is said to be the king of beasts; as our author, "*Pelagius Legionis Rex primus circa annum 722, eripiens Legionem civitatem a Mauris leonem pro insigniis assumpsit, quia leo est et interpretatur rex omnium bestiarum.*"

Many are of opinion, that the arms of Leon, being those of the ancientest kingdom, should be placed in the first and fourth quarters; and so to have the precedence of the arms of Castile. Ludovicus Molina, a famous lawyer, defends the method of marshalling as above blazoned: *imo*, That the greatest kingdom should-

be preferred to the ancientest: *2do*, Ferdinand was king of Castile by right of his father, and got Leon by right of his wife *nomine dotis*; and that in his title he was named first King of Castile, and then by his wife, Leon, preferring the title of the man to the woman, and the mother's title ought to follow the father's: His words are, "Tum quod virilis stirpis imperium preferri debuit fœmineo, maternaque in signia paternis insignibus cedere debuerunt."

King JAMES VI. of SCOTLAND succeeded by his maternal descent to the kingdom of England, *or*, and these two kingdoms being united in his person, marshalled their arms quarterly, giving the precedency to the arms of Scotland as the ancientest sovereignty, and as his paternal bearing on his ensigns and coins.

If he who ascends the throne by succession be of the quality of a subject, descended of a private family, he then lays aside his own paternal arms, and uses only these of the dominion he succeeds to.

As ROBERT the BRUCE, when he, as first heir-male of David Earl of Huntingdon, brother to King William, succeeded to the crown of Scotland, disused his own paternal bearing, *or*, a saltier and chief *gules*, and carried only the sovereign ensigns of the kingdom *or*, a lion rampant *gules*, armed and langued *azure*, within a double tressure, flowered and counter-flowered of the second; which were so carried by his son King David II. Whose grandson, ROBERT STEWART, by his daughter, Marjory Bruce, when he succeeded as heir to the crown, laid aside also his paternal arms, the fesse *chequé*, and carried only those of the kingdom, being the second Robert of that name, King of Scotland, and first of the surname of Stewart; and from him are lineally descended the Kings of Britain.

The second way in attaining to sovereignty, which I have mentioned, is by *election*: these who ascend the throne that way, retain their own proper arms, and commonly place them in an inescutcheon by way of surtout, over those of the dominions to which they are elected; as the elective Emperors of Germany, and as the Kings of Poland have been in use to do, to show out of what family they were chosen; and WILLIAM Prince of ORANGE placed his arms over these of England and Scotland, as an elective king, by way of surtout.

The third way of ascending the throne is by *conquest*. It has been the ordinary custom for conquerors to beat down and bury in oblivion the ensigns of the conquered dominions, and, in place of them, to set up their own ensigns to show their right and power. The Count of BARJOLOU, when he conquered the kingdom of Arragon, pulled down his arms, *argent*, a cross *gules*, cantoned with four Moors' heads, proper, and erected his own *or*, four pallets *gules*. And one of his successors, JAMES King of ARRAGON, in the year 1229, when he conquered the islands of Majorca and Minorca, erected his standard with the pallets; and having given those islands with the title of King to his younger son, he placed over the pallet a bendlet, the brisure of a younger son: and when another JAMES King of ARRAGON conquered Sardinia, he gave for arms to that dominion the old conquered ensigns of Arragon, with these words for device, *Trophæa Regni Arragonum*, to show that, when conqueror, he might give what ensigns he pleased.

The family of SWABIA, being in possession of the kingdom of Sicily, erected their arms, *viz.* *argent* an eagle displayed *sable*, which continued the ensign of Sicily, till CHARLES of ANJOU, a brother of France, conquered that kingdom with that of Naples, and beat down the foresaid arms of Swabia, and set up his own *azure*, *semé* of flower-de-luces *or*, with a label of five points *gules*, for the sovereign ensign of those kingdoms; which arms continue there yet: But the Arragons having cut off the French in Sicily, pulled down the arms of Anjou, and again erected their own, as before blazoned, which afterwards they quartered per saltier with these of Arragon; of which afterwards: And for which practice of conquerors, see Favine's Theatre of Honour, and *Jeu d'Armoiries des Souverains*.

But to return from foreign territories and come nearer home, there is as large a field in South Britain for instances of depredations, extirpations, and revolutions, which have attended and subjected the inhabitants to the different armorial bearings of their conquerors and pretenders, as any; who, as witness the historians of that country, John Speed, Sir Winston Churchill in his *Disci Britannici*, and many others, in whose histories, and particularly in those two mentioned, are to be found many different armorial ensigns in *taille douce* plate, according to the various sub-

jections the English have been under. I shall only mention three, and insist upon the fourth, in a detail of the succession of the Kings of England, and their arms from William the Conqueror, in their variations and augmentations, to the time of King James I. of Great Britain, according to their best writers, and foreigners.

I shall pass the fabulous story of Brutus, who is said by some to have possessed this island, from him called Britain; and that he divided it among his three sons a thousand years before the Incarnation of Christ: As also their ensigns, which are as uncertain as the story, and were beat down by the Romans when they conquered the south part of Britain, since called England, having set up their own imperial eagle in their place: But times of lesser antiquity will give us some more certainty of imperial ensigns.

*First*, then, when the South Britons were overcome by the Saxons, as some reckon, about the year 475 of the Incarnation of our Saviour, who possessed the country now called England, the SAXONS set up their ensigns, which were, by the most learned writers, said to be *azure*, a cross *formé or*; by some a cross fleury, which is the same; as Speed, Churchill, Gerard Leigh, Guillim, York, Morgan, and other English heralds.

*Secondly*, the Danes began to molest the English Saxons about the year of God 787, and to take possession of England. At last SUENO the Dane conquered England, so that four Danish kings successively did reign: They beat down the Saxon ensign, and set up their own, being *or, semé* of hearts, three leopards *gules*; as Spencer's *Opus Heraldicum*, and Chamberland in his Present State of England, and the learned German and famous antiquary, Jacobus Imhoff, in his Treatise entitled *Blazonia Regum Pariumque Magnæ Britannia*, says, "Ex Danis autem ortos reges, iisdem insignibus illo jam sæculo, usos esse, quibus Daniæ reges hodie uti solent, viz. leopardis tribus in area aurea, rubris cordibus sparsis, dictus (Spencerus) Notitiæ Angliæ auctor, cum aliis affirmari solent."

*Thirdly*, the Danish kings being dethroned, the English Saxon kings were again restored with their imperial ensign as before, *azure*, a cross *formé or*, with the addition of four martlets *or*; as the above-cited Chamberland: And were carried by King EDWARD the Confessor, with a martlet in base, which made five.

After his death, HAROLD, the son of the Earl of KENT, usurped the crown: His arms were, as by the English books, *argent*, a bar betwixt three leopards' heads *sable*.

WILLIAM of NORMANDY invades England, defeats and kills Harold, and takes possession of the kingdom. EDGAR ATHELING, the lineal heir-male and representer of the Saxon English kings, was put aside from his just right: For, being the son of Edward, the son of King Edmund Ironside, elder brother to King Edward the Confessor, he was the undoubted heir of the crown of England, where, not being in safety to stay, he came to Scotland with his two sisters, Christian and Margaret. The last was married to MALCOLM CANMORE; her arms being the same with Edward the Confessor's, are to be seen in the monastery of Dunfermline, of which she was a founder. Her brother and sister dying without issue, she was the only heiress of the Saxon race, and from her are descended the Kings of Britain.

Let these then be a sufficient number of instances of the great revolutions and conquests of England, (besides lesser ones) and of their ensigns.

The fourth period in which the English were obliged to receive the arms of a conqueror, was about the year of God 1066, when WILLIAM, the seventh Duke of NORMANDY, being a victorious conqueror over England, his arms were set up, being *gules*, two leopards *or*, derived to him from his progenitors; and, upon the conquest, were received as the banner and ensign of England, according to all historians and heralds, domestic and foreign.

WILLIAM II. succeeded his father in the kingdom of England, and had the same ensign and standard; and he again was succeeded by his younger brother HENRY I. in the kingdom of England, and dukedom of Normandy, who carried the same ensign. He married Maude, eldest daughter of Malcolm Canmore King of Scotland, and his queen, Margaret, sister and heir of Edgar Atheling, the representative of the English Saxon monarchs. By this marriage the Saxon English blood was united

with the Norman; and, in testimony of it, King Henry, on his seal, I mean his *Sigillum Imaginis*, is represented in a throne, holding in his right hand a mond, or globe, with a bird upon it, being the martlet before mentioned in the arms of of the Saxon kings. And Sandford takes notice of it accordingly, saying, "It was a token or emblem of the restoration in some sort of Edward the Confessor's kin and laws."

This king survived his male issue, having only one daughter, Maude, named after her mother, and was married first to Henry Emperor of Germany, for which she is called Maude the Empress, though she had no issue to him. And, secondly, she took for husband Geoffrey Plantagenet Earl of Anjou, and bore to him a son, Henry. The king, being solicitous to secure the succession of the crown to his daughter and grandson, made all the estates of England swear fealty to them, as those who were to reign after him.

Nevertheless STEPHEN Earl of BOULOGNE, son of the Earl of Blois, by Adela, William the Conqueror's daughter, got the crown; and it is not likely that the English would have received him contrary to their oaths, unless the law had been for him; for Henry the son of Maude, having the title by a woman, and Stephen the same, affirmed himself to be the first in succession, (William the Conqueror's male issue being extinct) because he was again the first male, though descended from a woman, the conqueror's daughter; and though Maude had been alive, he ought to have been preferred to her, much more to her son Henry; and, as being the first male, he ought to be preferred, being conform to the constitutions of several nations besides that of England. By which we may discover the unjust sentence of Edward I. in preferring Baliol to the Bruce, who had the same, if not a better right than Stephen, who was looked upon by the English as the lawful heir and King of England. He carried the above royal ensign, with the two leopards, and, for a device, the sagittary, because he ascended the throne at that time when the sun entred that celestial sign; and had for his queen, Matilda, daughter of Eustace Earl of Boulogne, by his countess, Mary, second daughter of Malcolm Canmore, and his queen, Margaret, with the same design to unite the Saxon and Norman blood together in his issue, which failed before himself; so that room was made for Henry, son of Maude the empress.

HENRY II. grandchild of Henry I. son of Geoffrey Plantagenet Earl of Anjou, in the reign of King Stephen, whose titles were *Henricus, Dux Normannorum et Aquitanorum*; and when he succeeded to Stephen King of England, anno 1135, *Henricus Dei Gratia Rex Anglorum, Dux Normannorum et Aquitanorum, et Comes Andegavorum*. His banner was as his predecessors, with the arms of Normandy, for the ensign of England, as almost all the English writers do affirm, except two that I have met with; of whom afterwards.

He married Eleanor of Aquitaine and Guienne, the eldest daughter and heir of William the fifth of that name, ninth Duke of Aquitaine, by Eleanor of Chateherault, his wife; and, upon account of that marriage, he added his queen's arms to his own, by way of composition, as the English tell us.

Sir John Ferne, one of the learnedest heralds in his time, in the reign of Queen Elizabeth, in his book entitled the Glory of Generosity, page 218. says, "The escutcheon of Normandy was advanced as the ensign of our English kings, by William the Conqueror, William Rufus, Henry I. and Henry II. the last having married Eleanor the heiress of Aquitaine, whose arms were *gules*, a leopard *or*, which being of the same field, metal, and form, with his own." The same author adds, "These two coats, viz. Aquitaine and Normandy, were joined in one, and by them the addition of the inheritance of Eleanor, heiress of Aquitaine, to our English crown; and therefore are borne as a quadrate royal by our sovereign lady Queen Elizabeth." The same says Guillim, Chamberlayne, and others. And those arms, so composed, were placed on his funeral monument, where he lies interred in the abbey of Fonteward in Anjou, adorned with other shields of arms; as those of the Saxon race; upon the account that in him the Saxon blood was restored by his grandfather's marriage, as before. The structure of which monument is given to us in Sandford's Genealogical History, page 64. This king had five sons: William and Henry, who died before himself; Richard, who succeeded him; the fourth son, Geoffrey, Duke of Bretagne, and Earl of Rich-

mond, whose son was cut off by his uncle; John, the fifth son, who became King of England.

RICHARD, third son of Henry II. was Earl of POICTIERS during his father's reign, and, after his death, was King of England, by the name of RICHARD I. He was in the wars in the Holy Land; an excellent prince. In his return home he was taken prisoner by Leopold Duke of Austria, who unworthily sold him to the emperor for 6000 merks; and he again as unworthily took 100,000 pounds. This king, as his father, carried for his royal ensign, *gules*, three leopards *or*, and the same on his seal of arms, which Sandford gives. On the one side he is enthronized with a crown on his head, heightened with flowers, holding in his right hand a sword erected, and in his left a mond topped with a cross patee, with this circumscription round his effigies, *Ricardus Dei Gratia Rex Anglorum*: On the other side he is represented in his coat of mail on horseback, and his helmet adorned with *planta genistæ*, *i. e.* a stalk of broom, relative to his surname, being the second king of the Plantagenet; on his left arm was a shield charged with three leopards, with this circumscription round, *Ricardus Dux Normannorum et Aquitanorum, et Comes Andegavorum*. He is said to be the first king of England that took the motto *Dieu et mon droit*, upon a great victory he obtained over the French at the battle of Guysors, by his saying, *Not we, but God and our right has got the victory*. These I think are sufficient documents of the origin of the arms of England.

JOHN, fifth son of Henry II. and his queen, Eleanor, in his brother King Richard's life, on his seal of arms, is represented on horseback, with a sword in his right hand, and on his left arm a shield, upon which were two lions *passant gardant*, evidently apparent, says Sandford, which he has seen appended to grants, wherein he is stiled *Comes Moritaniæ*: Which two lions *passant gardant* were certainly those of Normandy; but could not then add the third of Aquitaine, as not representing his mother, till after the death of his brother King Richard, who died without issue; then he carried on his seal of arms, when King of England, as Duke of Normandy and Aquitaine, an escutcheon charged with three lions *passant gardant*.

HENRY III. upon the death of his father King John, was crowned King of England the 28th of October 1216. His seal of arms was as his predecessors, himself enthronized upon one side, and on the other side represented on horseback; on his left arm a shield charged with three lions *passant gardant*: But in this he was singular, in having a crown placed upon his helmet on his head, being the first of the race of the kings of England that were so represented with a crown on horseback. The legend round his seal was *Henricus Dei Gratia Rex Angliæ, Dominus Hiberniæ et Aquitanæ*.

EDWARD, the eldest son of King Henry III. during his father's reign, carried the arms of England, with a label of three points, and on shields where the field was large, a label of five points, for his difference; as by his seal of arms appended to writs, in which he is stiled *Edwardus Illustris Regis Angliæ primogenitus*. He was the first son of the royal family of England that carried such a difference as a label of three points, and of five points. The different number of points lets us see the mistake of some heralds, who write, that a label of three points is the proper difference for an eldest son and heir, when the father is alive; one point representing the father, the other the mother to be alive, and the third himself; and when the grandfather and grandmother are alive, the label then should have five points. But here Prince Edward had neither grandfather nor grandmother alive, and yet he carried a label of five points on his seal of arms; which that learned gentleman Sandford gives, as appended to evidents of the date 1267, where, on the one side, he is represented in his coat of mail and surcoat of arms, with a sword in his right hand, and a shield on his left, charged with the three Lions of England, and differenced by a label of three points; and upon the reverse, or other side of the seal, a large triangular shield, charged with the same three Lions of England, and with a label of five points. And this same practice, of having sometimes a label of three points, and sometimes of five, continued with his son and grandson, Edward II. and III. when their fathers were alive, and not their grandfathers and grandmothers.

Edward was in the wars of Palestine when his father Henry died 1272, and returned 1274, and was crowned king at Westminster the 19th of August, with his queen, Eleanor, sister to the then King of Spain. He, being king, carried arms as his father, with a new practice of having the arms of England embroidered on the caparisons of his horse, and was the first that brought in that practice into England. He married, for his second wife, Margaret, sister to Philip IV. surnamed the *Fair*, King of France. The arms of both his queens I have given in the 5th chapter of my Essay. His eldest son, EDWARD, by his first queen, was surnamed CAERNARVON, from the place of his birth in Wales. He, in his father's lifetime, used, for difference, upon his escutcheon of arms, on the equestrian side of his seal, a label of three points; and, upon the reverse, where there was a large escutcheon, a label of five points, and was stiled *Edwardus Illustris Regis Angliæ Filius, Princeps Walliæ, Comes Cestriæ, Pontivi et Montis Trolli*.

Edward, surnamed Caernarvon, succeeded his father in the kingdom, by the name of EDWARD II. He carried the royal arms on his seal as his father and grandfather, and had them embroidered on his surcoat and caparisons of his horse; and at the sides of his throne were two little castles, to show his maternal descent from Castile. He married ISABEL, daughter to Philip IV. surnamed *Le Bel*, King of France; she, upon one of her seals, had her arms *semé* of flower-de-luces, dimidiate with those of her husband King Edward II.; and on another of her seals she had her effigies placed betwixt two escutcheons, that on her right hand containing the arms of England, and the other, on the left, the arms of France, impaled with those of Navarre, upon the account her mother was the daughter and heir of Henry I. King of Navarre.

She bore to her husband Edward III. King of England, JOHN of Eltham, so named from the King's manor-place in Kent where he was born, and was Earl of CORNWALL, who carried the arms of England within a bordure of France; that is, *azure, semé* of flower-de-luces. Jean their eldest daughter was married to David Prince of Scotland, son and heir to King Robert the Bruce, on the 18th of July, the third year of the reign of Edward III. being the year of God 1329. She died without issue, in the thirty-second of Edward III. his reign, *anno* 1357, and was buried in the church of Gray-Friars in London; and her effigies was put in a niche on the north side of the tomb of Queen Philippa, her sister-in-law, in Westminster Abbey, under which was an escutcheon of alabaster, and upon it was carved and painted the arms of Scotland; the lion within a double tressure, impaled with those of England on the left.

EDWARD III. had variety of seals of arms, to show his paternal and maternal descent; and at last his right and pretensions to France, which became a fixed ensign to his successors kings of England. He was crowned on the 1st of February 1327; on his first seal of arms he is placed in a throne between two flower-de-luces, to show his maternal descent from France, as his father did before, placing two castles to show his descent from Castile. His second royal seal which he used, had the arms of England quartered in the first place, with those of France in the second, *semé* of flower-de-luces *or*, as a coat of alliance; of which before.

In the fourteenth year of his reign, not being content to hold forth his alliance to France, but to show his right to that crown, he placed the arms of France, as arms of dominion, before those of England; as in the Royal Plate in this Volume, and in my Essay, Plate V. fig. 8. being agreeable to the practice of some nations, and so formed his new seal of arms. The other great seal of England, with England and France quarterly, was ordered, says Sandford, to be kept in the wardrobe; and that the new great seal might be made more public, he caused impressions thereof, and of his privy seal, to be made, and sent to all the sheriffs of England. He also wrote a letter, dated thus: "The 8th of February, in the 1st year of his reign  
"over France, and 14th over England, to the prelates, peers, and commons of  
"France, thereby signifying,—That Charles, late King of France, his mother's  
"brother, being dead, that kingdom was fallen to him by law; and that Philip de  
"Valois, son to the uncle of the said king, had, by force, in his minority, intruded  
"into that kingdom, and detained it; lest therefore he should seem to neglect his

“ own right, he thought good to own the title of France, and to take on him the defence and government thereof.”

I shall here describe his seal of arms: Upon the one side he is represented sitting in a throne, with an open crown on his head, (for cross crowns were not used then by kings) heightened with figures like trefoil leaves, holding in his right hand a sceptre, and in his left a mond crossed and ensigned with a cross *formé*; and at the sides of the throne were shields, with the arms of France and England quarterly. Upon the reverse, or other side of the seal, he is again represented on horseback in his coat of mail and surcoat, with a helmet on his head, and upon it a *chapeau*, or cap of state, turned up *ermine*, whereupon stood a lion *passant gardant*, and crowned with an open crown, which became afterwards the crest of the imperial achievement of England; and he was the first king of England who used a crest on his seal of arms: by his right hand he held a sword, and by his left a shield with the arms of France, *azure, semé* of flower-de-luces, and England as before, quarterly: which arms were embroidered upon his surcoat and caparisons of his horse; and round both the sides of the seal were these titles, *Edwardus Dei Gratia Rex Francia et Angliae, Dominus Hiberniae*: which seal Mr Speed and Sandford give us cut in their Histories.

Upon this King's pretension and variation of his arms, in assuming those of France, there were some verses made at the time for England, and others in behalf of the French, which Hoppingius gives us in his *de Jure Insignium*, which I presume to insert here. For the English thus:

Rex sum regnorum bina ratione duorum,  
Anglorum regno sum rex ego jure paterno,  
Matris jure quidem Gallorum nuncupor idem;  
Hinc est armorum variatio facta meorum.

Answered by France thus:

Prædo regnorum, qui diceris esse duorum,  
Francorum (i. e. materno) regno privaberis atque paterno,  
Mater (al. matris) ubi nullum jus proles (al. natus) non habet ullum,  
Jure mariti carens, alia est mulier prior illa;  
Hinc est armorum variatio stulta tuorum.

By *alia est mulier prior illa* they understood there was another daughter of France, to wit, Jean of Navarre, nearer the crown than Isabel the mother of Edward III. The descent of that royal family, for that time, I shall here mention from many historians, especially John de Serre in his Inventory of the General History of France, printed at Paris 1620, and Gabriel Richardson his Estate of Europe, printed at Oxford 1627.

Philip III. of that name, King of France, had two sons, Philip and Charles Count de Valois.

Philip IV. of that name, surnamed *Le Bel*, succeeded his father, and married Jean Queen of Navarre, from whence he took the title of King before the decease of his father. He had issue three sons and a daughter, viz. Lewis X. surnamed *Hutten*, Philip V. called *Le Lang*, Charles IV. called the *Fair*, and a daughter, Isabel, married to Edward II. father and mother of Edward III.

The eldest son Lewis X. had only a daughter, Jean; Philip and Charles, who were successively kings, had no issue-male.

After her father Lewis's death, Jean was married to Count d'Evereux, and to him she brought the title of King of Navarre, from whom are descended all the succeeding Kings of Navarre; which came at last to be again united in the person of Henry III. of Navarre, and IV. of France, in whose posterity these crowns remain still united.

Charles de Valois, second son of Philip III. had a son, Philip, who, as heir-male, by the Salic law, succeeding to the crown, excluded Isabel, mother of Edward III. and also her niece, Jean Queen of Navarre.

King Edward III. married Philippa, second daughter of William Earl of Hainault, in the year 1327. She had to King Edward a numerous issue, of which

I cannot insist here. The English were at that time nicely known in armories, especially in differencing the numerous issue of the royal family, and the practice in marshalling many coats in one shield was first begun by that King; and, in imitation of him, not only his numerous issue, but also his subjects, did improve the practice of composing and marshalling arms.

EDWARD of Woodstock, so named from the place of his birth, eldest son of King Edward III. was by his father created Duke of Cornwall, and afterwards was made Prince of Wales, and carried arms as his father, France and England, quarterly, with a label of three points, and round his seal were these words, *Sig. Edwardi primogeniti, Principis Aquitaniae et Walliae, Ducis Cornubiæ, et Comitis Cestriæ*. This prince took to wife JANE Countess of Kent, who carried the arms of England within a bordure *argent*; she bore to Prince Edward a son RICHARD, during his father and grandfather's life: he carried the arms of France and England, quarterly, with his father's label of three points *argent*; but, for his proper difference, he charged the middle point of the label with the cross of St George; as in the Catalogue of the Knights of the Garter, of which that young prince was one: And after his father's death he carried, as his father did, the label plain; and when his grandfather died, he was crowned king the eleventh year of his age, and had his royal seal just as his grandfather before described. This King Richard II. as I have shown before, impaled Edward the Confessor's arms with those of France and England; and he was the first king of England that used supporters, being two angels, and beneath the shield was placed, for device, a white hart *couchant* under a tree, collared with a chain thereto affixed: And this was the device used by his mother Princess Jane; which afterwards became the badge of the loyalists, who stood for his right, for which many of them lost their lives, King Richard being dethroned.

But to proceed into the detail of the kings of England, as I proposed, with their arms and devices.

HENRY, surnamed BOLINGBROKE in, Lincolnshire, where he was born about the year 1366, was the only son of John of Gaunt, Duke of Lancaster, (fourth son of King Edward III.) by Blanche his wife, daughter and heir of Henry the first Duke of Lancaster, son of Henry Earl of Lancaster, son of Edmund, surnamed *Crouchback*, the first Earl of Lancaster, second son of King Henry III.

This Henry of Bolingbroke, being Duke of Lancaster in right of his grandfather, he carried only his arms, (and not his father's, which were France and England quarterly), *gules*, three lions *passant gardant or*, with a label of France, *azure, semé* of flower-de-luces, from whom he derived his title to the crown, having forced Richard II. to renounce the same, and was crowned King at Westminster the 13th of October 1399, by the name of HENRY IV. And, as he usurped the crown, so he usurped King Richard's seal, as Sandford observes, for his first seal only razing out the word *Ricardus*, and engraving in its place *Henricus*: He did not make use of the arms of Edward the Confessor, as Richard did in his new seal, nor use his supporters. He married Mary de Bohun, daughter and heir of Humphrey Earl of Hereford, Essex, and Northampton; with whom he got these earldoms, and had many children.

The eldest son HENRY of Lancaster, surnamed MONMOUTH, from the place where he was born, and Prince of Wales 1388, who, as such, in the sixth year of his father's reign, carried the arms of France and England, quarterly, with a label of three points *argent*, for his filial difference. And it is to be observed, that the indefinite number of the flower-de-luces, in the arms of France, were reduced to the number three by this prince, in imitation of King Charles VI. of France, who reduced them to that number, and ever since they have continued three in France and England. After the demise of his father Henry IV. he was crowned king by the name of HENRY V. and caused a magnificent seal to be made for him, which is to be seen in Sandford's History. It was he that over-ran France with force, and that necessitated Charles of France to give him his daughter Catharine in marriage, and declare him regent and heir to the crown of France.

Catharine was crowned Queen of England at Westminster, the 14th of February 1420; in which ceremony King James I. of Scotland assisted: and shortly

after King HENRY V. died in France the last day of August 1422, leaving only one son, Prince Henry. His body was brought to Rouen, in order to be conveyed to England, and put in a lead coffin, and placed in a chariot drawn by four horses; and above his coffin was his image of leather painted to the life; upon the head an imperial diadem; and on the body a purple robe furred with *ermine*, in his right hand a sceptre, and a mond in his left: and, as the chariot passed through any town of note, there was borne over it a canopy of great value by persons of quality till he came to Calais. Upon the covering of the four horses that drew the chariot were embroidered the arms of England alone; upon the second horse the arms of France and England quarterly; upon the cover of the third horse the arms of France alone; and on the fourth the arms of King ARTHUR, viz. *azure*, three crowns in pale *or*. He was interred in the abbey of St Peter's at Westminster, at the feet of Edward the Confessor, with this epitaph:

Dux Normannorum, verus Conquestor eorum,  
Hæres Francorum, decessit, et Hector eorum.

Queen CATHARINE had her arms, being those of France, impaled with those of her husband Henry V. (not only in paintings, but on her seals) in one escutcheon, which was ensigned with an open crown, and supported by two antelopes, collared with open crowns, and chains thereto affixed *or*, with the circumscription, *Sigil. Catharinae, Filia Caroli Regis Franciae, Regina Angliae et Domina Hiberniae*. After the death of King Henry she married Owen Ap-Meredith Ap-Tudor, a Welshman, descended of the old kings of Britain; and of their issue came Henry VII.; of whom in his proper place.

HENRY VI. upon his father's death, being but nine months old, was proclaimed King of England; and, about a month after, was proclaimed King of France at Paris, upon the demise of his grandfather King Charles VI. of France, *anno* 1421. His grand-uncles were his guardians; and when he came to the age of eight years he was solemnly crowned King of ENGLAND at Westminster, the 6th of November 1429.

The first royal seal this King used was, in its structure, like unto that of his grandfather Henry IV.; but afterwards he caused make another more apposite to France, whereon he is represented enthronized with an open crown upon his head, a sceptre topped with a flower-de-luce in his right hand; and in his left the ivory rod with the hand of justice, one of the peculiar royal ensigns of France; and at each side of the throne an escutcheon; that on the right with three flower-de-luces for France, and the other on the left side had the arms of France and England quarterly; and both escutcheons were ensigned with open crowns: Which practice of his, in trimming escutcheons with crowns on the seals of England, is observed to be the first to be met with. Upon the reverse, or the other side of the seal, was an angel in a dalmatic habit, holding in its right hand a sceptre, and in the left the ivory rod with the hand of justice; and before the angel are two escutcheons placed *accollé*, and charged as the above other two, but not ensigned with crowns: and this side of the seal was after the fashion of the reverse of the royal seal of France, which has no equestrian side; that is, the figure of a man on horseback; as with the English, with us, and other countries. This seal, on both sides, was circumscribed, *Henricus Dei Gratia Francorum et Angliae Rex*, which this King had upon his coins, called the *rose noble*, because the escutcheon of his arms lies upon a rose on the one side, and on the other his effigies crowned with an arch-diadem; so that he is observed to be the first king of England that wore a close crown, which his successors continued: and when his arms were placed on public buildings they were supported by two antelopes. He married Margaret, daughter of René Duke of Anjou, titular King of Jerusalem, Sicily, Arragon, &c. This King Henry VI. and his son Edward Prince of Wales were cut off by the Yorkists when they set up for the crown.

EDWARD IV. the head of the House of York, the eldest surviving son of Richard Duke of York, and his wife Anne Mortimer, sister and afterwards heir to her brother Edward Earl of March, and daughter to Roger Mortimer Earl of March, son of Philippa, only daughter and heir of Lionel Duke of Clarence, third son to

King Edward III. in whose right the family of York claimed the crown; and the last named Richard Duke of York, was son and representative of Edmund Langby Duke of York, fifth son of Edward III, great grandfather of Edward IV. who deposed King Henry VI. by force of arms, and was crowned king the 28th of June 1461. Upon his seal he is represented in his royal robes on a throne, and on his head an arched crown, and below the throne a white rose, the badge of the family of York. The opposite family, LANCASTER, used a red for their badge, which the fautors and followers of these two contending families did afterwards bear for distinction in that bloody war betwixt these families. Upon the other side of his seal he is represented, as the kings of England used to be, on horseback, his shield, surcoat, and caparisons of his horse, charged with the arms of France and England quarterly; with this singularity, that the crown upon his head was closed with arches, (the first seen in England on seals) and upon it for crest the lion *passant gardant*. This king had many devices, with which he used to adorn his arms set up on public places: Sometimes they were supported with the bull of Clare and the lion of March, and on other places with the white hart, the device of Richard II. but most commonly with two lions *gardant*, the supporters of the Earl of March. But more particularly of these in my intended Treatise of Exterior Ornaments. He married Elizabeth, (widow of Sir John Grey of Groby) daughter of Sir Richard Widville knight, afterwards Earl Rivers. King Edward IV. was the first king of England that married a subject, and made her a queen; and, to qualify her for his royal bed and escutcheon, she carried six coats of arms of her paternal and maternal descents. She bore to him three sons and seven daughters.

EDWARD the eldest, who succeeded by the name of EDWARD V. carried arms as his father: Richard, the second son, was created Duke of York; George, the third son, created Duke of Bedford, died a child; the other two sons, being under the guardianship of their uncle Richard Duke of Gloucester, he most cruelly caused these young princes to be cut off, and himself to be proclaimed King of England 1483, by the name of RICHARD III. The seal he used was after the same form with that of his brother Edward IV. and his arms on some public places were supported with two boars, and in other places with a bull on the right side, and a boar on the left. The silver boar, with tusks and bristles of gold, was one of the devices of the house of York. This King Richard was defeated and killed at the battle of Bosworth, 1485, by HENRY Earl of RICHMOND, who was afterwards king by the name of

HENRY VII. the son of Edmund of Hadham, (eldest son of Owen Ap-Meredith Ap-Tudor and Queen Catharine, widow of Henry V.) by Margaret, sole daughter of John Duke of Somerset, son of John Earl of Somerset, son of John of Gaunt Duke of Lancaster, and of Katharine Swynford, his third wife.

Henry VII. married Lady Elizabeth, eldest daughter of Edward IV. upon which the two houses of York and Lancaster were united, and their badges, the white and red roses, were joined per pale. His seal of arms was, after the form of his predecessors, as above, carrying France and England quarterly. His other armorial figures and trophies are to be found in his glorious monument at Westminster, where his arms are surrounded with the garter, the principal ensign of that order, and ensigned with an arched crown at the head of the monument. There is a large rose, supported on the right side by a red dragon, and on the left by a greyhound *argent*, collared *gules*; the first being the figure of Cadwallader, the last king of the Britons, from whom, by a male line, he is said to derive his pedigree: Which figure he had on his standard at the battle of Bosworth, when he defeat Richard III. and, to commemorate the dragon, he entituled a Pursuivant at Arms by the name of *Ruge Dragon*. His monument is also adorned with the portcullis, in respect of his descent from his mother of the family of Beaufort. At the foot of King Henry VII. his monument are the arms of Elizabeth his Queen, impaled with his arms on the right, being France and England, quarterly, with his on the left quarterly; first France and England quarterly; second the arms of Ulster; third Ulster and Mortimer, quarterly; and fourth as the first, ensigned with a cross crown, and supported by two angels.

Henry VII. the first king of the surname of TUDOR, died at his palace of Richmond the 21st of April 1509, and his body was interred in the royal chapel at Westminster. He had with his queen, Elizabeth, three sons and four daughters. ARTHUR TUDOR, the eldest, Prince of Wales, and Duke of Cornwall, at the age of fifteen married Catharine, daughter of Ferdinand King of Spain; he lived with her four months and nineteen days, and died without issue. His arms on his tomb are those of England, with a label of three points, supported by two antelopes, and ensigned with a coronet heightened with cross pates, and flower-de-luces; and below the shield of arms three ostrich feathers with a scroll, the badge of the Prince of Wales. The second son, HENRY, succeeded his father; the third son, Edmund Tudor Duke of Somerset, died young. The eldest daughter, Margaret Tudor, born 29th of November 1489, at the age of fourteen was married to James IV. King of Scotland; the second daughter, Elizabeth died young; the third, Mary Tudor, was Queen of France, and afterwards Dutchess of Suffolk; the fourth daughter died young.

HENRY VIII. was crowned 24th June 1509; he had two seals, one when Pope Leo X. conferred upon him the title of *Defender of the Faith*, and the other bestowed to be made after he was declared in Parliament *Head of the Church of England*. On the first he is stiled *Henricus VIII. Angliae et Franciae Rex, Fidei Defensor, et Dominus Hiberniae*; on the other seal *Henricus VIII. Dei Gratia, Angliae Franciae et Hiberniae Rex, Fidei Defensor, et in Terra Ecclesiae Anglicanae et Hiberniae Supremum Caput*. In his escutcheon of arms were those of France and England, quarterly; France still first, though in his titles England be named first; and though designed King of Ireland, yet the arms of Ireland were not in his escutcheon, which was surrounded with the ensign of the Garter: In imitation of which, the other Knights Companions of that Order encompassed their escutcheons afterwards with the Garter. Upon several public places, where his shield of arms was erected, it is sometimes supported with a dragon and greyhound; and in other places, afterwards, with one of the Lions of England crowned, and with the red dragon on the left.

He married first his brother's wife, Catharine, who bore to him Queen Mary; and after her divorce he married Anne Boleyn, who bore Queen Elizabeth: After her death, Jane Seymour; she bore King Edward VI. And after her Anne, daughter to William Duke of Cleves. She being divorced, he married Catharine Howard, niece to the Duke of Norfolk. And, lastly, he was married to Catharine Parr, who survived him. He died at Westminster, January 8. 1546.

EDWARD VI. was crowned at Westminster the 25th of February 1547; being young, was under the tutory of his uncle, Edward Duke of Somerset, who governed the kingdom. The seal of this king's arms was little different from that of his father, having the same titles. He died at Greenwich the sixteenth year of his age, when he had reigned six years, five months and nine days. In his reign there was an order for the change of the knighthood of St George, to be called the *Order of the Garter*, because St George fighting with the dragon looked too much like a legend.

MARY, eldest daughter of King Henry VIII. by his first wife, Queen Catharine, was crowned at Westminster the 30th of November 1553; she used the arms as her father and brother did. Upon the 5th of July 1554 she was married to PHILIP Prince of SPAIN, son of Charles V. Emperor. Upon their royal seal they are both represented seated in a throne under a canopy, King Philip on the right, and Queen Mary on the left, with arched crowns on their heads, he holding a sword in his right, and she a sceptre in her left; between them an altar, and carved on the tablatore the letters P. and M. for Philip and Mary; and upon the altar is placed a mond, or globe, sustained by the left hand of the king, and by the right of the queen; and above, as it were at their back, is the royal escutcheon, containing their arms impaled; first Philip's arms, *parti per fesse*, the chief part, quarterly, of four pieces; first Castile and Leon, quarterly; second Arragon impaled with Sicily; third as the second, and fourth as the first: The base part of the escutcheon is also quarterly of four areas; first Austria Modern, second Burgundy Modern, third Ancient Burgundy, and fourth Brabant; over all an escutcheon, Flanders impaled with Tyrol, all impaled with France and England,

quarterly, being the arms of Queen Mary. The arms were surrounded with the Garter, and ensigned with an imperial arched crown, the escutcheon supported by an eagle on the sight side, and, on the left, by a lion rampant *gardant*. The seal is circumscribed, *Philippus et Maria Dei Gratia Rex et Regina Angliæ, Hispaniorum, Franciæ, utriusque Siciliæ, Jerusalem et Hiberniæ, Fidei Defensores*. On the reverse, or counter-seal, the king and queen are represented on horseback, he with a cap on his head, and a sword in his right hand, and she in her hood, and a sceptre in her left hand, and behind their backs the foresaid achievement; and the legend round that side of the seal, *Archiduces Austriæ, Duces Burgundiæ, Mediolani et Brabantiæ, Comites Hapsurgi, Flamiariæ et Tirolis*. Queen Mary died without issue 1558, and lies interred in the chapel of King Henry VII.

Queen ELIZABETH, second daughter of King Henry VIII. by his second wife, Anne Boleyn, was crowned the 15th of January 1558. Upon her royal seal she is represented on a throne in her robes, with an arched crown on her head, the sceptre in her right, and the globe in her left hand; and at each side of the throne are escutcheons of the arms of France and England, quarterly, surrounded with garters, and ensigned with imperial crowns.

The ground of the reverse, or counter-seal, is powdered with roses, flower-de-luces, and harps, all ensigned with crowns, for England, France, and Ireland; and the harp for the last kingdom is the first time that it ever appeared upon any seals of the sovereigns of England. On this reverse the queen is represented on horseback in her royal robes, as before, overshadowed by a cloud, the emblem of heavenly protection: Her horse is richly trapped, and her foot-cloth gorgeously embroidered; and on both sides of the seal are circumscribed these words, *Elizabeth Dei Gratia Angliæ Franciæ et Hiberniæ Regina, Fidei Defensor*, with a rose between each word. She died unmarried the 24th of March 1602, the sixty-ninth year of her age, having reigned forty-four years; she was interred in Westminster. Upon her tomb her escutcheon of arms is supported on the right side by a lion of England crowned, and, on the left, by a red dragon; and on the frieze of that monument are carved the arms of her paternal and maternal descent: For which seals see Sandford's Genealogical History of England.

Since I have given an account of the ancient ensigns of the kingdom of South Britain, and a short deduction of the sovereigns since William the Conqueror, with their seals of arms, to King James I. of Great Britain, I cannot but here insist a little on the ensigns and arms of those of North Britain; and then show how those of Scotland and England are joined together, and marshalled with others at this time.

The first ensign used by the Scots (as by our own and foreign writers) was a lion rampant carried by Fergus I. King of Scotland, long before the Incarnation of our Saviour, when he, with his subjects, defeated and broke into the camp of the Picts, invaders of a part of Scotland, took then for his armorial figure a lion rampant: For which the learned Sir George Mackenzie brings for his voucher Hoppingius *de Jure Insignium*, a judicious lawyer and antiquary. His words are, "Cum Picti in agros Scotorum copias primum ducerent, quibus, haud minus cupide, quam strenue, obviam ivit Fergusius; sublatis signis, & rumpendo ipsorum claustra, assumpsitque leonem rubeum erectum, aurea facie descriptum, cauda tergam, ut fere mos est, dum se ad pugnam incitat, verberans, eoque generose iracundiam significans." It is observed by Boetius, in his History of Scotland, lib. 1. cap. 7. and lib. 10. That the crown placed on the lion's head, the crest of the arms of Scotland, should be *corona vallaris*, though our painters crown him with an imperial one; and certainly, says Sir George Mackenzie, in his Science of Heraldry, page 100. *corona vallaris* agrees better with the breaking of the Picts' barriers, (than any modern form of crowns) for which the crest was first assumed.

Anciently princes and chief commanders, since ever war began in the world, had ensigns and banners with some figure or other for distinction sake, according to their genius and fancy. But these I do not take for hereditary arms for distinguishing families, as before defined; yet these figures of the ancients might have been continued, as the armorial figures of their kingdom, and especially that of Scotland, having never been beat down by any conquerors, whose ensigns we would

have been erected, and those of the conquered beat down, as I mentioned before: 'Tis presumed, that 'tis thus happened with King Fergus his lion, now to be the armorial figure of Scotland.

I shall mention another ancient author for the kings of Scotland anciently carrying only a lion rampant *gules*, before they got the double tressure from Charlemagne, as a badge of the league betwixt him and Achaius King of Scotland.

Bonaventura Strachan, in his manuscript *Germania per Scotos Christiana*, tells us, that the kings of Scotland carried of old a lion rampant *gules*, in a field *or*. His words are, "Reges Scotorum non alia antiquitus præferebant insignia, quam leonem rubrum unguibus in proximos assurgentem (which he gives for the term "*rampant*) in aurea planitia;" for which he cites Arnoldus Uvion, a very ancient writer, who, in his manuscript titled *In additionibus ad lignum vitæ*, tells us, the first arms of the kings of Scotland was a red lion in a field of gold; their second arms had the lion surrounded with the double tressure: His words are, "Leonem rubeum in aurea planitia, primum esse regum Scotorum stemma, leonem vero cum liliis circumpositis, stemma secundum:" which manuscripts I have seen in the lawyers' library.

It is without doubt that Charlemagne entered into a league with ACHAIUS King of Scotland, for his assistance in his wars: for which special service performed by the Scots, the French King encompassed the Scots lion, which was famous all Europe over, with a double tressure, flowered and counter-flowered with a flower-de-luces (the armorial figures of France) of the colour of the lion, to show that it had formerly defended the French lilies, and that these thereafter shall continue a defence for the Scots lion, and as a badge of friendship, which has still continued. This so fully instructed by ancient and modern writers, that I need not trouble my reader with a long catalogue of them, but only mention what the fore-mentioned learned Hoppingius *de Jure Insignium*, cap. II. parag. 3. page 732. (speaking of the reasons and occasions of multiplying several arms with armorial figures in one shield) mentions of leagues and contracts; and, for an example, gives us that betwixt Charlemagne and Achaius King of the Scots, whose successors to this day carry their lion surrounded with the double tressure. Our author's words are, "Quartus effectus armorum conjunctionis est fœderis quandoque præbere symbolum. Ita cum inter Carolum Magnum & Scotos eorumque regem Achaium ictum est fœdus, in hunc usque diem religiose perdurans; juncta simul duorum regum, ex liliis contrapositis & leone rubeo, formata arma, indicii loco fuerunt."

It will not be amiss to speak a little to the armorial seals of our kings, and their ancientest laws extant, which points at arms in general, without any particular description; as these of MALCOLM II. who began his reign in the year 1004, and who, with the consent of his barons, ordered certain fees to the chancellor, for appending the king's seal to charters and other evidents granted by his Majesty. I shall add here a part of the law above cited, "Ordinaverunt Cancellario Regis fœdum magni sigilli, pro qualibet hacta, centum libratorum terræ, & ultra pro foedo sigilli, decem libras. Item pro litera sasina supra tali hacta Cancellario duas solidas." What figures were on the seals then I cannot account for, having never seen any of them: but our historians tell us, when our King MALCOLM CANMORE and WILLIAM the Conqueror met to clear marches betwixt Scotland and England, they erected a cross of stone at Stanmuir, with the arms of Scotland on the north side (the lion within a double tressure) and those of the Conqueror (two leopards on the south side;) Buchanan says, this stone or cross contained the statues and arms of these two kings on both sides, visible and legible for many ages.

I shall not insist here upon the laws of David I. in *Regiam Majestatem*, lib. 3. cap. 8. page 4th and 5th, chap. 3. page 1. ancient seals of arms, not only carried by the sovereign; but, as to these by barons and gentry of the kingdom, that they may be fixed and known figures of their families to their writs and evidents then granted, which were only verified by their seals, for subscriptions were not then in use. It is evident from the 130th act of King James I. perfectly relative to the above-mentioned statutes of Malcolm and David, (which then shows that arms were generally used, and in great esteem with us) viz. that every freeholder should compare at the head court with his seal; and if he cannot come, he shall send his attorney with the seal of his arms. And it was a common practice with us, till of

late, that gentlemen sent the impression of their seals of arms in lead to the clerk of court, which were there kept: Sir George Mackenzie, in his Science of Heraldry, tells us he has seen many of them, and has given a few of them in his Chapter of Supporters.

It is very reasonable to think, that all seals then, since the reign of Malcolm III. or King David I. carried the fixed arms of the owners, since the writs to which they were appended made faith in court, without any subscription, till the year of God 1540, at which time King James V. by the 117th act of his 7th parl. (lest seals should be countefeit or lost) ordained all evidents for the future to be subscribed as well as sealed.

In the reigns of Malcolm IV. and William I. grandsons of King David I. many writs and evidents were granted by them in their time to their subjects, to which were appended their seals. I have seen that of King WILLIAM, who began his reign 1165, where he is represented on a throne, in his right hand a sceptre, and left a mond, crossed and surmounted with a long cross; that is, with the paler part longer than the traverse: on the other side of the shield, called the *reverse*, he is there represented on horseback, in his right hand a sword, and on his left arm a shield of Scotland, and the legend round that seal, *Sigillum Willielm. Regis Scotorum* was appended by that king to a charter of confirmation of the lands of Seaton and others to Philip de Seaton, which is in the Earl of Winton's charter-chest.

ALEXANDER II. son of King William; on his seal he is represented as his father, enthroned on the one side, and on the other upon horseback, holding in his right hand a sword, and on his left arm a shield, charged with a lion rampant within a double tressure, flowered and counter-flowered with flower-de-luces, and had these words round the seal, *S. Alex. Reg. Scotorum*, which I have seen in the hands of Sir Patrick Kirkpatrick of Closeburn, appended to a charter of that king's to one of the progenitors of that ancient family.

I have seen severals of the same impressions of ALEXANDER III. having the lion within a double tressure, and those of King Robert the Bruce, and his son King David II. with the same imperial arms, having laid aside their former arms, viz. *or*, a saltier and chief *gules*: And when King David was succeeded by ROBERT STEWART, who, as nearest of kin to the said king, ascended the throne, laid aside his paternal coat, being *or*, a fesse *chequé*, *azure* and *argent*, and only used the imperial seals of the kingdom, the lion rampant within the double tressure, as all his successors (to make a short detail) of the princely family of Stewart, without any alteration, composition, or quartering with other arms, till King JAMES VI. of that name in Scotland and first in England, only son of Prince Henry Lord Darnly, and Mary Queen of Scotland, only daughter and heir to King James V. son of King James IV. and his Queen Margaret, eldest daughter of King Henry VII. of England, and his Queen Elizabeth, heiress and representative of the house of York.

King JAMES as only representer, and righteous heir of the royal line of England, with an universal consent and joy ascended the throne of England, was crowned with his Queen at Westminster the 25th of July 1603. Upon his accession to the throne of England, there were several considerations and consultations taken by his Majesty and Privy Council of England, about the honours and precedency of his kingdoms of Scotland and England, and especially in marshalling their armorial ensigns; the difficulty arising from the armorial figures of England, being originally these of the dukedoms of Normandy and Aquitaine, being three leopards, which, as such, gave place to the flower-de-luces of France, as belonging to a kingdom. Upon the same reasons the Scots claimed also precedency for their royal armorial figure, the lion rampant within a double tressure, the paternal arms of the king, and his progenitors, used by them before the English used the leopards, and that the paternal ought to precede the maternal ones, as I mentioned before, the King of Castle's arms were preferred to those of Leon, the wife's arms.

The Scots being then very jealous, as their predecessors of old, of their ancient sovereignty, which had cost them so much blood and fatigue, and even of their very ensigns, and shadows of them: In the greatest straits and difficulties they and their kingdom were in with Edward I. of England, with whom it was stipulated, that their Queen Margaret of Scotland should marry his eldest son Prince

Edward; and it was particularly provided, that the ancient arms of Scotland should be kept entire, with all respect to their honour, on the seals and ensigns of the nation, and that no other name should be there placed but that of the Queen.

As is said before, the arms of Scotland continued entire till the union of the two kingdoms in the person of King James VI. as in the first Plate, fig. 1. After that union the Scots arms were preferred to the English, as in all his Majesty's seals, ensigns and coins; tho' the English preferred England to Scotland, yet their seals, ensigns, and coins, bear no authority further than the dominion of England; and though the legend round both seals was *Rex Magnæ Britanniae, Franciæ et Hiberniæ*.

The achievement of his Majesty as King of Scotland, quarterly, first, *or*, a lion rampant *gules*, armed and langued *azure*, within a double tressure, flowered and counter-flowered with flower-de-luces of the second, for Scotland; second grand quarter, quarterly, first and fourth, *azure*, three flower-de-luces *or*, for France; second and third *gules*, three leopards *passant* in pale *or*, for England; third quarter, *azure*, an Irish harp *or*, stringed *argent*, for Ireland; and fourth grand quarter as the first: Which escutcheon is surrounded with the ancient Order of the Thistle or St Andrew, and round it with the most noble Order of the Garter, being blue, and embroidered with these words, *Honi soit qui mal y pense*, with the badges of these two orders hanging down; that of the first named being *azure*, representing St Andrew, holding his cross *argent*; and round the badge, *Nemo me impune lacesset*; and below it the badge of the garter, having St George killing the dragon; supported on the dexter by a unicorn *argent*, crowned with an imperial, and gorged with an open crown, to this a gold chain affixed passing between his two legs, and reflexed over his back *or*; and, on the sinister, by a lion rampant *garrant*, and crowned also with an imperial crown as the other; the first embracing, and bearing up a banner *azure*, charged with a St Andrew's cross *argent*; and the last another banner *argent*, charged with a plain cross (called of St George) *gules*, both standing on a rich compartment, from the middle whereof issue a thistle and rose, as the two royal badges of Scotland and England; and for his Majesty's royal mottos, in an escrol above all, *In defence*, for Scotland; and in the table of the compartment, *Dieu et mon droit*, for England, France, and Ireland.

The royal badges are a thistle of gold crowned for Scotland, a rose *gules* for England, a flower-de-luce *or*, for France, an harp *or*, stringed *argent*, for Ireland. Besides these there are badges peculiar to the kingdom of Scotland and England represented on the banners in the royal achievement, and advanced in his Majesty's standard by land and sea, viz.

*Azure*, a cross of St Andrew *argent*, for Scotland, St Andrew being patron thereof.

*Argent*, a cross of St George (or a plain cross) *gules*, for England, St George being patron thereof. As Plate I. fig. 2.

I shall here add an account of the Great Seal of his Majesty King James, who is represented sitting on his throne of England in his royal robes, with the great collar of the Order of St George about his neck, (being the first of the kings of England represented with the collar on their seals) an imperial crown on his head, with the sceptre in his right, and the mond in his left hand; and, at the right side of the throne is a lion *seiant*, holding a standard with the arms of Cadwallader, the last king of the Britons, being *azure*, a cross patee *fitché or*, as descended from him; on the left side is an unicorn gorged with a coronet, and chained in the like posture as the lion, holding with his left foot a standard with the arms of the English Saxon Kings, being *azure*, a cross fleury between four martlets *or*. These ensigns were placed to show his Majesty's descent from the blood royal of the Welsh and English.

Over the throne is the royal escutcheon, quarterly; first grand quarter, quarterly, France and England; second Scotland; third Ireland; and the fourth as the first: which escutcheon is surrounded with the garter, and ensigned with an imperial crown. King James was the first King of England that brought into the achievement the harp for Ireland. On the reverse of this Great Seal his Majesty is represented on horseback in armour, holding in his right hand a sword, and, on his left, a shield of the above arms, and the same on the caparisons of his horse,

and below its belly a greyhound *courant*; the legend round both the sides of the seal, *Jacobus Dei Gratia Angliæ, Scotiæ, Franciæ, et Hiberniæ Rex*: the arms were supported on the right side by the English lion crowned, and, on the left, by the unicorn of Scotland.

Those arms of his Majesty on his seals, ensigns, and coins, had no authority in Scotland: no coins were current there but those that had the arms of Scotland placed in the first quarter before those of France, England, and Ireland, and ensigned with the imperial crown of Scotland; and which arms still continued with us, and even in the time of King William Prince of Orange and Nassau, on our seals and coins, the arms of Scotland preceded those of England and Ireland: and, to show that he was elective king, placed over the quartered arms of Great Britain his paternal coat by way of surtout, *azure, semé* of billets, a lion rampant *or*, armed and langued *gules*, for Nassau.

Since the incorporate union betwixt England and Scotland in the reign of Queen Anne, the arms of the two nations have been otherwise marshalled together, where the lion of Scotland has lost his precedency, thus blazoned; quarterly, first, *gules*, three leopards in pale *or*, for England; *parti* with *or*, a lion rampant *gules*, armed and langued *azure*, within a double tressure, flowered and counter-flowered with flower-de-luces of the second, for Scotland; second quarter, *azure*, three flower-de-luces *or*, for France; third, *azure*, an harp *or*, stringed *argent*; fourth quarter as the first, all within the garter, supported on the dexter with a lion *gules*, crowned with an imperial crown *or*, and, on the sinister, by an unicorn *argent*, horned, maned, unguled, and gorged with a crown, with a chain thereto affixed, reflexing over its back, and betwixt its legs *or*; which escutcheon is timbred with a helmet and mantlings suitable to his Majesty, ensigned with an imperial crown, and thereupon for crest, a lion *passant gardant gules*, crowned *or*; with the motto, *Semper eadem*.

I have blazoned the armorial figures of England sometimes leopards, and sometimes lions *passant gardant*, according to the English; and I have given their distinctions in the First Volume of this System, and shall only here add what the ingenious author of the New Dictionary of Heraldry says at the title of *Leopards*.

According to the French heralds, they differ in three particulars from lions: As, first, That they always show their full face, whereas the lions show but one side. Secondly, Their posture is never *rampant* like the lions, but only *passant*; and if ever leopards happen to be *rampant*, they are blazoned leopards *lioné*, because they take the natural posture of the lions in heraldry; and so lions, when *passant*, are blazoned *leopards*. Thirdly, The end or brush of the leopard's tail is always turned outwards, and that of lions ought to be inwards, though this latter is not nicely observed. Leopards represent those brave and generous warriors who have performed some bold enterprize with force, courage, promptness, and activity. English heralds do not observe the differences above mentioned between lions and leopards, but make them both *rampant* and *passant* at pleasure, and show the whole or the side of either, expressing the full face by the term *gardant*; nor is there any regard given to the nicety of turning the end or brush of the tail inward or outward; yet, as this art was learnt of the French, some notice might be taken of them however the English are gone from those rules.

Upon the Duke of BRUNSWICK, LUNENBURGH, &c. his accession to the crown of Great Britain, the arms are again otherwise marshalled, whose blazon I shall here add from the editor of the last edition of Guillim.

The achievement, or sovereign ensign armorial, of the most high and mighty monarch, GEORGE, by the grace of God King of GREAT BRITAIN, FRANCE, and IRELAND, Defender of the Faith, Prince Electoral of BRUNSWICK LUNENBURG, &c. is quarterly thus:—In the first grand quarter, England, *viz. gules*, three lion *passant gardant or*, impaling Scotland, *viz. or*, a lion rampant within a double tressure, contre-fleury *gules*; the second grand quarter, France, *viz. azure*, three flower-de-luces *or*; the third Ireland, *viz. azure*, a harp *or*; and, in the fourth Brunswick, that is *gules*, two lions *passant gardant or*, impaled with Lunenburg, *viz. or*, *semé* of hearts *gules*, a lion rampant *azure*, having ancient Saxony, that is *gules*, an horse *salient argent*, *enté en pointe*, with a scutcheon in surtout *gules*, charged with the imperial crown of Charlemagne, being the proper badge of the hereditary

treasurer of the sacred Roman empire, all within a garter, the ensign of that most noble Order of knighthood, of which his Majesty is chief: above the same a helmet, answerable to his sovereign jurisdiction; and thereon a mantle of cloth of gold doubled *ermine*, adorned with an imperial crown surmounted on the top for his Majesty's crest by a lion *passant gardant or*, crowned with a like crown, proper; sustained on the dexter side with a lion imperially crowned *gules*, as the proper supporter of the English ensign; and, on the left, by an unicorn *argent*, gorged with a princely crown, from which is a chain turned over his back, and between his legs gold; of which metal he is also hoofed, maned, and tufted, both standing upon a compartment ornamented with a rose and thistle, proper, being the royal badges of his Majesty's chief kingdoms of England and Scotland, and inscribed (in a scroll within) with his Majesty's motto or device, *Dieu et mon droit*. Two unicorns were the supporters of the Scots kings, which, upon the union under King James I. of England, and VI. of Scotland, gave occasion for carrying one of them on the sinister side of the achievement of England.

As to the fourth quarter of his Majesty's royal achievement being marshalled with three coats, after a method not ordinarily used by the French and Britons. It is true, the Germans and Spainards sometimes use that way of *enté en pointe*, where the horse of Saxony is, as in Plate I. fig. 5.

As to these three coats of arms in the last quarter in the achievement of his Royal Majesty, the rise of the others above being spoke to and generally known, I shall now speak briefly of them. These of BRUNSWICK being *gules*, two leopards *or*, were granted by Richard of England, to Henry Duke of Brunswick, his cousin, and ever since have been carried in that princely family; for which Hoppingius citeth an ancient writer, Jo. Bangen Thuringisch, who wrote *anno 1143*, page 58. "Refert Richardum Angliæ regem quinque aureos leopardos insignium loco detulisse, ac veniente ad eum affine suo Henrico Brunswicensium Duce, "duos clypeo leopardos detraxisse, illicque donasse." This author has been no good herald; who, thought that Richard of England and his predecessors carried five leopards, but took two from five, and gave them to his friend Henry Duke of Brunswick; so that Richard's successors carried since three.

As for the arms of LUNENBURG, they are older than those of Brunswick, being *argent*, *semé* of roses *gules*, a lion rampant *azure*; as Hoppingius blazons them, and which the Emperor Otto I. gave to this ancient family in the year 965, for their special service to him in Italy. Our author's words are, "Henricum quem Otto I. "Imp. an. Chr. 965, Burgravum Magdeburgensem & principem Lunenburgensem "fecit, leonis cerulei in campo albo, insigne tribuit, interjectis per campum maculis, sive rosarum foliis donavit: quæ usque huc Lunenburgensis ducatus supersunt arma." But others say *semé* of hearts *gules*, instead of roses.

As for the third area *enté en pointe*, *gules*, a horse *salient argent*, for Saxony, not from the Duke's descent from Wittichindus of Saxony, but for conquering a great part of that country, especially Westphalia. Our author's words are, "Quo ad "equum sive pullum non erat gestum ab Henrico leone, tanquam proveniente a "prosapia Wittichindi, ut equum deferret, sed quod maximam partem Westphaliæ, "cujus hic equus tessera est, possidisset."

The editor of Guillim gives us the achievement of his Royal Highness GEORGE Prince of WALES, &c. Knight of the Most Noble Order of the Garter, being those of the king viz. quarterly, in the first grand quarter, England, *i. e.* *gules*, three lions *passant gardant* in pale *or*, impaling for Scotland *or*, a lion rampant within a double tressure, fleury contre-fleury *gules*; second grand quarter *argent*, France, viz. *azure*, three flower-de-luces *or*; third Ireland, viz. *azure*, an harp *or*, strung *argent*; and, in the fourth, Brunswick, viz. *gules*, two lions *passant gardant* in pale *or* impaling Lunenburg, *i. e.* *or*, *semé* of hearts *gules*, a lion rampant *azure*, having *enté en pointe* of Saxony Ancient, viz. *gules*, a horse *salient argent*, with an escutcheon or surcoat *gules*, and, over all, a label of three points silver. His Highness's supporters and crest the same as his Majesty's, save that each are gorged with a label *argent*, and his crest with one, and crowned with a prince's coronet, not an imperial crown.

This author likewise gives us the sculpture of the achievement of his Highness Prince FREDERICK, eldest son of his Royal Highness George Prince of Wales, &c.

Knight of the Most Noble Order of the Garter, the same arms with those of his father; but for his difference in chief, a label of three points *argent*, the middle point charged with a cross *gules*, (St George's cross) and the same label on the supporters and crest.

Likewise the achievement of his Royal Highness ERNEST Duke of YORK, &c. Bishop of Osnaburg, and Knight of the most noble Order of the Garter, which is the same with his brother's, King of Great Britain, differenced with a label of three points, each charged with as many hearts *gules*; the supporters and crest of England gorged with the same label.

The achievement of her Highness the Princess ANNE, eldest daughter of his Royal Highness George Prince of Wales, is the same with her father's, with the difference of a lambel in chief of five points, each charged with a cross *gules*, and the same on the supporters of Great Britain, and all ensigned with a coronet heightened with cross patees and flower-de-luces alternately.

The same achievement he gives to her Highness the Princess AMELIA SOPHIA ELEANORA, second daughter of his Royal Highness George Prince of Wales, &c. is the same with her sister; and, for difference, a lambel of five points *ermine*, also placed upon the supporters, and adorned with a coronet as before.

And the achievement of her Highness the Princess ELIZABETH CAROLINA, third daughter of his Royal Highness George Prince of Wales, &c. the same with her sisters, with the difference of a label of five points, each charged with three roses, as I take them by the sculpture.

The arms of these three princesses are all within lozenges; but it is not ordinary with the French, nor with us, to difference younger daughters from one another.

It is to be observed, that the surtout *gules*, charged with the imperial crown of Charlemagne, being the proper badge of the hereditary treasurer, is not used by any of the royal family, but by his Majesty, which I have taken notice of before in the section of the Marks of Offices.

His Majesty, before he came to the throne of England, and to be one of the Electoral Princes of the Empire, as Duke of Brunswick, had his arms otherwise; as *Œu d'Armoiries des Soveraigns et Estats d'Europe, par C. Orance fine, called De Brianville, par. 155.* "Le Duc de Brunswick blazon, porte escartelé; au 1. de

"gueules a deux leopards d'or, lampassés & armés d'azur, qui est de Brunswic;  
"au 2d, d'or, semé de cœurs de gueules, au lion d'azur, lampassé et armé de  
"gueules, qui est de Lunebourg; au 3d, d'azur, au lion d'argent, couronné  
"d'or, lampassé de gueules, qui est d'Aberstein Neugatene; au 4th, de gueules  
"au lion d'or, lampassé & armé d'azur, a la bordure composé d'argent &  
"d'azur, qui est de Homburg.

"Cimier un bonnet haut de gueules, couronné d'or & semé d'une queue de  
"paon, traversé d'un cheval gallopat d'argent, entre deux faucilles affrontées  
"de mesme, emanchées de gueules, virolées d'or, bordées en dehors rondeaux de  
"queues de paon." Thus Englished.

The Duke of BRUNSWICK carried, quarterly, first *gules*, two leopards *or*, langued and armed *azure*, for Brunswick; second *or*, semé of hearts *gules*, a lion *azure*, langued and armed *gules*, for Lunenburg; third *azure*, a lion *argent*, crowned *or*, langued *gules*, for Eberstein Neugatein; fourth *gules*, a lion *or*, langued and armed *azure*, within a bordure composé, *argent* and *azure*, for Homburg.

The crest, or cimier, a high bonnet, (called by the Germans a *spitbood*) adorned with a crown, topped with a peacock's train, traversed before with a horse galloping *argent*, between two sickles *affronté* of the last, *emanché* *gules*, bordered on the outsides with roundels of peacocks' tails, proper.

The Princes and Dukes of Brunswick have had their achievements, with many more quarters of arms belonging to their noble feus, which Jacob Willielmus Imhoff gives us in his Genealogical History of the Princes of Germany, which I omit, to shun the length and confusion of armories.

As for the way of marshalling several arms in one shield by way of *enté*, *i. e.* ingrafting, is more frequent in other countries than in Britain, where it never occurred to me in arms, nor in any English writer, till of late in the two English Dictionaries of Heraldry, that of the editor of Guillim's, and another since printed in he 1725, who both write the same thing, *viz. enté* is a French word, and signifies

any thing grafted or ingrafted; it is used by foreign heralds to express a method of marshalling, more frequently to be found abroad. I do not remember, says our author, that I have met with an instance of this practice with us till now, which is the fourth grand quarter of his Majesty's royal ensign, whose blazon I give thus: Brunswick and Lunenburg, impaled with ancient Saxony, *enté en pointe*, that is, grafted in point, or in form of that ordinary: The French call it *la pointe*, which resembles in some measure the lower part of our *parti per cheveron*; but we have not such an ordinary in our practice. Mr Baron calls this *enté insitus*. Dict. to Guil.

In my Alphabetical Index, explaining the Terms of Heraldry, mentioned in my Essay on the Ancient and Modern use of Armories, I told that the term *enté* or *grafting* is when arms are placed in the triangular space between the flanks of two other coats of arms; as in the arms of the dukes of Savoy and kings of Spain: So that this way of marshalling arms was not known to us and the English, till his Majesty King George ascended the throne of Great Britain, and caused, by way of *enté*, ingraft the galloping horse of Saxony in the base, in the sovereign banner of Great Britain: And since I am speaking of such partitions, I shall here add another section of these Partitions, whereby arms are accumulate together.

#### PARTITIONS FOR MARSHALLING OF ARMS.

MARSHALLING is a term, says Guillim, of great extent, not only in ordering the parts of an army, but also in disposing of persons and things in all solemnities, marriages, funerals, creations of nobility, &c. But here it is taken, as it concerns armories, for an orderly disposing of sundry coats of arms of distinct families in their proper place in one shield.

The various ways of acquiring arms, and the changes and occasions of them, have given original to the various positions and situations of quarters or sections, fields or areas, in shields of arms.

The multiplication of ensigns is from the conjunction of many jurisdictions and territories, the rights and dispositions to which are sometimes conveyed by the will of some testator, so as it frequently falls out, that great princes, by accession of new dignities, are obliged to use new titles, and add such ensigns to their own: From whence you see, that the successors of kingdoms, principalities, and earldoms, do annex and accumulate other arms to their own, upon several accounts; of which I have treated before: But here I shall speak only to the *Partitions* which makes the fields or areas in armories. I shall not mention *parti parted per pale*, and *coupé parted per fesse*, which, when joined together, give a quartered arms; of which I have spoke fully before: but as to other sections or areas, not so generally known with us in marshalled arms, I shall here mention four ways in accumulating many coats in one shield.

1. By *tranché* and *taillé* lines. 2. By surmounting quartered coats, not only with an escutcheon, called by the French a *surletout*, but with *le-tout-du-tout*, and with other ordinaries, as the pale, fesse, and cross, dividing the quarters; and again surmounted with escutcheons. 3. By *tiercing* and *ingrafting* of arms, which the French call *enté*. And 4. By a division of the shield into a plurality of areas by many *parti* and *coupé* lines. Which four ways I shall speak to in order, and exemplify them by instances.

*Parted per saltier* is a quartered coat by two lines, dividing the shield from the right angle in chief to the left in base, *et e contra* from the left to the right in base diagonally, into four equal conal quarters or areas; which partition the French call *tranché taillé*. Such a disposition of arms is not ordinary in Britain; yet frequently in other European countries, as the well known arms of SICILY, which I instance, being so marshalled, viz. quarterly per saltier; first and fourth *or*, four pallets *gules*, for Arragon; second and third *argent*, an eagle displayed *sable*, beaked and membered *gules*, for Swabia. The French say "D'or, a quatre peaux de gueules flanquē d'argent, à l'aigle de sable, becué & membré de gueules."

The Latins, as Chiffletius, blazon, (parted per saltier) "Scutum oblique dextror-  
" suu & sinistrorsum sectum in summo & in imo, &c."

The second way proposed is by surmounting quartered arms with inescutcheons, by the French called *surtout*. I have given several examples of those, in this and the former volume. When the inescutcheon or *surtout* is parted, coupé, or quartered, with diverse coats of arms, and these again surmounted with another inescutcheon, the French call the uppermost *le-tout-du-tout*: And after this manner are several coats of arms marshalled; as in the achievement of the Princes of ORANGE, in the family of NASSAU; thus quarterly, first *azure*, *semé* of billets, a lion rampant *or*, for NASSAU; second *or*, a lion rampant *guardant gules*, crowned langued and armed *azure*, for the country of CATZENLBOGEN; third *gules*, a fesse *argent*, for the house of VIANDEN; fourth *gules*, two leopards *or*, langued and armed *azure*, for the country of DIETZ: and over all an inescutcheon by way of *surtout*; quarterly, first and fourth *gules*, a bend *or*, for CHALLONS; second and third *or*, a hunting-horn *azure*, *virolé* and stringed *gules*, for the principality of Orange; which inescutcheon is again surmounted of another by way of *le-tout-du-tout*, *chequé or* and *azure* of nine points, as a coat of pretension to the city of Geneva.

Next, as to the Ordinaries, viz. the *pale*, *fesse*, and *cross*, their usage, as a method in marshalling of arms, by dividing the quarters in the shield, I shall illustrate as follows.

And first, As to the ordinary of the *pale*, being a distinguishing method for marshalling arms, I have not met with any examples used by us in Britain, though this way of marshalling is frequently used abroad by foreign heralds. An example whereof we have in the armorial bearing of the Dukes of Parma and Placenza; the blazon whereof is thus, quarterly, first and fourth *or*, six flower-de-luces *azure*; 3, 2, and 1, for Faranese; second and third *gules*, a fesse *argent*, for Austria Modern, impaled (the French say *parti*) with bendy of six, *or* and *azure*, within a bordure *gules*, for Burgundy Ancient. And dividing the quarters, a pale *gules*, charged with a papal gonfanoun, surmounted with two keys, the one *or* and the other *argent*, as a badge of the office of the High Gonfalonier of the Church, and over all an inescutcheon by way of *surtout*, the arms of PORTUGAL, viz. *argent*, five inescutcheons placed cross-ways *azure*, each charged with five besants *argent*, placed in saltier, and marked with a point *sable*, all within a bordure *gules*, charged with seven castles *or*, three in chief, two in flanks, and as many towards the base point.

As for the historical part of this blazon I shall give it in short thus. The territories of Parma and Placenza were long in the possession of the church till the pontificate of Paul III. of the family of Faranese, who made his nephew Peter Faranese, Duke of these territories, in the year 1545. But his successor Octavio, second duke, being much disquieted in the possession by the Emperor Charles V. he was forced to marry Margaret, a natural daughter of the emperor, who established him in the sovereignty of the dukedom of Parma; and upon that account the dukes of that family quarter the arms of Austria and Burgundy. And again, Duke Octavio's son and heir, by marrying Mary, daughter of Edward, son of Emmanuel King of Portugal, placed the arms of that kingdom, by way of *surtout*, as arms of alliance and pretension.

In my Essay on the Ancient and Modern Use of Armories, page 123, I have given another example of the bearing of this ordinary, viz. the *pale*, as a method for dividing the quarters of arms in the shield, in the arms of the Dukes of Modena; to which I refer my reader, where will be found the blazon and figure of the said coat cut in copper.

Secondly, As to the ordinary of the *fesse*, in marshalling arms by dividing the quarters, we have an example in the arms of the Princes of Mirandula in Italy, who have their quartered arms divided by a fesse, and it again surmounted with an escutcheon thus; quarterly, first and fourth *or*, an eagle displayed *sable*, crowned, beaked, and membered of the field; second and third barry of six pieces *argent* and *azure*, surmounted of a lion *gules*, armed, langued, and crowned *or*, for concord; and, dividing these quarters, a fesse *gules*, surmounted of an escutcheon, charged with the arms of the family of Pico, being *chequé, argent* and *azure*; and

all these again ensigned with a chief of the empire, to wit, *or*, a double eagle displayed *sable*, crowned *or*, as arms of patronage of the empire. See these arms also cut on copperplate in my said Essay.

And thirdly, As to the ordinary of the *cross*, in marshalling arms, as a method of dividing the quarters in the shield, we need not go abroad to seek examples, but have instances hereof at home, particularly as used by the Earls of CAITHNESS of the name of SINCLAIR; the blazon of whose armorial bearing is, quarterly, first *azure*, a ship at anchor, her oars erect in saltier, within a double tressure, counter-flowered *or*, for the earldom of Orkney; second and third *or*, a lion rampant *gules*, for the name of Spar; fourth *azure*, a ship under sail, for the title of Caithness; and over all, dividing the coats, a cross ingrailed *sable*, for the surname of Sinclair. And it is observable that several noble feus with us that lay near the sea, carried always in their arms ships or lymphads. Also several families of the name of Sinclair, as descendants from the said earls of Caithness, divided their quartered arms by this ordinary of the *cross*, such as the Sinclairs of Dunbeath, Brims, &c. but use suitable bordures for differences.

There is another example of this method of bearing in the arms of OGILVIE of Boyne, who makes the cross ingrailed of Sinclair divide his quartered coat thus; first and fourth *argent*, a lion *passant gardant gules*, crowned *or*, for Ogilvie; second and third *argent*, three crescents *gules*, for Edmonstone; over all, dividing the quarters, (the arms of Sinclair) a cross ingrailed *sable*. Which method of marshalling his arms he assumes, as being a younger son of Ogilvie of Findlater, who quarters the arms of Sinclair with his own paternal bearing, on occasion of Sir Walter Ogilvie of Auchleven his marrying, in the year 1437, Margaret, only daughter and sole heir of John Sinclair, possessor of the barony of Deskford in Banffshire.

The third way of multiplying many coats of arms in one shield, laid down, is by *tiercing and ingrafting*, which the French call *enté*, a word which signifies any thing grafted or ingrafted. And the author of the New Dictionary of Heraldry, 8vo, London, 1725, tells us, "That the word *anté* or *enté*, denotes that the pieces are let into one another, in such form or manner as is there expressed. "As, for instance, by dove-tails, rounds, swallow-tails, or the like, and is a term "used by heralds when arms are placed in the triangular space between the flanks of two other coats of arms, to express a method of marshalling more frequently to be found abroad in the books of the armorial bearings and blazons of "foreign heralds," where several examples of this nature might be adduced; particularly this method is used by the kings of Spain, dukes of Burgundy and Savoy, the counts of Flanders, and a great many more families of distinction, as I have made evident by sundry examples, to be found in my foresaid Essay on the Ancient and Modern Use of Armories, from page 216 to page 220, to which I refer my reader. I do not remember that I have met with one instance of this practice with us till now, which is the fourth grand quarter of his Majesty King GEORGE his royal ensign, who beareth quarterly, first the royal arms of England impaled with those of Scotland; second the royal arms of France; third those of Ireland; and the fourth grand quarter thus, viz. first the arms of Brunswick *gules*, two lions *passant gardant or*, impaled with those of Lunenburg, viz. *or*, *semé* of hearts *gules*, a lion rampant *azure*, armed and langued as the hearts, and grafted by way of *enté* between the impaling in point the arms of lower or ancient Saxony, being *gules*, a horse *courant argent*; and over all this fourth grand quarter, by way of surtout, a shield *gules*, charged with the crown of Charlemagne. Or the said quarter may admit of this blazon, the arms of Brunswick and Lunenburg, impaled with ancient Saxony *enté en pointe*, that is, grafted in point, or in form of that ordinary. The French call it *la pointe*, which resembles in some measure the lower part of our *parti per cheveron*.

The fourth and last method proposed for marshalling of arms is by dividing of the shield into a plurality of areas or quarters, by many *parti* and *coupé* lines, which, when drawn, appear like the areas of a chequer, divided by horizontal and perpendicular lines. By this method of marshalling, as many coats as shall be thought fit may be taken in. But, in my opinion, if coats of arms shall be thus marshalled by the bearers, merely on account of descent from families by the mo-

ther's side, though they were neither heiresses nor representatives of the families they are come of, such shields thus charged with so many coats of arms can be called nothing but a *genealogical pennon*, and cannot be looked upon as proper or formal armorial bearings.

In perusing several books of heraldry I find that it is agreed by the best authors, that the number of marshalled arms in one shield should not exceed six or eight quarters at most, and these always charged upon the warrantable grounds and reasons of the bearers having many territories and feus, or matching with heiresses, or as coats of alliance and pretension. The Germans, it is true, are in use to have twenty or thirty different coats accumulate in one shield, as the curious will find in Jacob Will. Imhoff's *Blazons of the Achievements of the Princes of the Empire*; but this is always on the foresaid account of their many territories and feus, to show how many votes they have in the circles of the empire, and so display the arms of these feus with their other arms. Besides, that they have another material reason for this practice, in respect that the younger sons, by their custom, share with the eldest in the dignity and titles of honour of the family; on which account there is ground for an accumulation of arms.

The French indeed come not up with the Germans in having so many coats of arms marshalled in one shield, their feus not being so many, nor so free, and the succession of these dignities belonging always to the eldest son or heir; yet some will have a plurality of them marshalled with their own arms, but then always, for good reasons, and never exceeding the regular method of eight areas at most: But we in Scotland have not as yet come into this method of marshalling our armorial bearings by many *parti* and *coupé* lines, though we had an example thereof brought into Scotland by Mary of Lorraine, (Daughter of Claud Duke of Guise, and son of the Duke of Lorraine) who married James V. King of Scotland, and was mother of Mary Queen thereof, whose armorial bearing was the arms of Lorraine impaled with the arms of Scotland, which are yet to be seen on several remarkable places in the kingdom, and particularly to be met with excellently embossed and illuminate on a hall in the house of Seaton, the blazon whereof is *coupé* one, *parti* three, making up eight areas; though some blazon thus, saying four coats in chief, and as many in base. But that way does not rightly show how these coats are disposed; and, therefore, others say more distinctly, *coupé* one, *parti* three; first the arms of Hungary; second that of Naples; third that of Jerusalem; and fourth the arms of Arragon. These four sovereign bearings, as coats of alliance and pretension, are placed in the upper part of the shield above other four of lesser dignity, viz. fifth the arms of Anjou; sixth that of Guelders; seventh that of Juliers, and in the eighth area the arms of the county of Bar, and, over all, by way of surtout, the arms of the dukedom of Lorraine, all which are impaled with these of Scotland, and the full blazon of the several coats therein contained is to be found in my said Essay on the Ancient and Modern Use of Armories, where other examples of blazons and figures on this head are set down and narrated.

Again, after King James VI. his accession to the crown of England, he having honoured some favourite Englishmen with titles of dignity in Scotland, they introduced the English custom into this kingdom of marshalling their arms by many *parti* and *coupé* lines, far exceeding the regular method laid down by the best heralds. As in Mr Pont's Manuscript of the *Blazons of the armorial bearings of the nobility of Scotland*, where Sir HENRY CAREY, one of these English gentlemen advanced to be Viscount of FALKLAND in Scotland, has his shield of arms divided by four *coupé* and six *parti* lines, which make thirty-four different areas, filled up with as many different coats.

The blazon of which armorial bearing, as narrated by the said author, is as follows: He bears (says he) thirty-four coats, viz. first and last, *argent*, on a bend *sable*, three roses of the first, by the name of Carey, being his paternal coat. 2. *Or*, three piles in point meeting in base *azure*. 3. *Gules*, a fesse betwixt three crescents *argent*. 4. *Azure*, a cheveron *argent* between three gauntlets *or*. 5. *Sable*, two bars wavy *ermine*. 6. *Azure* and *gules*, quarterly, within a bordure gobonated *argent* and *azure*. 7. *Azure*, a lion rampant *argent*. 8. *Gules*, three lions *passant or*, within a border *argent*. 9. *Or*, two bars *gules* in chief, three *torteauxes*.

10. Barry of six, *or* and *azure*, surmounted of a bend *gules*. 11. *Gules*, two bends wavy *or*. 12. Barry of ten, *argent* and *gules*. 13. *Gules*, a fesse *or*. 14. Parted per pale, *or* and *gules*, three *torteaux* interchanged of the one and the other. 15. *Argent*, two bars *gules*. 16. Fretty bend-ways, *or* and *azure*, within a *bordure gules*. 17. *Cbequé*, *or* and *azure*, surmounted of a chevron *ermine*. 18. *Or*, two bars *gules*. 19. Quarterly, *or* and *gules*, within a *bordure*, ingrailed and gobonated, *argent* and *azure*. 20. *Or*, a cross *gules*, differenced with a label of three pendants in chief *azure*. 21. Parted per pale, *or* and *argent*, a lion rampant *gules*. 22. *Or*, six lions rampant *sable*. 23. *Sable*, three garbs *argent*. 24. *Argent*, a manche *gules*. 25. *Argent*, a chief *gules*. 26. *Gules*, a chevron *argent*. 27. *Or*, a bar between two chevrons *sable*. 28. A lion *passant gardant*, crowned *or*. 29. *Argent*, three eagles' wings displayed *gules*. 30. *Or*, three bars *gules*. 31. *Argent*, two lions *passant azure*, crowned *or*, armed *gules*. 32. *Argent*, a chevron *gules*. 33. *Argent*, two bars, and a canton *azure*. 34. And last coat is as the first.

As also HENRY, Lord CONSTABLE of Halsham in Holderness, (York E. R.) another of these English gentlemen who was, by letters patent of the said King James, raised to the peerage of Viscount of DUNBAR in Scotland, divides the arms on his shield into *coupé* two, *parti* four, which makes fifteen areas of different bearings.

The blazon of whose armorial bearing, as in Mr Pont's said Manuscript, is thus: The said Viscount of Dunbar, says he, beareth fifteen coats marshalled in one shield, viz. 1. Barry of six, *or* and *azure*, his paternal coat for constable. 2. *Argent*, three garlands *gules*. 3. Crussalla of cinquefoils *or*, surmounted of a bend, ingrailed *argent*, by the name of Umfraville, sometime Earl of Angus. 4. *Gules*, a chevron *or*, by the name of Kym, Lord of Kym. 5. Quarterly, *or* and *gules*, on a bend *sable* three *escalops argent*, for the name of Onarass. 6. Barry of six, *or* and *azure*, on a canton *gules*, a cross *fleury argent*. 7. *Or*, a cross *sable*. 8. *Gules*, a saltier *argent*, with a mullet *sable*, for difference, for the name of Newell. 9. *Or*, fretty *gules*, on a canton parted per pale, *ermine* and *or*, the oars of a ship in cross *sable*. 10. *Gules*, a lion *salient or*. 11. *Or*, a chief *dancetté azure*, for the name of Glannyll. 12. *Azure*, three crescents, and nine cross crosslets *argent*, for the name Glanell of Conerhame. 13. Quarterly, *or* and *gules*, surmounted of a bend *sable*. 14. *Sable*, a bar between two garbs *argent*. The 15. and last, *azure*, a cross *fleury or*.

But as for Sir RICHARD GRAHAM of Netherby in Cumberland, baronet, who was descended from the Earls of Monteith in Scotland, another of these gentlemen advanced to the Scottish Peerage by the said King James, by the title of Lord Viscount of Preston, though he divides the shield of his arms by *parti* and *coupé* lines, yet does not exceed in areas the regular number above mentioned; for he only marshals his arms by *coupé* one, *parti* two, which makes but six areas, the first two being filled up with the arms of Graham, Earls of Monteith, and the rest with four other coats, which I presume his Lordship can very well account for. The blazon and figures of whose achievement will be found in Mr Guillim's Display of Heraldry.

This way of marshalling arms by many *coupé* and *parti* lines in England, first began in the reign of King Edward IV. and has been much affected and followed by the English since. But though the above Queen Mary of Lorraine, and the foresaid English gentlemen, advanced by King James to be peers of this realm, give us examples of such bearings, yet I do not find that any of our Scots nobility or gentry have been fond to practise this method. And though the Germans, French, and many sovereign monarchs and princes abroad may have just grounds, for the reasons above rehearsed, to accumulate various coats of arms in one shield by a plurality of areas made up by many *parti* and *coupé* lines, yet the English heralds are to blame in so far degenerating from the regular rules of heraldry (laid down by the most intelligent heralds) in composing and marshalling arms by so many *parti* and *coupé* lines, which, when drawn, make up an unaccountable plurality of areas, and filling them up with such different arms as they are not able to give a just reason for. And the English have given us many such examples, which in my opinion, as I said before, are no more but genealogical pennons of families in England; particularly, Richard Blome has followed this method of marshalling

arms, in a great number of examples that he gives us in his Treatise of Honour, Military and Civil, added to Mr Guillim's Display of Heraldry, some of which are but a heap of maternal descents, who have no right to carry the arms of these families, of which their mothers and-grandmothers were neither heiresses nor representatives, and so cannot regularly or justly be marshalled, and transmitted to posterity as formal arms, but are and will be looked upon by all judicious heralds, and others known in the science, as a piece of maternal genealogy. Columbiere tells us, "That thirty-two areas is the greatest number used in France; but the English and Germans (says he) sometimes extend to forty:" as a tesimony of the truth whereof, he says, "He saw the escutcheon of the Earl of Leicester, ambassador extraordinary to France, in the year 1639, and 1640, divided into that of forty; and some, he affirms, do go on to sixty-four several coats." But that such a multitude rather make a confusion, than adds any beauty to the escutcheon. And though this method has been practised by many of the English nation, yet they have had many learned and judicious heralds among them who ridicule such practices; particularly, Sir William Dugdale, in his Ancient Usage of bearing arms, is of the same opinion with me, and much blames the quartering of many marks, as he calls them, in one coat, shield, or banner; "Because, (says he) those marks being designed for commanders in leading their armies, and to be known by, they ought to be apparent, plain, and easy to be discerned; so that the quartering of many together hinders the use for which they were designed; for no man can distinguish them at any distance, and ignorant persons can make little of them near at hand." And, to confirm his assertion, he produces instances of fatal consequences that have happened by mistakes in not discerning the coat-armour.

The first beginning of this practice in England was, as I said before, in the reign of King Edward IV. who fell in love with Elizabeth Widville, daughter to Sir Richard Widville, and widow of Sir John Grey of Groby, whom he married. And, to aggrandise and qualify her for the royal ensign and bed, she was allowed to marshal the arms of her maternal descent, being more noble than her paternal, by *coupé* one, *parti* two, making six areas, which is more regular by far than the irregular plurality of areas the English now affect. Mr Sandford, in his Genealogical History of the Kings of England, hath, in page 285 of the said book, given the blazon of the arms of the said Queen Elizabeth, which they that are curious will there find.

And now having gone through and treated fully, and I hope satisfyingly, of all the various methods of composing and marshalling arms of the internal parts of armories contained within the shield, and the manner of forming regular arms therein, I shall next proceed to speak to these figures which adorn the outer parts, commonly called the exterior ornaments of the shield, with the several positions and additional trimmings thereof.





PART IV. Of the Exterior Ornaments of the Shield.

Form of Helmets in Britain

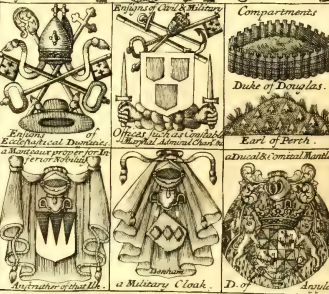
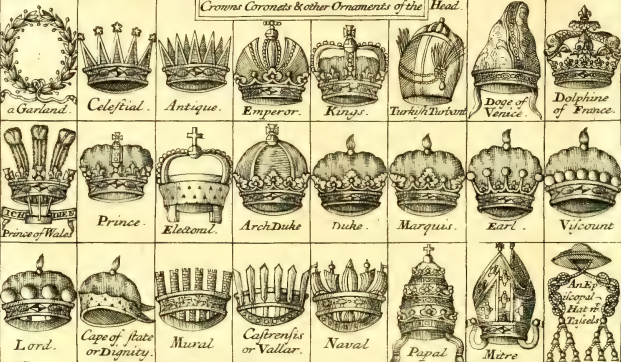


The Ornaments of the Helmet A as the Mantling B & Wreath C the Crest D the Escrol and Motto E. and how placed



Supporters and Coronet how placed

Crowns Coronets & other Ornaments of the Head



The Sovereign of the ancient Kingdom of SCOTLAND adorned with all its Exterior Ornaments, within a Royal Pavillion.

A  
S Y S T E M  
OF  
H E R A L D R Y,  
SPECULATIVE AND PRACTICAL:  
WITH THE TRUE ART OF BLAZON.

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PART FOURTH.

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CHAP. I.

CONCERNING THE EXTERIOR ORNAMENTS OF THE SHIELD, WITH SEVERAL ADDITIONAL TRIMMINGS.

HAVING treated fully of the inner pieces or figures of armories contained within the shield, I proceed to those which adorn the outer parts of the armorial shield, commonly called the *exterior ornaments*; such as helmets, mantlings, wreaths, crowns, crests, mottos, supporters, compartments, and other marks of dignities and offices, which are placed above, at the sides, below, and round the shield or escutcheon; which so trimmed make a complete armorial achievement. Before I treat of these figures separately, I shall speak a little to their rise and use in general.

The shield being preferred by the ancients to other military instruments, not only for its then dignity and sign of nobility, and necessary use to cover a man's body in battle, but for the conveniency of its form to receive military marks and devices, which came at last to be the fixed hereditary marks of nobility placed within the shield, after the devised imaginary parts of a man; as in *chief*, *collar*, *cœur*, and *flanque* points, that is, the head, the neck, the heart, nombrial, or navel, and the thighs, or base points, which seem to relate to those parts of a man. And that the armorial shield might resemble a man the more, it is thought by some, that the custom of trimming it with crown, helmet, crest, and other marks of dig-

nities, was in imitation of the dress of the ancient heroes in time of war; and also after the fashion of the Roman images or statues, in place of which came arms as ensigns of nobility; of which I have spoke before in the First Part of this System.

Others again bring the rise of those exterior ornaments from the habit and dress of military men in public military exercises, such as tournaments and joustings. Which opinion seems most reasonable; for none were admitted into those exercises but such as were truly noble, and had arms as *tesseræ* of their descent, which they adorned with exterior ornaments, to hold forth their present condition and dignity, and which behoved, at their military exercise, to be exposed to public view before the time of jousting, that by those their owners might be known.

Of the laws and forms of tournaments and joustings in several countries I spoke before, and shall only here add two laws anciently used by our neighbour nation, from a manuscript (in our Lawyers' Library) written by one John Caxton an Englishman, which he recommends to the reading of his king, Richard, and to the knights of Scotland, viz. "The victor may go out of the barriers of tournaments and joustings with his basnet, (*i. e.* helmet) or he may have it placed on his shield, or carried before him with his cognizance, motto, or cry of war. *Item*, "No man should wear his cognizance or tynal (*i. e.* crest) upon a close basnet, (*i. e.* helmet) but he that has carried arms within the lists and barriers of military exercises; and all other nobles should bear their tynal of their arms above an heaum, (*i. e.* helmet) to show they had been at such exercises."

As arms appear to have risen from military virtue, and came not in a sudden to their present perfection and beauty we now find them in, but by a long time gradually, and were of great esteem of old, being the reward of heroic action; so they were also desired and obtained by others (not of the military employment) who justly thought they merited no less from their sovereigns, by services they performed in their civil than others in their military capacity, and so adorned their shields of arms with coronets, consular capes, battons, and other such like signs of dignified offices; as did also the ecclesiastics with mitres, hats, crosiers, keys, and other ecclesiastical marks; of which afterwards.

In later times the most opulent of the vulgar, through ambition, began to place their marks in formal shields, which was not allowed to them of old, but in cartouches, *i. e.* false shields; which presumption occasioned those that were truly noble by descent and military virtue, to be more diligent to distinguish themselves from the vulgar by timbring their shields of arms with the most eminent marks of their several degrees of nobility, which was not then presumed to by the ignoble.

Charles de Grassalio, in his Treatise of the Regalia of France, gives the name *timbre* to all those marks of dignity and offices, whether military, civil, or ecclesiastic, when placed upon the top of the shield; and which word is used also by the best of heralds. John Baptista Christyn, Chancellor of Brabant, in his *Jurisprudentia Heroica*, says the same. His words are, "Timbrum enim generali voce dicitur, id omne quæ armis apponitur, aut ad significandum officii dignitatem, aut ornamenti gratia." The crown, helmet, mantlings, wreath, crest, and other devices, the papal tiara, cardinal's hat, the patriarch's cross, the mitre, with several other things ensigning the top of the shield, are called the *timbre*; on all which I shall insist in the following chapters.

*Timbre*, says Guillim in his Display, chap. 6. cometh from the word *timmer*; for that in the Allemagne tongue is the same that we in Latin call *apex*, or *summitas acuminata*, the crest. To *timbre* the arms is to adorn them with helmet, mantle, crest, &c. as Chassenus noteth. Our author says, "Nulli licitum, nec solet, quis timbrare arma sua, nisi sit saltem eques militaris vulgo chevalier;" *i. e.* none did nor could *timbre* their arms but a knight, commonly called a *chevalier*: But with us the custom is otherwise; for, of late, every gentleman that has arms may *timbre* them; for each particular country have their own custom in bearing of arms; which custom seems to have the vigour of a law, "Quia consuetudo, ubi lex scripta non est, valeat quantum lex, ubi scripta est." But it may seem that such bearings

timbred is rather tolerate through custom than allowed in the strict construction of the laws of arms and honour."

Barnabe Moreau de Vargas makes the helmet a mark of nobility, and says it is the crest and helmet which distinguishes gentlemen from those that are not such. Menestrier, with other heralds, ascribes the custom of placing the helmet and crest upon shields of arms to tournaments and joustings, the arms being a sign of noble descent, and the helmet, crest, &c. as marks of chivalry. And, I observe, they have been anciently so taken with us; for, of old, our nobility had only their arms in a shield without helmet or crest; as appears by their seals appended to ancient writs, and by our old paintings and manuscripts of blazons. But our high nobility, and those famous for chivalry, had their arms, of old, timbred with helmet, crest, and other ornaments, when tournaments were in use with us; of which I have given an account in the First Volume of this System. And I shall here add, for my reader's better understanding, a short account of a formula in the festivals of arms, to show that the adorning of them, now in fashion, had its rise from those military exercises, viz. "That they who came and were admitted behaved to be gentlemen of name and arms, and their shields hung up in public places some time before the prefixed day of joustings, with the helmets, crests, and other devices placed above their shields of arms, to the end that those who came to exercise might be known to each others, and challenges regularly given: As also that the lords and ladies, who were to assist as judges at these exercises might know, by the arms and devices, who had the advantage in such fights.

"The shield of arms being thus exposed below the windows of houses and other public places, which were next to the list of the barriers, were always pendent by the left point of the shield; upon which point were placed the helmets, mantlings, crests," &c. Which splendid ceremony was by the French called *a Faire Fenestrie*.

It is then from this custom in the tournaments that we meet with so many old shields *couché*. i. e. pendent by the left corner upon old seals, with helmet, and other ornaments. And I shall give a few instances of the same practice, of old, with us, in the following chapters on the seals of our ancient nobility, which I have seen; and this position of the shield *couché* is taken, by antiquaries and heralds, as a sign that the owners of them had been at those military exercises, into which none were admitted but such as were truly noble by their paternal and maternal proofs of nobility; of which afterwards, with the other pieces of the exterior ornaments. And, first, of the *helmet*.

## C H A P. II.

### OF THE HELMET, OR CASQUE.

**A**S the head is the noblest part of the human body, so the helmet is doubtless the noblest part appertaining to the ornament of the arms of nobility. With the ancients it was an honourable ornament of the head called *galea*, from the Greek word *γᾶλα*, the skin of a beast, with which the ancients covered their heads to make them appear terrible in battle, as historians tell us. Hoppingius the lawyer says, That of old helmets were made of leather, *galea, materia primitus corium fuit*; and afterwards, when it was made of any metal, it was called *cassis*, and distinguished from *galea*; as our author, *cassis de lamina, sit galea de corio*: But at last they came to be both made of metal for the better defence of the head; so that *galea* and *cassis* are not distinguished now.

The *Helmet*, by the Germans *belen*, or *bellem*, which imports to cover the head, as our author says, when it was adorned with a crest, the owners thereof were called *Brynni*, or *Brenni*; from whence (says he, cap. 9. *de Jure Insignium*) the dukes of Brunswick and Brandenburg, whose predecessors were *Brynni*, i. e. *galeati*, having helmets crested; and being governors of castles, as *BRYNSWIG*, *ARX BRYNNI*, and *Brandenburg, Castellum Brenni dictum fuerit*.

The Italians for helmet have the word *elmo*, which is the same with the German

*bellem*; the Spaniards have the word *celado*, from the Latin *celare*, because it hides the face.

The French for helmet use the *beaum*, especially when they understand an old-fashioned close helmet, with holes for breathing and seeing through. But when the helmet is open, with bars, and adorned with lambrequins, crest, and other ornaments, they call it then the *casque*, or *timbre*: The last they use ordinarily for all the marks of dignity that are placed upon the top of the shield or escutcheon, whether military, civil, or ecclesiastic.

I shall forbear here to insist upon the various forms of helmets in all ages and countries, and proceed to their matter and forms as now generally used in Europe.

Heralds have observed three things in respect to the helmet, its matter, form, and situation.

The matter of which they are supposed to be made is of the metals, gold, silver, and steel, which show three degrees of dignity; these of sovereign princes of gold; these of the high nobility of silver; and these of the lesser nobility, such as gentlemen, of polished steel. Which order is observed in Germany, but especially in Flanders, where, by an edict in the year 1616, it was not lawful for any to use a gold helmet on their shield, under the penalty of 300 florins: which was put in execution against a nobleman contravening that edict in the year 1658; as the author of the *Observationes Eugenealogicæ et Heroicæ, lib. 2. cap. 8.* observes, where he tells us also, that the emperor did sometimes dispense with that edict, by allowing some of his favourites, as a sign of great honour, to use a gold helmet; as to D. Simon de Fierluntz, Chancellor of Brabant, by a diploma in the year 1664.

As to their form, they are either close or open; some will have the first a sign of military nobility, and an open one of civil nobility. This distinction, says our author last mentioned, is not observed in Flanders, whether open or close, since both high and low nobles use them both ways; yet, in Germany, says he, a close helmet is a sign of a begun nobility, and an open one of ancient nobility, and an helmet altogether open a sign of sovereignty, and when with bars, of dignified nobility, and when with a vizor with holes only, a sign of inferior nobility. The Germans use also to distinguish the degrees of nobility by the number of the bars; eleven of them show the sovereign dignity of an emperor and king, nine the dignity of a duke and marquis, seven that of an earl, five that of a lord, and three bars show the dignity of a knight, and a gentleman by descent; and the same form of helmets, with the number of bars for distinction, the Italian Sylvester Petra Sancta gives us in his *Tesseræ Gentilitiæ*.

The situation of the helmet on the shield, fore-right, fronting, or side-ways, intimates also the degrees of greatness and power, by the matter and form, as above: So that a close helmet, situate side-ways, is a mark, as heralds tell us, of a gentleman or soldier, who has acquired honour by his assiduous services, being always ready to fight, and give attention to the commands of his superior. Whether the side-standing helmet looks to the right or left it makes no difference, neither is it any sign of illegitimacy though turned to the left, though some heralds affirm it to be a mark of bastardy, as Marcus Gilbertus Dewarenius: But the most learned heralds are not of that opinion, and look upon the side-standing helmet situate to the left to be as honourable as that to the right. For which I shall add the words of Sylvester Petra Sancta, "Obliquas versus levam statui cassides tesserarias duntaxat eorum, quibus desit honor legitimum natalium, etenim utrumque peræque decorum esse reor, atque est decorum, seu in dextro cornu exercitus, seu in levo dimicare, militibusque in alterutro præesse."

When a close helmet stands direct forward, it shows nobility altogether new, and acquired by some heroic action; when barred and placed side-ways, the mark of some lord that has no command in battle or otherwise, but of his own vassals: But when placed fronting, intimates a chief command, not only of his own, but other companies; and when altogether open and fronting shows an absolute and independent power. I think I have said sufficiently, according to foreign heralds, of the signification of the matter, situation, and form of helmets. I cannot but here add what Menestrier says in his *Origin of Exterior Ornaments*, chap. 1.

“ That all helmets were of old close and plain, until their metal, number of bars, and situation, came to be taken notice of, and that not long ago; but since the year 1559, when the French gave over the use of tournaments, upon the accident which happened to King Henry II. of France, jousting in disport at a tournament with Gilbert Earl of Montgomery, Captain of the Scots Guards, who thereby was wounded in the eye with the splinter of a spear, of which his majesty died.” After which various forms of helmets were used, and placed upon shields of arms by the nobility, to show their degrees of dignity and quality, especially by the number of bars. The customs of France, from whence we had all our heraldry, and especially, of late, in distinguishing the degrees of nobility, by the matter, form, and situation of helmets on the shield, are, according to the French heralds, thus :

The helmets of kings and emperors are all of gold damasked, fronting (as they say *tarre de front*) altogether open without bars and vizor; because they are to see and know all things, and command all without contradiction.

Dukes, marquises, and earls, have silver helmets damasked with gold, fronting with nine bars; the French say *grillé et mis de front*.

Viscounts, barons, and knights, have silver helmets with gold edges, standing in profile, *i. e.* a little turned to the side with seven bars.

Esquires and gentlemen of ancient descent have side-standing helmets of polished steel, with five bars in the guard-vizor.

To gentlemen of three descents they give a helmet in profile, *i. e.* standing side-ways, with three bars only. Which forms of helmets I have caused engrave in the first plate belonging to this chapter.

To a knight they assign the helmet standing right forward with the beaver a little open, to signify direction and command.

The Scots and the English have their helmets after one form, somewhat different from those of the French.

A gentleman and esquire have their helmets in profile, *i. e.* posited side-ways, with the beaver close, to signify his attention and obedience.

The helmet in profile, or placed side-ways, and open with bars, belong to all noblemen in Britain, under the degree of a duke.

The helmet right forward, and open with many bars, is assigned to dukes, princes of the blood royal, and monarchs.

The monarchs of Great Britain have their helmets that same way fronting with bars; but the French give to their sovereigns a fore-standing helmet, open, without bars, and vizor of gold: But other sovereigns, as the emperor, have a fore-standing helmet with eleven bars of gold; as Sylvester Petra Sancta, “ *Cassis penitus aperta cum undenis clathris, est imperatoris, est regum, est principum supremorum.*”

All agree that an open helmet is nobler than a close one, and a direct fore-standing helmet than a side-standing one, upon the accounts above given; yet, by our practice, a knight has a fore-standing helmet open, and our dignified nobility a side-standing helmet with bars. The reason of which seems to be, because bars are more noble than visors or beavers, though cast up; and I think the bars should be numbered, to distinguish the degrees of our nobility.

When they all go to battle, they have close helmets of steel or brass for the defence of the head, which are not of gold or silver, nor formed with a certain number of bars, which are used for ostentation, and placed upon the top of the shield, to show the degrees of nobility in public places, and at solemn assemblies.

Our herald-painters, at funeral occasions, make the helmets of the deceased nobility of pasteboard *argented*, and parcel gilt with fine gold in oil; and are fashioned after the forms mentioned with these of the English.

Elias Ashmole, in his Institutions of the Most Noble Order of the Garter, chap. XI. sect. 7. tells us, “ That the Knights Companions of this Order have, besides their escutcheon of arms, their helmet, crest, and sword hung up over their stalls in the chappel of St George at Windsor, and ordained to remain there during the lives of their possessors. The helmets used on this occasion (says our author) are made of steel, large and fair, of a more than ordinary proportion, and are of two sorts; one appointed for sovereign princes gilded and formed open, with

“bailes or bars; the other for Knights Subjects in the reign of Henry VIII. were parcel gilt: but in Queen Elizabeth's reign and since it is the custom to gild the helmets all over, having close visors, and to place St George's red cross in the middle before the visors; and these are the form of the helmets of the Knights of the Garter at Windsor: but their helmets placed on their shields of arms in other places are after the form we have been speaking of, as all others of their quality, without regard to them, as Knights of the garter.”

When there are two helmets placed on an escutcheon of arms, they look to one another of whatsoever quality the possessor be; and when there are three helmets, that in the middle is placed fronting, and the other two *contourné*, i. e. turned to it: and if there be four helmets on a shield, two looks to two. The practice of multiplying helmets is frequent with the Germans, to show the number of their honourable feus, by which they have as many votes in the circles. The helmet with them is a sign of eminent nobility; if there are four, six, or eight helmets, the one half of them are turned looking to the other with their mantlings and crests.

### C H A P. III.

OF THE ORNAMENTS OF THE HELMET, COMMONLY CALLED MANTLINGS, LAMBREQUINS, HACHEMENTS, VOLETS, &c.

ANTIQUARIES and historians tell us, as I said before, the helmets of heroes at first were made of the skins of beasts, and afterwards, as more convenient, of metal, which they covered with the skins of cruel and rapacious beasts, such as lions, tigers, bears, &c. that they might appear terrible to their enemies, and stately and magnificent; they covered not only their helmets, but also the armour of their bodies with *taffeta*, or other pieces of stuff, of such colours and figures as they fancied, that they might be distinguished and known in battle; as Polyb. lib. 6. cap. 20. “Ut ejusmodi tegmentum & ornatus pariter insigne sit, per quod quisque, aut strenue, aut ignaviter, se in prælio gerens, a præfecto suo agnosceretur.”

These coverings of the helmet are called by the Latin writers *tegmina galeæ*, from their use in preserving the helmets from rain and dust; the Germans call it very fitly, *helm decken*, i. e. the cover or dress of the helmet, the English, *mantlings*, by the French *capelines*, *lambrequins*, *hachements*, *volets*, &c.

This ornament of armory, by Guillim, is called improperly a *mantle*, from the French word *manteau*, with us taken for a long robe, a military habit used in ancient times by great commanders in the field, as well to manifest their high place, as also (being cast over their armour) to repel the extremity of wet, cold, and heat, and, withal, to preserve their armour from rust. The *manteaux* are different pieces of ornament of the achievement, upon which the whole achievement is laid, and called the *ducal mantle*, of which afterwards. But, by this ornament of the head, there remaineth neither shape nor shadow of a mantle; for how can it be imagined, that a piece of cloth, or whatsoever other stuff, that is jagged and frounced after the manner of our common received mantlings, used for the adorning of the helmets, being imposed upon the shoulders of a man, should serve him to any of the purposes for which mantles were ordained. So that these being compared with those, may be more fitly termed *flourishings* than mantlings. Sir George Mackenzie tells us, “That the ornament of the helmet was never intended to represent a covering to the bearer or his shield, but only to his helmet, and carried to show the variety of its jagged cuts sustained in battle, which was in some measure of their form, by the fluttering of the wind.”

The French heralds assure us, that these mantles were originally no other than short coverings, which commanders wore over their helmets to defend their heads from the weather; and that going into battles with these, they were wont to come away with them hanging about them in a ragged manner, occasioned by the many cuts they had received on their heads; and therefore, the more hacked they were, the more honourable they were accounted. When these hoods are entire and not cut,

the French call them *capelines*, (as that one upon the helmet of the arms of Champagne, so frequent in many books) and from which is a saying with the French, *un homme de capeline*, for a man resolute and ready to fight.

Marc Voulosen de la Columbier, in the 42d chap. of his Science, says, "That those trimmings of the helmet served as an ornament to accompany a coat of arms, which would have had an evil grace, if the helmet had remained bare and naked."

The antientest practice of this hood, mantling or capeline, I have observed, is on the equestrian seals of the Earls of Flanders, given us by Olivarus Uredus *de Sigillis Comitum Flandriæ*, where, in that curious book, is the seal of ROBERT Earl of FLANDERS. He is represented in armour on horseback, holding on his left arm the armorial shield of Flanders; and upon his helmet is a hood, or capeline, entire and uncut, hanging back over his neck; and upon it was placed his crest in the years 1304, and afterwards some of his successors were so trimmed with helmets on their heads, topped with their crests; which helmets, so trimmed, were not then placed on their shields of arms, until PHILIP the Bold, Duke of BURGUNDY, and Earl of Flanders timbred his shield of arms with helmet, capeline, and crest in the year 1384, as by his seal to be seen in the fore-mentioned book, and which practice continued with his successors. It is to be observed, that the trimming of the shield with helmet, mantling, and crest, came from the military dress of great men. Sandford, in his Genealogical History of the Kings of England, gives us the seal of arms of THOMAS Earl of LANCASTER, eldest son of Edmund, brother to Edward I. of England, where, upon the helmet, there is a capeline, and upon it a wiverson or dragon, for crest; the capeline he calls an ancient mantling, and says the crest is the first he did see used by these of the royal family.

Sir George Mackenzie, in his Science of Heraldry, gives the equestrian side of the seal of M'DUFF Earl of FIFE, where he is in armour on horseback, holding in his right hand a sword, and on his left arm his shield of arms, and upon his head his helmet *affronté*, and *grillé a capeline*, with a long tail hanging over his back. In several herald books, and in one of the editions of Guillim's Display, there are entire hoods or capelines for mantlings. But I proceed to other forms of mantlings, from which they have various names with other nations.

When they are represented curiously cut like the leaves of parsley, such as those which top the pillars of Corinthian work, have made some heralds think the custom of using such on helmets to have come from garlands, made of such leaves, for which they call them *feuilles*. Others again, upon the account that mantlings being cut and torn in several pieces and shreds, like labels hanging down, are taken for ribbands which tied crowns and garlands; they term them *lambrequins*, from the latin word *lemniscus*, which signifies a label, piece of stuff, or ribband.

The true rise of the present forms of mantlings jagged and frounced, is from the heroes returning from battle with their hoods or capelines. Afterwards, in process of time, the same authors say, they were by degrees made deeper, and so from the helmet hung down below the whole shield, adorned according to the honour of the bearer, or the fancy of the painter: These things, which at first were regulate as marks of distinction, afterwards became common to all sorts of quality.

Oliver de la March, describing the equipage of the King of the Romans, says, "That he carried a hood on his helmet, with laps hanging down to the saddle, all curiously cut like the leaves of parsley.

Voulosen de la Columbier and Meustrier, in their Treatises of Exterior Ornaments, both eminent writers in this science, tell us, "That this ornament of the helmet, sometimes represented hanging down by the sides of the shield, was of old no other thing than the cover or hood of the helmet, (called, as before, the capeline, when entire) which, being cut in battle, was a sign of military valour; and, being so accidentally cut, was, by art, fashioned into the forms or shapes of the leaves of trees or herbs, and other things that they best pleased; and sometimes adorned with embroideries and precious stones, became a suitable dress for true nobility, called by the French *bachements*, from the old French word *achement*, which signifies the ornament of the head." And Chiffletius, in his Latin blazons of the Knights of the Golden Fleece, calls them *faceamenta*, by changing

the letter H to letter F, which ordinarily the Spainards do in other words, as Meneſtrier obſerves; and other heralds, who write in Latin, call them not only *faceamenta*, but *fasca*, *lacina*, and *phalera*; and when they do not hang down by the ſides of the ſhield, but fly out above the heads of the ſupporters, are then called by the French *volets*.

Having conſidered *mantlings*, I proceed now to their *tinctures*, which were of old with us, and are ſtill with other nations, of the ſame with the armorial tinctures of the paternal arms of the bearers, though quartered with theſe of other families and dignities: and when there are two *casques*, *i. e.* helmets, trimmed with ſuch, then they are of the tinctures of the quarters, for which they are the proper *casques* belonging to theſe quarters; as in the achievement of the Dukes of BAVARIA; quarterly, firſt and fourth, *sable*, a lion crowned *or*, langued and armed *gules*; ſecond and third, bendy lozengy, *argent* and *azure*, over all an eſcutcheon *gules*, charged with an imperial mond *or*: On the ſhield of thoſe quartered arms are placed two helmets, adorned with their proper mantlings or hachements, *viz.* that on the right, *sable* and *or*; and the other on the left, *argent* and *azure*; which two *casques* look to one another.

I ſhall here mention the ſculpture and blazon of the arms of Colonel ALEXANDER M'DOWALL, Baron of Lodvica in Swedland, as in the Firſt Part of this System; quarterly, firſt, *azure*, a lion rampant *argent*, crowned *or*; ſecond *gules*, an arm in armour *argent*, holding a croſs croſlet fitched *azure*; third, *or*, a lymphad *sable*; fourth, *or*, a rock *sable* in baſe, and, in chief, two ſalmons *naiant*, proper; and over all, by way of ſurtout, an eſcutcheon as the firſt, enſigned with a double crown. The ſhield of his arms is timbred after the German and Swediſh faſhion with three creſts, that in the middle being a ducal coronet, and upon it a dove, all proper, between two helmets fronting one another, adorned with mantlings of the tinctures of the arms, and enſigned with ducal coronets in place of wreaths: out of that on the right iſſueth a lion *argent*, crowned *or*; and from that on the left, an arm in armour holding a croſs croſlet fitched, as before. For which ſee the 5th Plate of Achievements taken from thoſe arms finely illuminated in the middle of his patent of nobility granted by King Charles XI. of Sweden, to Colonel Guſtavus Macdowall, Baron of Lodvica, in the year 1674, father of the above Colonel Alexander, in whoſe hands I have ſeen the patent; as alſo a genealogical tree of the family, as deſcended of M'Dowall of Makerſton. For more account of this family, ſee the Firſt Part of this System, page 413.

When many *casques* timbre the ſhield with relation to quarters, they are then of the tinctures of thoſe quarters they belong to; as on the eſcutcheon of the Dukes of SAXONY (which contain twenty-one quarters) are eight helmets, with mantlings of the tinctures of the quarters they belong to. Theſe curtly blazoned by Imhoſt, "*Phalararum quibus circumfuſæ ſunt, hæ galææ poſſunt ab areolis dignoſci.*"

The Engliſh have all the mantlings of gentlemen and knights red without, and lined or doubled with white within, and thoſe of dignified nobility alſo red, but doubled with *ermine*; and the mantlings of their ſovereigns are of gold, doubled with *ermine*, to diſtinguiſh thoſe degrees of nobility: ſo that in blazon they ſay, "Which ſhield is timbred with helmet and mantling befitting their quality, without naming the tinctures." Which practice of late our heralds have followed; but by our old illuminated books of arms, I obſerve the mantlings to be of the tinctures of the arms within the ſhield.

Aſhmole, in his above-mentioned book, ſays, "The Knights Companions of the Moſt Noble Order of the Garter have their helmets hung up in Windſor, with their mantlings of cloth of gold lined with white ſatin: at the bottom of theſe mantlings hang a pair of gilt knobs burniſhed with gold, from which iſſue out taſſels either of gold or ſilver (according as is the metal in the king's coat of armour) mixed with ſilk of the principal colours in the arms of the Knights Companions; which taſſels, being of the tincture of the arms, repreſent the ancient mantlings; thoſe taſſels are called *appendices* in the ſtatutes of Henry VIII. Now the knights of whatſoever dignity, as the companions with the ſovereign in this order, are allowed gold helmets, gold mantlings, doubled *ermine*, as the ſovereigns; but their helmets and mantlings, in other places and occaſions, muſt be after the degrees of their quality."

## C H A P. IV.

## OF THE WREATH OR TORCE.

THE wreath is made of two or more pieces of silk of divers colours, wreathed or twisted together, and is called a *torce*, *quia torquetur*: by the French, *tortil*, and by us, of old, the *roll* or *row*, because its pieces of different colours are stopped with flax to keep a round shape; and for which the French call it *bourlet*, from *bourre*, which signifies flax or wool, wherewith they stop cushions and other utensils.

These were anciently called by the Latins, *corollæ plectiles*, and were different of old from crowns and coronets, they being made of twisted silk of diverse colours, which fixed or tied the mantlings to the helmet and was a part of the timbre as at this time; but of old none was allowed to use them but these that were honoured by the sovereign, or who had assisted at the coronation of kings; as Hop-pingius, cap. 9. § 1. “*Quod jus portandi ejusmodi corollas non pertinent, nisi ad illos quibus ipsis collatus fuit, hic honor, aut aliquis ex illorum majoribus in corollatione regibus inserviret.*”

Menestrier, speaking of this ornament, says, “That some hundred years ago the French nobility used such garlands made of twisted silk, with which they kept fast upon their heads their hoods and caps; as may be seen, says the author, on ancient paintings, and especially on the images and pictures of the old dukes of Burgundy and Milan; afterwards the use of it in armories was to fasten the mantlings or lambrequins upon the helmet.”

Favin, in his Theatre of Honour, says, “Wreaths were made of cords of silk twisted together, which were of the colours of the arms, the liveries of the owners or their mistresses, with which the ladies (says Menestrier) were wont to tie and fix the mantlings of the knights to their helmets in the days of solemnizing of tournaments, for which they are called in romances, *ladies’ favours*; as in that formula of the tournament performed at Placenza by King Reynold. From which also we learn, says our author, that the lambrequins were always of the colours of the arms, and the wreaths might have been of any other colours. But now-a-days the practice is otherwise in Britain, for the mantlings or lambrequins are not of the colours of the arms as before; but the wreaths are always of the armorial tinctures, and even so used by the Knights of the Garter on their stars at Windsor.”

The mixture of the colours of the wreaths being taken from the metals and colours of the paternal arms, though quartered with many other coats of arms in one shield, for the more orderly disposing of the colours of the wreaths; Gerard Leigh gives this rule, “That the metal should be begun with first, and then the colour:” But Sir George Mackenzie gives a more distinct rule, agreeable to the practice of other nations, “That the first tincture in the wreaths should be that of the field, and then that of the immediate charge, and after that the next mediate and so forth, if there be supercharges: But yet, says he, there are some old wreaths with us that are not of the tinctures of the arms, and possibly they at first might have come from the colours of their mistresses’ favours. By old seals we cannot know the tinctures of the arms and wreaths; but on the ancient seals of our High Stewards of Scotland they had their wreath *chequé* as the armorial figure of the fesse *chequé*.”

The wreath in Camden’s Latin Blazons is called *tortile*, in Imhoff’s *vitta*, and sometimes *tenia*, and by others *corolla*, taking it for a garland, which the ancients used of old to adorn their helmets with.

The blazon then of such exterior ornaments already treated of runs thus: Which shield of arms is timbred with helmet and mantling suitable to the bearer’s quality, and on a wreath of his tinctures for crest, &c. If the colours of the wreath be not of these of the arms then they are to be named. Furrs used in arms are also to be found in the wreath.

Wreaths are sometimes laid aside, and in their place crowns, ducal caps, or ecclesiastic tiars, upon which stand the crest; of which I shall speak in the following chapters.

When crests are used alone, as upon the sides of seals, coaches, and other utensils, we find them always placed on a wreath. Gerard Leigh says, "That in the reign of Henry V. no man under a knight durst place his crest on a wreath, but on an escrol; but now he, who has liberty to timbre his arms with helmet and mantlings, may place his crest on a wreath."

## C H A P. V.

### OF THE CREST OR CIMIER.

**T**HE crest is the highest part of the achievement, being placed upon the most eminent parts of the helmet, but yet so, as that it admitteth an interposition of the mantle, wreaths, chapeau, crowns, &c. It is named *crest* from *crista*, which signifies a comb or tuft, such as many birds have upon their heads; as the cock, and peacock, lapwing, lark, &c. The Persians called the Carians (an ancient people in Asia) *cocks*, because they appeared in battle with crests on their helmets; and to them some heralds ascribe the rise of arms and crests.

The French heralds call them *cimiers*, from *cime*, which signifies the height or top of any thing; by the Latins, *cimerium*, *quasi in cimo collocatum*; by the Italians, *cimiero*: and Minshew, in his Dictionary, calls it, *conus galeæ, apex*; and adds, "Est in armatura signum ad familiarum differentiam, quod gestant nobiles in scuti suprema parte, has cristas vocant." Syl. P. S. calls it, *acroterium*, in his 72d chap. *de variis tesserarum galeæ acroteriis*. It is sometimes called by heralds, *thimbrum*; but that is too general a term, for all the ornaments which adorn the helmet are called timbre of the shield.

The word *thimbrum* or *tymbrum*, some derive from *timbus* a tomb, or monument of the dead or living, from which the verb *timbrare*, *i. e.* to timbre the shield with crown, helmet, mantlings, wreaths, crest, &c. as Hoppingius, cap. 9. "Nostri timbri utuntur voce, facta forsan ad cimbrum, hoc est busti analogium; indeque verbum timbrare, sive timbro galeam ornare."

As for the antiquity of crests, it appears that the ancientest of the Heathen Gods wore them even before the use of arms, and were made of iron or steel. Jupiter Ammon bore a ram's head for his crest; Mars, that of a lion or tyger, casting out fire at his mouth and nostrils; and Minerva, the mistress of arts and goddess of victory, bore a sphinx between two griffins, the emblem of secrecy; Proteus, whom the fable represents to us in so many shapes, was a chevalier, who every day changed his crest, sometimes having the head of a lion, at other times the head of a boar, of a horse, of a bull, of a dragon, &c. by which he was looked upon as a monster of many different forms; as the first horsemen were looked upon to be *Centaurs*, that is half men half horse. Hercules, for his crest, used the head of a lion, and with the skin covered his body; Aventinus, as descended of him, had the same; Alexander the Great had also the head of a lion, and sometimes the head of a goat, to show that he was descended of Jupiter Ammon; Julius Cæsar carried sometimes a star, to show that he was come of Venus, at other times the head of a bull, elephant, and wolf; Marcus Corvinus, a noble Roman, had upon his helmet a raven, to commemorate a notable victory which he obtained; because, in the time of a fight, the raven sat on his helmet, which his posterity perpetuated by such a figure. As Virgil, lib. 5.

Corvinus phœbæa sedit cui casside fulva,  
Ostentans ales, prævitæ insignia pugnæ.

Thus we see that crests are derived from the remotest antiquity, though now not used in war, armour being laid aside; but in coat-armour they still continue.

For the ancients using them on their heads or helmets, historians and heralds give several reasons; first, For the carrying the parts of fierce animals, that the mili-

tary men might appear fierce to strike terror in their enemies; as Tacitus speaking of the Parthians;

————— Ore ferarum, rictuque horrificant galeas.

And Virgil, *lib. 8.*

Terribilem cristis galeam flammasque vomentem.

And, *2dly*, To the end they might appear the more beautiful, and so much taller than they were. *3dly*, Some carried crests out of superstition, as a token of respect and reverence; as the Swedes, by the relation of Tacitus, who says they superstitiously carried the boar. His words are, "Insigne superstitionis formas aprorum gestans." Hayton, in his History of the Tartars, tells, "That since the Emperor Zingi was delivered from his enemies by the means of an owl, which, perching upon a tree in which he was hid, made his enemies believe there could be no man there, seeing the owl so tamely took her rest: Upon which account, as a lucky bird, the kings of that country bore the owl for their crest; and the Tartars had that bird after in great veneration, and thought themselves happy if they could get any of its feathers to wear upon their heads."

*4thly*, They were used to distinguish in time of battle, and to be known by their men, that they might stick fast to them then, and rally again about them if dispersed; and, therefore, says an English writer, "Esquires, who had no notable command, were not permitted to wear such on their helmets."

The primitive Christians, says Menestrier, had for their crests and cognizances *burning crosses, i. e.* crosses with rays. There is a resemblance of this custom yet with us in the Highlands; when invaded, the inhabitants send burnt crosses through the country to make all run to arms.

Of old none were allowed to use crests and cognizances, but those that were eminent; as Diodorus Siculus in his History of Egypt; neither did the Romans allow them to be used by any under the degree of a knight: And the Emperor Vespasian discharged the use of them from those that had not saved seven citizens, "Qui septem cives non servassent." Anciently those devices or cognizances were arbitrarily taken up, and laid down at pleasure, and were not fixed and hereditary marks of families as afterwards: But we may say the first use of them became the seed and elements of armories, when they passed from the heads of heroes to their shields, banners, pennons, and gideons; but, in later times, these cognizances or devices, we may say, do now pass from the shield to the helmet first used upon it, having the same signification and import; as is observed by Hoppingius *de Jure Insignium*, cap. 9. memb. 8. "Illud fere regulare est quod eadem galeæ imponuntur figuræ, quæ scuto insertæ conspiciuntur; quo casu, quæ originis causa in scuto, eadem ut plurimum & in galea erit, dixi ut plurimum, nam nobilissimi columniorum in Italia familia, illud quo galeæ erat insignæ, clypeo applicavit, postea vero ad galeam revocavit."

The family of COLONNI in Italy it seems used on their helmet a pillar for their cognizance, relative to their name COLONNA, which they afterwards placed in the shield, as the armorial figure of the family, and since have placed again for a crest. And, as I observed before, his Majesty George, King of Great Britain, has now in the royal achievement of Britain the wild horse of Saxony, ingrafted by way of *enté*, which before was the crest of the Dukes and Princes of Brunswick. But more of such changes immediately.

The crest, of whatever figure, was first carried of old by heroes on the top of their helmets, anciently called by us and the English *badges*, and *cognizances* by the French and Italians, for their symbolical import. *Devices* and *impresses* are of an older use than arms; and some say, that those ancient badges being afterwards regulate, fixed, and made hereditary marks of honour, to the descendants of a family, placed on surcoats, banners, shields, and other military utensils, were from them called *arms*, and for a long time continued within the form of the shield, without any embellishments adorning the outer parts of it as now.

The first rise of those embellishments in adorning the helmet were used in battles at general musters; and especially in tournaments and joustings in France

and Germany, where these military exercises first began; and then proceeded to other countries, where great men desired to be known, and to signalize themselves: And it being requisite that they should all bear different things to be known by, that great variety, among such a number of commanders, was very agreeable by the variety of crests, which were taken for some particular cause and motive; and accordingly they had some mysterious signification, to express some remarkable action, or other notable thing appertaining to their family or country.

Our historians have mentioned some solemn tournaments holden with us in the reign of Alexander II.; and much about the time that the English solemnized them in the reign of Richard I. where I doubt not but the armorial shields of knights were then trimmed fashionably, as those of France and Germany.

Old seals appended to evidents, especially those called *sigilla imaginis*, do represent the dresses of knights of old, having the image of the owner in a military dress, fashionable to the times, most frequently on horseback, brandishing a sword by the right hand; on the left arm the shield, and on the head a helmet, ensigned with his crest or cognizance, for which called an *equestrian seal*. The other side, or reverse, called *sigillum armorum*, which contains the shield of arms without any embellishments, and sometimes trimmed with exterior ornaments. A few of which shields I shall here mention, appended to evidents and authentic deeds.

*Equestrian seals* were first used by great men represented on horseback, having their shields of arms on their left arm, and their heads covered with helmets, mantlings, wreaths, and crests; which trimmings came afterwards to timbre the shield of arms.

As for the ancient use of them with us, I shall begin with Sir James Balfour, Lyon King at Arms in the reign of King Charles I. who, in a manuscript of Exterior Ornaments, said to be written by this author, the use of which manuscript I had from Balfour of Denmiln, a near relation of his, and have a copy of it by me, says, in his 12th chap. "That after all the enquiry and search he could make for old seals in Scotland, he could find no seal timbred with helmet and crest, till the reign of King David I. except one which belonged to GILCHRIST Earl of ANGUS, who lived in that king's reign, and had on his helmet a flourishing branch of a palm tree; which seal was appended to a charter of his to the monastery of Dunfermline. And near about that time, says our author, the Earl of SUTHERLAND had on his seal a shield of arms timbred with a helmet, and thereupon for crest a cat *salient*, which is carried to this day by the family." WILLIAM DE LA HAYA, (one of the progenitors of the Earls of Errol, High Constable of Scotland) his seal of arms appended to a charter of donation, granted by him of the lands of *Ederpollis en le Carss*, to the abbacy of Cupar, (which donation was confirmed by King William, in the 7th year of his reign) had the shield of arms of Hay, as now carried, timbred with a helmet, and, for crest, a falcon *volant*: But it seems there were no supporters, otherwise our author had not omitted them.

He tells us also of Sir WILLIAM WALLACE, Governor of Scotland under John Baliol, the then pretended king, who had on his seal a shield of arms timbred with a helmet, and, for crest, a swan's head coupéd, appended to a grant of his, thus: "Willielmus Wallace, miles, custos regni Scotiæ sub Joanne rege, & cum consensu communitatis ejusdem regni, dedisse officium Constabularitatis Jacobo Scrymgeour de Dudop, militi regis vexillario." He likewise gives the seal of Sir JAMES DOUGLAS, the Flower of Chivalry, having his shield of arms timbred with a helmet, and, for crest, a bird. He lived in the reign of Robert I.

I have seen the armorial seal of JAMES Earl of DOUGLAS and MARR, Lord of the barony of Cavers, handsomely embellished, appended to a charter of his of the date the 27th of July 1389, where his arms were, quarterly, first and fourth a man's heart, and on a chief three stars for Douglas; second and third a bend betwixt six cross crosetts fitted, for Marr, timbred with a helmet and hachements, and wreaths; and, in place of a crest, topped with a plume of feathers: the achievement was supported with lions *gardant*, and at their backs a tree growing, all within a pale of wreathed wood. In the year 1442 there was a judicial transcript of this charter taken before the Abbot of Melrose, with the description of the seal by a notary, which I thought fit to insert here, and is as follows, "Charta

“ bonæ memoriæ domini Jacobi comitis de Douglas & de Marr, ac domini baroniæ de Cavers, cum suo vero sigillo, rotundo in cera rubra albe impressa, modo chartarum penden. sigillatum, in cujus quidem sigilli rotunditate seu circumferentia sculpebantur hæc verba, sigillum Jacobi comitis de Douglas & infra circumferentiam sculpebatur clypeus triangularis, & supra dictum clypeum le timrale, & quædam bosca de plumis, & ex utraque parte ejusdem clypei quædam arbor cum ramis. Dictus vero clypeus gestus erat cum bestia sylvestri, ad modum leonis seu leopardi; & infra dictum clypeum sculpebantur tres stellulæ & unum cor, & in infima parte idem, & in secunda & infima parte sculpebantur sex cruciuncule, vulgariter dict. croyslets cum le band in medio eorundem; & in duabus superioribus partibus dicti clypei erat sculptura facta modo contrario ad inferiorem sculpturam.” The last words import what heralds say, first quarter and fourth the same, second and third the same, being all counterposed in quartered bearings. I have added this blazon for its antiquity given us by a common notar. If he had begun with a description of the shield before he had begun with the outer parts, it had been better.

Let this instance be sufficient for the practice of our nobility having their helmets adorned with plumes of feathers (instead of other things) for their crests, which was agreeable to the practice of other nations, who had feathers only for their crests; as Lipsius observes, “ Nescio quo nature ductu, ubique terrarum fere bellatores hoc affectant, orientales passim atque rudes isti in novo orbe, et majores nostri et hinc insignia ista familiarum varia quibus superbimus.” And Polybius, speaking of the exterior ornaments as we are doing, says, “ Præter hæc omnia adorantur corolla plumea, pennisque puniceis, albis & nigris, erectis longitudine formæ cubitalis, quæ in summo vertice cæteris armis addiderint.”

The ostrich feathers, most glorious, were more desired and sought after than others, for embellishing the helmets of great men.

The cognizance and device of the Princes of Wales is a coronet adorned with these feathers, since the battle of Cressy in France, where Edward the Black Prince of Wales took it from the head of John King of Bohemia fighting for the French. And such feathers became also, with some variation in their tinctures, a device to other sons of the royal family of England; of which before in the First Part of this System.

The tufts and plumes of feathers in old books of tournaments were called *plumailles* or *plumars*, says Menestrier, and were placed in pipes, which rose from the top of the helmet, frequently to be seen on the old helmets of the Germans, as also these of the Dukes of Savoy; and these pipes have been by some writers taken for pillars.

The Germans of old, and at this time, have their helmets adorned with the wings of birds, called *voles*, with the figure of some animal, as also with winding horns, which they used in tournaments, and sometimes with high caps called *spitehoods*, ordinarily of the tincture of the arms, and charged with the proper figures after the partitions of the field, as *parti*, *coupé*, *tranché*, *taillé*, and quarterly *chequé*, and *lozengy*, *paly*, and *bendy*; as may be seen in their books of arms.

But to return more particularly to crests, which were sooner used upon the helmet of the chevalier in battle, and afterwards on heads of their images in equestrian seals, and then upon the helmets, which timbres now the shield, both with us, the English, and other nations, of which I shall add here a few instances.

I have observed no crests on the equestrian seals of our ancient kings, but on their heads, helmets, and on their crowns: Neither are there any crests to be found, as I am informed, upon the seals of the kings of England, till Edward III. who began his reign 1327. “ And as he was the first king,” says Sandford in his Genealogical History of England, “ that quartered the arms of France and England in one shield; so he was the first that used a crest, viz. a lion *passant gardant*, crowned upon a chapeau, with which his figure on horseback was adorned, as on his royal seal.”

The first crest to be met with on the seals of the Earls of Flanders, (given us by Olivarus Uredus de *Sigillis Comitum Flandriæ*) with whom arms were in high

esteem, is that of PHILIP Earl of FLANDERS, where he is represented in armour on horseback, supporting by his right hand a square banner, whereon was depicted the lion of Flanders, and on his left arm a shield with the same lion, and upon the top of the helmet on his head, for crest, a demi-lion. Which seal of arms was appended to an evidence of his in the year 1101.

One of his successors ROBERT Earl of FLANDERS, had on his seal, in the year 1104, his own picture in armour on horseback, holding by his left arm the shield of arms of Flanders, the helmet on his head adorned with a capeline or mantling uncut, upon which stood, for crest, a dragon; and another like unto it was placed upon the head of his horse: on the reverse, or other side of his seal, was the escutcheon of his arms, neither trimmed with crown, helmet, mantling, or crest. His successor LODOVICK CRESSIACENSIS Earl of FLANDERS 1329, had a lion *seiant*, between two horns, for a crest, on the equestrian side. And his son and successor LODOVICK MALEANUS Earl of FLANDERS, *anno* 1346, had not only for crest the lion upon the equestrian side, but on the other side or reverse a shield *couché*, charged with the lion of Flanders, and timbred with a helmet and capeline *ermine*, and upon it a *demi-voles* for crest: And upon another seal of his in the year 1382, there is a lion *seiant*, holding the escutcheon of Flanders, with its head in a helmet (in place of that which timbres the shield) and thereupon a crown relevate with flowers, and issuing out of it a demi-lion between two voles for crest. And this is the first practice of timbring escutcheons with helmet, capelines, crowns, and crests, upon the seals of the Earls of Flanders.

As for the ancient seals of the nobility in Scotland, one side of them for the most part were equestrian, long before they timbred their escutcheon of arms with the above-mentioned ornaments; of which I shall give three or four instances.

On a seal of ROLLAND, Constable of Scotland, he is there represented on horseback in armour, with a sword in his right hand, and on his left arm a shield charged with a cheveron; which figure was also on the caparisons of his horse, before and behind. This seal was appended to a charter of his, wherein he is designed *Rollandus, filius Uibredi constabularius regis Scotorum*, granted to Allan Sinclair, and Matilda his spouse, of all the lands which William Morville, gave to them: which charter is in the custody of ——— Sinclair of Herdmanston, Dr. of Medicine.

I have seen several seals of the ancient Earls of Dunbar and March, appended to evidents and charters; as that one belonging to PATRICK Earl of DUNBAR, who married Ada, daughter to King William, granted by him to the abbacy of Melrose: which seal had but one side after the equestrian form, a man in armour on horseback, holding in his right hand a sword, and on his left arm a shield charged with a lion rampant, within a bordure charged with roses. His grandson Patrick Earl of Dunbar had such another equestrian seal in the year 1251, with this variation, that the arms of Dunbar, as above blazoned, were also on the caparisons of his horse; and on the back of the seal, or reverse, was the impression of a lesser seal, having a shield charged with a lion rampant, and the legend round, *Sigillum Armorum*.

His successor PATRICK Earl of MARCH and DUNBAR, who lived in the reign of King Robert I. had only a plain shield on his seal of arms, viz. a lion rampant, within a bordure, charged with eight roses, without helmet, crest, or any other exterior ornaments.

The first of this family who had a shield of arms timbred, was that of GEORGE Earl of MARCH Lord ANNANDALE and MAN, with a helmet, and for crest, issuing out of a wreath, the head and neck of a horse bridled; the supporters of these arms were two lions *seiant*, and behind them two trees: which seal was appended to a charter of his of the lands and wood of Sorrowsfield to the abbacy of Melrose, the 8th of May 1400. These charters and seals I did see in the custody of Mr David Simson, Historiographer for Scotland, who told me he had them from the Earl of Morton's charter-chest.

THOMAS RANDOLPH, who married a sister of King Robert the Bruce, on his seal of arms appended to a donation of six merks out of the lands of Redpath, to the monks of Melrose, to say prayers for the soul of Alexander III. was only a shield

charged with three cushions, without any other exterior ornaments. His son THOMAS Earl of MURRAY, Lord ANNANDALE and MAN, had his shield of arms as his father, without any exterior ornaments. Which two seals of arms were placed upon a compartment like a rose, and are supposed to be *sigilla privata*, their private seals, which are not trimmed so as their great seals. Sir James Balfour, in his foresaid manuscript, says, "That he has seen the seal of this Thomas Earl of Murray, nephew to King Robert I. which had the arms of Randolph, a shield charged with three cushions within a double tressure, flowered and counter-flowered, the shield timbred with helmet, mantlings, and wreath, out of the last issued a demi-lion *gardant*."

ROGER QUINCY Earl of WINCHESTER in England, who came to Scotland in the reign of King William, and obtained great possessions, being High Constable there in right of his wife, the eldest daughter of Allan of Galloway, Constable of Scotland, granted several charters, one of which I have mentioned in the First Part of this System, to Secher de Seaton, to which is appended his seal in red wax, with two sides; the face is equestrian, having a man in armour on horseback brandishing a sword, and on his left arm a triangular shield, charged with seven mascles, three, three, and one, and had the same figure on the caparisons of his horse, and below its belly a winged dragon, with these words round the seal, *Sigil. Rogeri de Quincy comitis Wincestræ*. On the other side of the seal, called the *reverse*, is a man standing in a coat of mail, with a sword in his right hand, and supporting a long triangular shield by his left, with the foresaid figures, being in a posture as if he were combating with a lion erect, having his two fore paws on the shield, and below his hinder feet a rose; the man's head and face being covered with a close helmet, ensigned with a circular diadem, but not adorned with flowers; upon which stands a dragon with wings and tail naved for crest; and the legend round, *Sigillum Rogeri de Quincy constabularii Scotiæ*: which charter and seal is in the Earl of Winton's charter-chest: the charter has no date. This Roger is said by our historians to have died in the year 1264: and on the account of his relation with the family of Seaton, it is thought that that family, being dignified with the title of Earl of Winton, carries the same dragon which Quincy used for crest.

Sandford, in his Genealogical History of England, gives us the seal of arms of THOMAS Earl of LANCASTER, who died in the reign of Edward II. on which he is represented on horseback, in his coat of mail, with the surcoat of his arms; upon his helmet stands a wivron or dragon for his crest, and from it lambrequins. Our author says, "This is the first crest and mantle he observed in the royal family of England, his horse being also caparisoned with his arms, viz. *gules*, three lions *passant gardant or*, the wivron being also fixed on the head of his horse. "His seal had also a reverse, upon which was a large shield charged with the said three lions, and a label of five points." But this shield was not timbred with helmet, mantling, and crest, as afterwards. For our author tells us in his fore-cited book, "That the first shield he observed timbred with helmet, mantling, and crest, was that of THOMAS MOWBRAY, who was made Earl of NOTTINGHAM by King Richard II. *per juncturam gladii*; and, by patent, Earl Marshal, the 12th of February 1382, being the first Earl Marshal of England; those before him were only marshals, without that title of dignity: And afterwards upon the 29th of September 1397, he was advanced by the same king to the dignity of Duke of NORFOLK. His shield of arms was then timbred with helmet, mantlings, and chapeau; upon which stood a lion *passant gardant*, gorged with a duke's crown for crest.

If this be the first practice for timbring shields of arms in England, the practice has been sooner with us, as is given by the fore-mentioned instances. I shall add another well known, viz. the armorial seal of JOHN STEWART Earl of CARRICK, eldest lawful son of Robert High Steward of Scotland, who, before his father was king, had his shield of arms timbred with a helmet, mantling, and wreath, and upon it for crest a demi-lion: Which seal was appended to a charter of his to the church of Glasgow, in the year 1360; and his seal of arms, after his father's accession to the crown, was not only timbred, but supported by two lions.

The figures of animals and other things placed upon the top of the helmet of heroes for crest, in battle or in tournaments, were made of pasteboard, parchment, or boiled leather, formed and illuminate with colours suitable to the things they would have them represent, as Columbiere tells: And that sometimes they were made of timber or thin iron; but these being weighty, they were more frequently made of the foresaid matter, and fixed to a piece of leather, which was also fixed to the top of the helmet, and which leather was covered with the capeline or mantlings. The crests of the Knights of the Garter set upon their stalls at Windsor, Ashmole says, are either placed upon the wreath, or on a crown or ducal cap turned up with *ermine*; and of whatsoever form their crests be, they are neatly carved in wood, and either gilt, or wrought in their proper colours in oil.

When placed on the heads of heroes they look straight forward; but when they top the helmet which timbres the escutcheon, they follow the position of the helmet direct forward in profile or side-ways; and when more helmets are on a shield than one, they look to one another, as before mentioned.

All who are allowed to place on their shield of arms a helmet, may adorn it with mantlings, wreath, and crest; as Sir George Mackenzie in his Science of Heraldry, page 90. For men choose what crests they fancy; only it is not proper to choose such things as could not stand, or be carried by warriors upon their helmets, as balances or other things, which cannot either stand fixed, nor wave handsomely.

I proceed to give account of crests, whose various forms depend upon the fancy of the bearers, who made choice of such which best pleased them for the time; yet, it is presumed, many has assumed crests upon divers considerations, of which I shall add some from the practice of armories.

Many considerable persons have taken the armorial figure, the charge within the shield, or a part of it for crest; then the helmet is said to be *armet*, as the diminutive of the arms: Generally the German casques are so *armet*; and when the crest with them is of no figure, or part of the charge, yet that it may show forth the tessera of the family, they make it of the tinctures of the field, or by the partition lines of the arms it timbres.

The crest of Scotland is a lion (the armorial figure of the kingdom) *seiant* full-faced *gules*, crowned *or*, holding in his dexter paw a naked sword, and in the sinister a sceptre, both erected.

That of England is a leopard, or, as they call it, a lion *passant gardant or*, because three of them are the armorial figures of that kingdom.

The Emperor's crest is a double eagle; the Kings of France have a flower-de-luce, and the Kings of Castile and Leon, a castle and lion, the proper charges of their imperial ensigns; so that their helmets are *armet*, as the French say.

The helmets of subjects are often *armet* with crests, being a part, or the hail, of their armorial figure. A few examples I shall here add; as HOME Earl of HOME has his helmet *armet* with a lion's head erased *argent*, his armorial figure being a lion. KER Earl of ROXBURGH, who carries in his paternal coat three unicorns' heads erased, takes one of them for a crest; and KER Earl of LOTHIAN has for crest the sun in his glory, because he carries the same in his coat of augmentation. SEATON Earl of DUNFERMLINE, the Earl of MELVILLE, and the Lord CATHCART, have crescents for their crests, which are the armorial figures in their shields; and FORRESTER Lord FORRESTER has a hunting-horn, having three for his arms. Many other instances might be added, which I omit for brevity's cause.

Sometimes the crest is a part of one or other of the supporters, which are placed at the sides of the shield; as that of KEITH Earl MARISCHAL, who carries for crest a hart's head proper, having two harts for supporters. The Earl of LINLITHGOW's crest is a demi-savage holding a batton, his lordship's supporters being two savages with battons. The Earl of WEMYSS has for crest a swan, and for supporters two of the same. Supporters might have been as well said to have been taken from crests, being more ancient in armories than supporters: and I doubt not but some have been so, for crests have been used in armories before supporters. But, in a general way of speaking, as to their particular forms, and shapes, crests

might have been later in families; for every one may alter his crest as he thinks fit.

The armorial figures within the shield are not all fit to be used for crests, especially the honourable ordinaries, or such things as cannot stand fixed, or wave with beauty; in which case they are necessitated to take other figures fit for that end; as the principal family of the name of STEWART and its branches, carrying only a fesse *chequé*, took other figures for their crests; as JOHN Earl of CARRICK before mentioned, he and his predecessors had demi-lions, or lions' heads for their crest: The STEWARTS Earls of LENNOX a bull's head: STEWARTS Earls of ATHOL a wolf's head, because many such creatures were in that country; and the STEWARTS Earls of BUCHAN, a garb, the armorial figure of that kingdom; and the STEWARTS Earls of GALLOWAY and MURRAY have but one figure for their crest, viz. a pelican feeding her young, but with different mottos; and the STEWARTS of Ochiltree, for crest, a civet cat.

I shall here mention the two seals of ROBERT Duke of ALBANY, Earl of FIFE and MONTEITH, brother to King ROBERT II. which I have seen. The first of them was appended to a precept of his to the abbacy of Melrose 26th of May 1399, before he was made a Duke. The shield of this seal was *couché*, charged with a fesse *chequé*, and surmounted with a lion rampant, and timbred with a helmet standing forward and open, adorned with a capeline, and upon it a wreath *chequé* of three tracts, out of which, for crest, issueth a wolf's head and neck with an arrow sticking in it, and holding in his mouth a rose. This achievement was supported by two lions *seiant* and *gardant*. His other seal, when Duke of Albany, was supported and timbred as the former, with this alteration only within the shield, that it was quartered first and fourth, a lion rampant; second and third, a fesse *chequé*, with such a wreath as the former with the crest upon it, which does readily show to whom the crest belongs.

Noblemen of old, in the solemnities of riding of parliaments, creation of nobility, and other solemn meetings and processions, were in use to have their badges, being their crests, embossed, or wrought out in plate of gold or silver, and placed upon their servants' coats or mantles, being of silk: And since these solemnities are in desuetude, their crests are placed on their silver plates, with the wreath and motto, by which silver plates or seals it is known to what family they belong, though their shield of arms be not there placed. Also the descendants of noble families carry the crest of their chief, which they have right to do, as well as their arms, but cannot be so well distinguished by these badges without some mark relative to their descent; and, they not being willing to add such marks of cadency to their crests, as Sir George Mackenzie observes, they choosed rather to carry different crests, which is the reason we see so many various crests carried by gentlemen of one name and family. I am of opinion the variety of crests might have been prevented, and may be for the future, by placing their marks of cadency on the crests of their families from which they are descended, and which has been formerly practised by some, and especially by the princes of the blood royal, kings' children, brothers, uncles, and nephews, in Scotland, England, and France, who not only carry the royal arms, but their crests, with their marks of filiation; and even the natural sons of kings do the same, having their marks of illegitimation, or placing them on their crests.

No other subject of whatsoever quality is allowed to carry the crest of a sovereign prince without licence from him. THOMAS MOWBRAY Duke of NORFOLK, Earl Marshal of England, by concession of Richard II. of England, carried the crest of England. HOWARD Duke of NORFOLK, as descended of a daughter and heir of the foresaid Mowbray Duke of Norfolk, carried the royal arms marshalled with his paternal; and for crest that of England a lion *passant gardant gules*, gorged with a ducal crown, which descended to his successor Thomas Duke of Norfolk, and his son Henry Earl of Surrey, who were arraigned for treason upon several articles; one of which was for quartering and using arms which belonged to the king and prince, which the Earl justifying that they pertained to his ancestors, by the records of the Herald Office, nevertheless was found guilty, and executed on Tower-hill, by order of Henry VIII. of England; as Sandford, in his Genealogical History. This family afterwards being reponed to fortune and honours, carried the foresaid

royal ensign, and all the noble branches of that family carry them also; as in Guillim's Display of Heraldry.

JOHN Duke of LAUDERDALE obtained a special warrant from King Charles II. to bear the crest of Scotland, with a flower-de-luce in the sinister paw of the lion, in place of the sceptre: And others before him, for special services to the king and kingdom, have been rewarded with pieces of the sovereign's achievement to be their crests; as JOHN RAMSAY Viscount of HADDINGTON, and Earl of HOLDERNESS in England, carried, by royal permission, for his crest, the device of Scotland, viz. a thistle *vert*, ensigned with an imperial crown *or*: And the honourable family of CUNNINGHAM Earls of GLENCAIRN have been in use, for a long time, to carry for crest an unicorn's head couped *argent*, horned and maned *or*, being the head of the royal supporter of Scotland. As also HOME of Wedderburn, for his frequent services against the English, carries the same, with the addition of being gorged with an open crown, as in the royal achievement, as may be seen on the church of Dunglass (if they have not been of late defaced) whereof he the said Wedderburn was a founder, with the Earl of Home's progenitors; as also on the frontispiece of the House of Wedderburn, and on a seal of arms in custody of his progenitor Sir David Home of Wedderburn, appended to a discharge of his to Sir Alexander Home of that ilk, the 27th of January 1443.

The Barons of Craigmiller, of the name of PRESTON, were in use of old to have for crest an unicorn's head and neck gorged with an open crown, and issuing out of a ducal one in place of a wreath; which is still to be seen on the gate of the House of Craigmiller, timbring the arms of Preston.

These then that have not their crests from any part of the sovereign achievement, or their own, take other figures that best pleases the assumers.

Some, to show their alliance to honourable families, do take for crest that which best fits their design; as that used by the Earl of STRATHMORE, being the bust of a lady, holding in her right hand the thistle of Scotland, and surrounded with a circle of laurel, in memory that one of the family married King Robert II. his daughter, of whom they are descended.

BETHUNE of Balfour, upon the account of marrying with the heiress of Balfour of that ilk, not only quarters the Balfour's arms with their own, but also used their crest, viz. an otter's head erased.

Crests are sometimes assumed to perpetuate some eminent action done by their progenitors or themselves. DALZIEL Earl of CARNWATH hath, for crest, a sword in pale, to perpetuate a martial deed of one of his progenitors; of which story before.

The Lord SOMERVILLE has had for crest, of old, a monstrous creature like a dragon, spouting out fire before and behind, standing on a wheel, upon the account (as the story goes) that JOHN SOMERVILLE Baron of Liuton in Teviotdale, (one of the progenitors of this noble family) in the reign of King William, killed a monstrous destructive creature in Teviotdale, by a little fiery wheel at the end of a spear; and which crest has continued still in the family.

The crest of KIRKPATRICK of Closeburn is a hand couped, holding a bloody dagger in pale, upon the account that his progenitor Roger Kirkpatrick, who stood early for the interest of Robert the Bruce, killed dead his enemy John Cumin, to-named Red, in Dumfries church; and using a motto relative thereto, *I'll make sicker*.

Sir WILLIAM SCOTT of Thirlstane, baronet, *or*, a bend *azure*, charged with a mullet pierced betwixt two crescents of the first, within a double tressure flowered and counter-flowered of the second. Which arms are timbred with helmet and mantlings; and upon a wreath of his tinctures has for crest a mural crown, and issuing thereout six horsemen's banners or spears, with pennons thereat, three and three disposed in saltier, with the motto, *Ready ay ready*, with suitable supporters, as in the 15th Plate of Achievements, Vol. I.

King James V. was pleased to honour JOHN SCOTT of Thirlstane, a gentleman of entire loyalty, for his frequent and ready services to his Majesty, with a special concession of a part of the royal ensign, the double tressure, and other suitable figures, to adorn his armorial bearing, which I have seen under his Majesty's hand, and the subscription of Sir Thomas Erskine of Brechin, secretary, which I have caused insert in the First Volume of this System, page 97. And a genea-

logical account of this family is to be seen in the Appendix annexed to this volume.

Sometimes crests are taken to represent the offices and employments of the bearers.

The chancellors of France adorn their arms ordinarily with the proper crest of office, being the figure of a woman representing France, holding by her right hand a sceptre, and by the left the great seal of the kingdom.

The old Earls of Dunbar and March, who were hereditary keepers and wardens of the marches of Scotland and England, from which they had the title of March, had always, for crest, a horse-head bridled, to show their readiness in prosecuting out-fang and in-fang theft. The Lords JOHNSTONS, now Marquis of ANNANDALE, as wardens of the West Marches of Scotland with England, took, for crest a spur with wings, to show their readiness. And in Annandale, JARDINE of Applegirth, an ancient Family, who joined with the Johnstons, has a spur-rowel for crest. Others in civil employments have, for crest, the chief instruments of their trades, as *writing-pens* carried by clerks and writers, to show their rise by these employments; of such I have given several instances in the First Volume of this System from the Lyon Register.

Crests are sometimes assumed as relative to the name and designation of the assumers. COCKBURN of that Ilk, a cock; CRAW of Heugh-head, a crow; ROCHHEADS of Craighleith and Innerleith, the head of a man in profile all rough or hairy: And such practice is used abroad by the URSINI in Italy, who carry a demi-bear for crest, in allusion to the name: And some have crests relative to their designation, as by the SCOTTS Earls of BUCCLEUGH, and by the present dutchess, a buck's head erased, proper; and ROSS Lord ROSS of Halkhead, a falcon's head erased, relative to his title.

Such as change their arms upon just and honourable grounds retain ordinarily a figure of their old arms for their crest, to show their descent from the original house. Thus the Dukes of BRUNSWICK, now known by the title of Prince Elector of HANOVER, carried the wild horse for their crests in their old arms for Westphalia: But now, as I showed before, since King of Great Britain, ingrafts by way of *enté* the Westphalia horse in the arms of Great Britain.

The Counts of THOULOUSE carried anciently a sheep, which they use now for their crest, having got new arms, viz. *gules*, a cross *cleché*, *vuidé*, and *pometté or*.

The family of COLONNA, which formerly carried a mermaid for their arms, has now a pillar, and the old figure, the mermaid, for their crest.

The BRUCES of Skelton, in England, carried for arms *argent*, a lion rampant *azure*; and, when one of the family married the heiress of Annandale in Scotland, laid aside his paternal coat, and carried only those of his lady, viz. *or*, a saltier and chief *gules*, but retained the old figure, the lion, for a crest; as by BRUCE Earl of ELGIN, and many ancient families of that name with us, who have the lion, the old figure of the name, for crest.

STEWART Earl of TRAQUAIR, to show his descent, has a garb for crest, as come of the Stewarts Earls of Buchan; and some, to show their maternal descent, take a figure from their maternal coat for crest; as SEATON of Touch has a boar's head couped *or*, (the figure of Gordon) being descended of Sir Alexander Seaton, and his lady the heiress of Gordon of that Ilk. And the same practice is in England, where STURTON Lord STURTON has for crest a monk in a Franciscan habit, holding in his right hand a scourge, or whip, carried formerly by the surname of Monk, whose heiress one of the progenitors of the Lord Sturton married; and from them descended the family of Sturton.

Though these instances make crests to appear to be hereditary and necessary to all the descendants, as well as arms, yet this science and its rules, by the practice of all nations, has allowed a freedom to change their crests, and alter them after the fancy and circumstances of the bearers, being but an ornament of coats of arms, and so more of the nature of a device than a fixed settled piece of hereditary armorial bearings. Hence it is we see so many families of one stock and name use different crests, to show their inclinations upon several accounts, as before mentioned.

We find, as before observed, that most part of crests used by the ancient heroes, and since by knights in their exercises, in tournaments, and other festivals, from which the use of timbring arms proceeded, were nothing anciently but the devices and marks of gallantry and love, as Paulus Jovius tells us; who likewise says, "That when Charles VIII. and Lewis XII. of France marched into Italy with "glorious armies, the French officers being then fond of devices, and to distinguish "their companies, adorned ensigns and banners with such; which amused the "Italians, who fell in love with such figures, and afterwards improved them to "greater perfection than any other nation, under certain nice rules and prescriptions; and so laid the foundation of the curious science of devices, in which they "excel." I am not to treat of that science here, being out of my road, but of *armorial mottos* which adorn arms.

## C H A P. VI. ,

### OF MOTTOS, CRIES OF WAR, AND DEVICES.

**T**HESSE three are often taken for one another in this science, and all called *devices*; but to distinguish them, I shall treat of them separately in this chapter, and here to speak briefly of them.

*Mottos* and *cries of war* consist of a word or words without any figure; and the *device* here mentioned is a figure without a word, being a representation and emblem, or hieroglyphic, painted to express something that is to be kept in mind; and these were much in use among the Egyptians, and other ancient nations. The word without a figure, and the figure without a word, are looked upon as imperfect devices; but when the word and figure are joined together, making an allusion, to show the inclination and humours of the assumers, or of something done, or to be done, though they be not easily understood by the vulgar, are perfect devices, consisting of a body (the figure) and soul (the word), as heralds say.

These were much used in former ages, and in later times they are more used, with the addition of a motto to explain the signification. Great and curious men have been in use to have them embroidered or painted on their furniture of military and civil dignities, and on their seals accompanying their armorial achievements, for which heralds reckon them amongst the ornaments of armories; so that I shall treat of them separately here, with some few remarkable instances, which will not, I hope, be disagreeable to the reader.

*Motto* is an Italian word signifying *verbum*, that is the word or saying which gentlemen carry in a scroll under or above their arms; it is likewise Latined *dictum*, a saying, from whence comes our old word *ditton*; as in our ancient books of blazon of arms. Camden, for motto, says *inscriptio*; and some calls it *epigraph*, because mottos are often of many words, which make proverbs, witty and religious sentences, most frequently relative and explanatory to the name and arms of the owners, and may be used by any person who has right to carry arms.

When they have no relation to the name and arms of the owners, nor to the crests, they are then proper mottos, and cannot be called devices; of which I shall add a few instances. The family of BOURBON, in France, has the word *Esperance*, Hope; the House of NEVERS, *Fides*: With us the Duke of GORDON has, for motto, *Byland*; the Duke of ARGYLE, *Ne obliviscaris*; the Marquis of TWEEDDALE, *Spare naught*; DUNDAS of that Ilk, *Essayez*; INNES of that Ilk, *Betraist*; HOME of Wedderburn, the word *Remember*; and so of many others such like instances that have no relation to the name, or any part of the arms of the bearer, are to be found in our old records of the arms of the nobility and gentry, who have made choice of these mottos, to express their predominant passions, either of piety, love, or war, or upon some adventure befallen them; and those short expressions having had some such original, have been made hereditary in many families.

However, mottos for the most part are relative to some part of the achievement, and especially to the crest; and from them arises a comparison, the one explaining the other, and so make a proper device; as by these following instances. The an-

cient motto of the Earls of SUTHERLAND, *Without fear*, speaks to the crest, a wild cat sitting.

*Virescit vulnere virtus*, the motto or ditton of STEWART Earl of GALLOWAY, is relative to the crest, a pelican vulnered feeding her young in a nest, proper; which figure is an emblem of our Saviour: And the same figure, for crest, the STEWARTS Earls of MURRAY use, with the motto, *Salus per Christum redemptorem*. The Marquis of SEAFORTH's crest is a mountain in flames, with the motto, *Luceo, non uro*, I shine and not burn; which ditton is used by MACKENZIE Earl of CROMARTY, and applied to his crest, the sun in his splendor.

The motto *Dread God*, relative to a hand holding a thunderbolt, by CARNEGIE Earl of SOUTHESK.

GRAY Lord GRAY has, for crest, an anchor, proper; with the motto, *Anchor, fast anchor*.

ELPHINSTON Lord Balmerino's crest, a dove *argent*, crowned *or*, its feet environed with a snake, proper; motto, *Prudentia fraudis nescia*, Honesty knows no guile.

M'KAY Lord RAE has the words *Mam forti*, By the hand of a strong man; and, for the figure, a hand holding a sword, proper.

ARBUTHNOT Viscount of ARBUTHNOT has the words *Laus Deo*; to his crest, a peacock's head and neck, proper: ARBUTHNOT of Fiddes to a peacock *passant*, proper, has these words, *Tam interna quam externa*, to intimate that he desires to be both beautiful within and without: And ARBUTHNOT of Findowrie, has for motto, *Interna prestant*, to the same figure.

*In cruce salus*, a frequent motto used upon account of religion, as by those of the name of ABERCROMBY, with a cross for the figure: But ABERCROMBY of Glasshaugh has for motto, *Vive ut vivas*, Live that ye may live, relative to a bee *volant*, proper: And the same figure, the bee, has BEATSON of Kilrie for crest; with the motto, *Cum prudentia sedulus*: AYTON of that Ilk, in Fife, a hand pulling a rose, proper; with the motto, *Decerpta dabunt odorem*, as other families of that name.

DOUGLAS of Caver's motto, *Do or die*; crest, a dexter hand holding a broken lance in bend. DRUMMOND of Hawthornden's crest, a pegasus, proper, maned and winged *or*; with the motto, *Hos gloria reddit honores*.

DRUMMOND of Blair, for crest, a nest of young ravens, proper: motto, *Deus providebit*, God will provide.

DRUMMOND of Innermay's crest, a hand holding a flaming heart; with the motto, *Loyal au mort*.

Many more such instances I could give, but refer the reader to the sculptures in the plates of the First and Second Volume of this System; and shall add more instances upon different accounts.

All Europe over some mottos are assumed to relate to the name of the bearers.

The family of CAMPI, in Placenza, have the words of the xcvi. Psalm, *Gaudebunt campi, et omnia que in iis sunt, i. e.* Let the fields be joyful, and all that is therein.

The family of MY-PONT, in Burgundy, has for motto, *My-pont difficile a passer, i. e.* My bridge is hard to be passed.

VERE Earl of OXFORD, in England, had for motto, *Vero nihil verius, i. e.* Nothing truer than *Vere*; said by some to have been pronounced by Queen Elizabeth in commendation of the loyalty of that family.

CONQUEROR of Frierton has the word *Victoria, i. e.* Victory, relative to his name.

CALDER of Liniger, *Vigilans non cadet*.

Mottos are assumed also to show the origin of the bearers, either from the father or mother's side: As the M'INFOSHES of that Ilk, Captains of Clan-Chatton, have, for crest, a cat *salient*, proper; with the motto, *Touch not the cat but in glove*; as descended from the Catti, by the mother's side, a German people, who came to Scotland, and said to have carried the said figure: And the MACPHERSONS, as a branch of the Clan-Chattons, have the same crest and motto; for which see Appendix, page 44.

STEWART of Phisgall, as descended of John Stewart, who married the heiress of Bonkill, in the shire of Berwick, and had buckles for her armorial figure, has, for

crest, a demi-lion, holding in his dexter paw a buckle *or*; with the motto, *Suffibulatus majores sequor*.

BALNAVES of Carnbody has, for crest, a hand holding a football; with the motto, *Hinc origo, i. e.* From thence my rise: because the first of this name (being formerly called *Naves*) playing at the football before the king, who cried, *Well balled Naves*, took the surname Balnaves.

Mottos do also perpetuate great and glorious actions of a family; as that crest and motto of the SCRYMGEOURS of Dudop, a lion's paw, holding a sword, proper: motto, *Dissipate*; from one of the ancestors of this family, who defeat the kings' enemies. See Appendix.

Some families of the name of CRAWFURD have, for motto, *Tutum te robore reddam, i. e.* I'll save thee by strength; to perpetuate the seasonable action of one of the progenitors of the name, who opportunely relieved King David I. when dismounted from his horse by the stroke of a deer, when hunting near Edinburgh, where the abbey of Holyroodhouse now stands; and a deer's head, with a cross betwixt his horns, became the ensign of that abbacy, and all the baronies belonging to it, as the Canongate, &c. As also the armorial figure of the Crawfurds descended from the above Crawford.

CRAWFURD of Jordanhill, descended of Captain Thomas Crawford, a younger son of Crawford of Kilbirnie, (which family carries a fesse *ermine* for arms) who surprised and took in the impregnable castle of Dumbarton, the 2d of April 1571, took, for crest, a castle; with the motto, *Expugnavi*.

ALEXANDER Earl of STIRLING, having planted Nova Scotia, took, for motto, *Per mare et terras*.

RAMSAY VISCOUNT of HADDINGTON, upon his happy rescuing King James VI. from the bad attempts of the Earl of Gowrie, and his brother, whom Ramsay killed, took, for motto, *Hæc dextra vindex principis et patriæ*.

OGILVIE of Barras, who had a main hand in the preservation of the regalia of Scotland, till King Charles II. his Restoration, took then, for motto, *Præclarum regi et regno servitium*.

Mottos are sometimes taken to perpetuate events and accidents of families: Thus the Lord MAXWELL, being forfeited, and thereafter restored, took, for motto, *Reviresco, I stand in awe to offend*. Mackenzie's Heraldry.

Mr DAVID WATSON of Saughton having recovered these lands by purchase, after they had been sold by his progenitors upwards of a hundred years, upon recovery of them, took, for motto, *Insuperata floruit*, relative to a branch sprouting out of an old stock of a tree, his crest.

Mottos are also assumed to show offices and employments: Thus the Lord JOHNSTON, of old, when Warden of the West Marches, had these words, *Light thieves all*; that is, Light from your horses, and render yourselves; and since dignified with the title of Earl of ANNANDALE, the family use, for motto, *Nunquam non paratus, i. e.* Always ready.

These of the name of FORRESTER have ordinarily, for motto, *Blow Hunter thy horn*. Several who have risen to honour and fortune by their employments, such as notaries and writers, as I have observed before, have taken writing-pens for their crest, and mottos apposite thereto, to show their fidelity and sedulity in their employments: As Mr ROBERT ALEXANDER of Boghall took, for motto, *Fidem serva*: And Sir JAMES ELPHINSTON of Craighouse, *Sedulitate*.

Some mottos relate neither to the crests nor figures within the shield, but to the supporters; As that of the House of BUCCLEUGH have the word *Ano*; their supporters, two women in rich apparel.

The Earl of ROTHES's motto *Grip fast*, alludes to his supporters, two griffins. CARNEGIE Earl of NORTHEK has, for supporters, two leopards spotted, proper; and, for motto, *Tache sans tache*.

The mottos relative to crests are placed above them upon escrols, which surmount the achievement; when they relate or speak to supporters, they should be placed upon the compartment on which the supporters stand; which the reader may see in the sculptures of achievements in the First and Second Volumes of this System, of which I shall mention an example, the achievement of Sir JOHN LAUDER of Fountainhall, one of the Senators of the College of Justice, who has, for crest, a

tower *argent*, masoned *sable*, and a man looking over the embattlements; and, for motto, relative to it, upon an escrol, *Tarris prudentia custos*; and below the achievement, upon the compartment, on which stand the supporters, these words, *Ut migraturus habita*.

When there are three mottos, or more, they are disposed about the parts of the achievement to which they relate; as those which adorned the achievements of the Earl of WINTON'S crest, a dragon, proper, spouting out fire; and above it an escrol, with the motto, *Hazard zit forward*: And upon another escrol, which passes over the middle of the supporters, and behind the middle of the shield, are these words, (relative to the blazing star in surtout) *Intaminatis fulget honoribus*; and, on the compartment, whereupon stand the supporters, (as relative to them) *Invia virtuti via nulla*; as in the Plate of Achievements, Vol. I.

The Spaniards have another method of placing their mottos within the shield, bordure-ways, of which I have seen several, and shall here mention only that of the Archbishop of TARRAGON in Spain, whose name was JOHN TEREYS, who carried, for arms, a lion rampant holding a cross; and round the lion were these words, for his device, *Hujus virtute omnia*.

The Popes do the same on their seals of lead, where, on the one side, are the heads of St Peter and St Paul *affronté*; and, on the other side, a shield quarterly; in the first quarter, the words *Sanctus Petrus*, in the second, *Sanctus Paulus*; and in the other two quarters the names of the present Pope; and round these quarters, bordure-ways, the device of the present Pope, being ordinarily a short sentence or verse taken from the Scripture when he is elected.

Having treated I think sufficiently of mottos and devices as private epigraphs, I shall proceed to public ones, viz. *cries of war*.

*Cries of War* were well known of old by the ancients, and much in request, I may say, by all nations; by the French called *cri de guerre*, and with us called *slughorns*. These have a great affinity with mottos and devices, and many times are taken for one another; so that the cry has become mottos to ancient families.

Cries of war consist ordinarily of three or four words, called by the Italian Syl-vester Petra Sancta, *clamor militaris*. It belonged anciently to none but to sovereign princes, dukes, earls, great barons, and chiefs of potent families, who had the command of troops of men; by which cry they gathered them, led them on to battle, and, when distressed or put to confusion, did rally them.

Menestrier says, "That those who had right to carry a banner with the cry of war, were taken for great gentlemen, who used them not only in real fights, but in tournaments, where the heralds not only blazoned their arms, but proclaimed their cries before them that they might be known; as in the formula of the tournaments of Shovanncy in the year 1282."

These cries are either taken from the name of the chief commander of troops, from the place where they are to meet and rendezvous, or from the figure on the banner or standard.

As for the first, the cry of the family of BOURBON, was *Bourbon*; and other great families besides the name added some eulogium, to show their best qualities; as the cry of the Counts of HAINAULT, *Hainault the Noble*; the Duke of MILAN, *Milan the Valiant*; and the King of ARMENIA, cried *Armenia the Noble King*. With us the cry of the old Earls of DOUGLAS was, *A Douglas*, a *Douglas*, which was very formidable to their enemies who had found their valour.

Cries from the place of rendezvousing were frequent with us; as that of the HOMES, *A Home, A Home*, intimating the meeting at Home Castle; the MACKENZIES have for cry, *Tullochdar*; the CLAN-CHATTONS, *Craig-gow*, or *Craig-gwie*; and the GRANTS, *Craig-ellachie*, &c. which were cries taken from the places where those clans do rendezvous, and proclaimed through their countries by such as were appointed carrying a cross of wood burnt at the end, called a *fiery cross*; upon which all the vassals and dependents met at the respective places of their clans; and the cry continued in their expeditions, and in action to distinguish their different troops.

*Cries of war* have been taken from the names of patron saints; as the kings of SCOTLAND had *St Andrew*; the Kings of ENGLAND, *St George*; the Dukes of ANJOU cried *St Maurice*; and the Kings of FRANCE *Montjoye St Dennis*. Several have

endeavoured to explain this cry; some calling it a *joy*, as *Moult Joy*; some Latin it, *meum gaudium*; others, as Matthew Paris, *montis gaudium*.

Menestrier, in his Treatise of Exterior Ornaments, calls it a *cry of rallying*, and signifies nothing but the standard of St Dennis, which the ancient kings of France did carry in their wars; and *montjoye*, in old French, signified a mount or heap of stones gathered together, for directing the high-ways from place to place, with crosses set upon them, especially in the way from Paris to St Dennis, and are still called the *montjoys of St Dennis*; so that the *cry* of France signifies nothing but the banner of St Dennis, after which the army marched, and to it rallied. The Dukes of BURGUNDY, who had the image of St Andrew on his cross upon their ensigns, cried also, *montjoye St Andrew*; and the Dukes of BOURBON, who had the image of St Mary on their ensigns, cried, *montjoye notre dame*.

This author, in his former treatise, gives us several sorts of cries of war, of which I shall mention a few. First, *These of resolution*, assumed by those who undertook the holy war, cried *Dieu le veut*, i. e. God willeth it. *Cries of invocation*, such as that of the Lords of MONTMORENCY, *Dieu aide au premier Crestien*, i. e. God assist the first Christian, upon account the family was the first Christian one in France. Ashmole, on the Institutions of the Garter, says, "That the kings of England cried, *montjoye notre dame St George*, having the images of the Virgin Mary and St George on their standards." This author likewise observes in the fore-mentioned book, page 189, "That Edward III. of England, at a skirmish near Calais 1349, had for his cry, *ha St Edward*, (meaning the Confessor) *ha St George*."

Menestrier gives us *cries of exhortation*; as that of the emperor's, *a dextre et a sinistre*, to exhort the soldiers to fight valiantly on the right and left hand. For *cries of rallying*, he gives that of the Counts of FLANDERS, *au lion*, for the soldiers to follow or rally to the standard, upon which was the lion of Flanders. And our author says, that *montjoye St Dennis* was just another. And Barry, a French herald, observes, all the great men in France had for their cries, *montjoye*, who carried flower-de-luces. And hence the word *montjoye* is become the name of the principal Herald of France.

Cries of wars are ordinarily placed as mottos upon escrols above the crest; as that of France, at this time, is placed over the pavilion of the arms of France; as also that of the Dukes of LENNOX, *avant Darnly*, ever since the old cry became the motto of the family. Many old families with us and abroad use their old cries in place of mottos, having no use for them of late, the way of fighting being altered; so that now they are only marks of greatness and power, and continued for the antiquity and honour of families. So much then for the devices which consist only of words. I shall proceed to *devices of figures*, which have no word or words, many of them being initial letters of the name, and others of them figures, with pious sentences added to explain them.

Sovereigns have been for a long time, and are yet in use to place at the sides of their shields of arms, on their coins, the initial letters of their names; as our kings of the name of James had J. R. at the sides of their shields; Queen Mary M. R. and for Charles C. R. The kings of France of the name of Charles had the letter K. at the side of their shields; and the four Henrys had the letter H. and these of the name of Lewis the letter L.; which letters were ensigned with crowns.

The family of the HOTMANS in Paris, place the letter H. on the collars of their supporters, being lions.

The ancient device of the house of GUISE, was an A. within a circle, which, as Menestrier says, signifies, *chacun a son tour*, i. e. every one to his turn. The letter P. the Mark of the Pope, and that letter surmounted with a saltier cross, the mark of a martyr, as *pro Christo*. The superscription which Pilate caused place upon the cross of the Holy Jesus, was the device of CONSTANTINE the Emperor upon his signs and banners, as Menestrier.

The device of the Order of the Jesuits consists of the letters J. H. S. *Jesus hominum salvator*; and when the addition of the three passion-nails, and a cross are added to them, they are then the complete ensign of that society.

The Emperor FREDERICK III. took for his device the five vowels of the alphabet, A. E. I. O. U, interpreted, *Aquila est imperium orbis universæ*.

The device of Savoy consists of four letters, F, E, R, T, which, by some, signifies, *Fortitudo ejus Rhodum tenuit*, i. e. his bravery preserved Rhodes. Others say these letters import, that his motto or cry was, *frappez, entrez, rompez tout*, i. e. beat, enter, break all, which AMADEUS of Savoy took with the white cross for his device when he assisted the knights of Rhodes against the Turks.

The family of FELIX, in Piedmont, have for their device three F's, to signify, *Felices fuerunt fideles*, i. e. the Felices were faithful, because they stood firm and loyal for Amadeus Count of Savoy, anno, 1227, when all Piedmont revolted from the Count except the town of Rivoli, in which the family was the most considerable.

Devices which consist only of figures without words, are the same with the hieroglyphics and emblems used by the ancients, of old, to signify their minds, conceptions, and intentions; and from such came originally crests, and other armorial figures placed on the shield above, or at the side of it, some being temporary, and others of a longer duration.

The *thistle*, an old device carried by the Kings of Scotland, and after assumed by the Dukes of BOURBON, in France, the *roses* in England by the houses of YORK and LANCASTER, the *fusile* by the Dukes of BURGUNDY, the porcupine and salamander by the Kings of FRANCE, were properly their devices; whose intentions and significations at first were not well known, till afterwards opposite words and sentences were applied to them, and were ordinarily placed at the sides or below the shield: as the caltraps of the Earls of PERTH, the salamander of DUNDAS of that ilk, the thistle and rose in his Majesty's achievement issuing out of the compartment, the known devices of Scotland and England united in the person of King JAMES VI. Before which time, Henry VII. of England, representer of the House of Lancaster, joined the red rose of Lancaster with the white one of the House of York, and placed them below his shield of arms issuing out of the compartment, to show the incorporate union of these two families, by his marrying Elizabeth the heiress of York; so that the device of England was then a rose parted per pale, *gules* and *argent*. This king had also at the side of his shield of arms, for a device, a portcullis, to show his descent by his mother from the family of Beaufort; to which he added these words, *Altera securitas*, meaning thereby, that as the portcullis, the device of the Duke of SOMERSET, the eldest son by the third wife of JOHN of Gaunt Duke of LANCASTER, fourth son of Edward III. is an additional security to a gate or porch of a fort, so his descent from his mother strengthened his other title; and from this device he instituted a pursuivant by the name of Portcullis.

The portcullis has been a device used by our kings since King JAMES I. of that name in Scotland; as may be seen on the old buildings and medals of our kings' houses, since the marriage of the said king with Jane Beaufort, eldest daughter of John Earl of Somerset, eldest son of John of Gaunt Duke of Lancaster, fourth son of Edward III. and righteous heiress of the House of Lancaster; as Sir George Mackenzie observes in his discourse concerning the three unions, page 25. to show their maternal descent from the royal family of England.

Since I have fallen in with the devices of the royal family of England, which were very frequent upon the pretension of the Houses of York and Lancaster to that crown, I hope my reader will not be offended (since they adorned their achievement with such devices, which obscurely intimate their intents and designs) to give a short account of them with their several accessions to the crown.

The fore-mentioned John of Gaunt, Duke of Lancaster (in the reign of Richard II. who had no issue) pretended a right to the crown, and that before the house of York; He placed at each side of his achievement an eagle standing on a padlock, essaying to open the same, intimating, that by the king of birds he would force off his fetters of subjection; for which see Sandford's Genealogical History of England, who gives us his arms in sculpture, with that device adorning his achievement. His son and successor HENRY (surnamed Bolingbroke, from the place he was born) Duke of LANCASTER, before he usurped the crown, under the title of Henry IV. in a combat (allowed by King Richard II.) with MOWBRAY Duke of NORFOLK, appeared in his armorial hereditary ensigns, with devices accompanying them being swans and antelopes. The Duke of Norfolk, on the other hand, appeared with his armorial ensigns, being lions and mulberry trees as rebuses to the

name of Mowbray; which living creatures became the supporters of the descendants of these families. And here it may be observed, that the word *rebus* is used, when a coat of arms or crest alludes to the name of the bearer, which the French call *parlantes*, and the English, *canting arms*.

EDMOND Duke of York, fifth son of King Edward III. upon his brother John Duke of Lancaster's aspiring to the crown, took a figure for device, resembling that of his brother's viz. a falcon in a fetter-lock, implying, that he was shut up from his right to the crown. He observing his sons viewing it one day, asked them, what was Latin for a *fetter-lock*? who returning no answer, he said, *hic hæc hoc tacetis*, advising them to be silent, for God knows what may come to pass. Which story his grandson King Edward IV. reported, and (as Sandford in his history) commanded his younger son, Richard Duke of York to use that device, with the fetter lock opened; and Camden, in his Remains, page 215. says the same.

EDWARD IV. the first of the house of York that ascended the throne of England, to show his right and descent to the crown, used several devices; as the white lion of the Earl of MARCH, in whose right, by descent, he pretended to the crown; as also by the line of the BURGHS, Earls of ULSTER, who have sometimes used a dragon *seiant sable*, crowned *or*, the cognizance of that family; neither did he omit the device of the house of CLARE, viz. a bull *sable* hooped and horned *or*, with these words, *ex honore de Clare*, upon the account that Elizabeth, one of the co-heirs of Clare and earldom of Gloucester, was wife to John de Burgh, and mother of William Earl of Ulster: and to complete the four probative proofs of his noble descent, he used also a white hart attired, accolloed and unguled *or*, standing on a mount *vert*, with the words, *ex rege Ricardo*, which was the device of RICHARD II. taken from that of his mother Princess Jean of Kent. This King Richard, *anno* 1387, nominated ROGER MORTIMER, his successor, who was grandfather to King Edward IV.

RICHARD III. of the family of York had a boar for his device, and was the last king of the House of York.

HENRY VII. of the House of Lancaster, married the heiress of the House of York; so that the red and white roses (as before) were united, to show the union of these two houses; and besides he had a red dragon for a device, which was used by Cadwallader the last king of the Britons, from whom, by masculine line, he derived his pedigree; and from this device the king made a pursuivant, called *Rouge Dragon*.

HENRY VIII. of England, son of Henry VII. had for his device a greyhound collared and *courant*, to show his descent from his mother, being one of the devices of the House of York; and used also a red rose, a flower-de-luce, and a golden portcullis, which Sandford calls his hereditary devices or badges.

His daughter MARY Queen of ENGLAND had a red and white rose with a pomegranate knit together, to show her descent from Lancaster and Spain. But our author tells us, that afterwards the English wits began to imitate the French and Italians in their devices, by adding regular mottos, to show some temporary emblems; and instances that of Henry VIII. who, upon the interview he had in France with Francis I. and the Emperor Charles V. as arbitrator in accommodating some difference betwixt them, took, for device, or impress, an English archer in a green coat, drawing his arrow to the head, with the inscription *Cui adhero præest, i. e.* He to whom I adhere will prevail.

But these temporary devices or impresses being the subject of another science, I shall go no further into them, and advertise my reader that those I have mentioned of a longer duration, as hereditary cognizances of a high descent, adorned the achievements of noble families, and frequently become the supporters of these various ones which attended those royal achievements of England I have mentioned.

## C H A P. VII.

## OF SUPPORTERS.

THESE, as the former Exterior Ornaments which I have been treating of, were originally only ancient devices, which by custom came to embellish armorial ensigns, and formally to timbre and support them, from which they are generally called *supporters*, and by the Latins *sustentacula*, from their holding the shield: If they be of the figures of angels, men or women, they are called *tenents* by the French, because they hold the shield of arms in their natural posture; but when the shield is supported by the figures of other creatures, such as beasts and fowls, as lions, bears, horses, &c. eagles, griffins, falcons, &c. being erect and out of their natural posture, they are called properly *supporters*: And those that write in Latin want not their fancy in calling them *atlantides*, from the fable of Atlas supporting the world; as also *telamones*, because painters represent Telamon carrying his mistress, called also by architects *Colosses*, (Pru. Hero.) "Colossi isti & sustentacula aliquum onus, quasi in sublimi sustinentes, nomen acceperunt;" for supporting weighty things on high they have their name. But *telamones* may be said, as some will, to be composed of these two words, *tellus et homines*, (the earth and men) and understood for giants *filiū terræ*.

When inanimate things are placed at the sides of the shield by way of supporters, the English call them *cottises*, as if the shield were cotised with them; which word the English bring from *costa* the ribs, in Guillim's Display; but Sir George Mackenzie more properly from the French word *coté*, the side; and for such things the Latins say, *stipantes latera scuti*.

I shall here add what the ingenious gentleman, the author of the new English Dictionary of Heraldry, printed in the year 1725, says in the title of *Supporters*: "Things placed on the sides of the achievements, representing sometimes things living, and sometimes dead; but these of some blazoners are termed *supporters*, whose conceit therein I can hardly approve, *quia diversorum diversa est ratio*; and, therefore, the blazon that I would give unto things so different in nature, is, that if things be living, and seize upon the shield, then shall they be called properly *supporters*, and if they are inanimate, and touch not the escutcheon, then shall such arms be said to be not supported, but *cottised* of such and such things; for, how can those properly be said to support that touch not the thing said to be supported by them? To persons under the degree of bannerets it is not permitted to bear their arms supported, that honour being peculiar to those that are called *nobiles majores*. And those cottises have their name agreeable to the things whose quality they represent, and are so called of *costa*, the rib, either of man or beast; for it is proper to the rib to inclose the intrails of things animal, and to add form and fashion to the body: In like manner do those inclose the coat-armour whereunto they are annexed, and do give a comely grace and ornament to the same. Having heard what is in that word concerning that important part of armory; for the better understanding of it, here shall be added something of what the French heralds, who were masters of the English, say to this purpose. These which we call *supporters* are no other than certain animals, quadrupedes, birds, or reptiles; as lions, leopards, dogs, unicorns, eagles, griffins, dragons, and several others placed on the two sides of the escutcheons, as if they were appointed to guard it, supporting and lifting it up with their paws or claws. As for the *tenents*, which most men have confounded with the supporters, taking them for the same thing, I find this difference, that the supporters hold up, and the tenents hold, and do not lift up the escutcheon, but hold it under their hands; as we often find when they are angels or human creatures, or the like. The supporters and tenents are generally taken from some parts of the coat-armour, but sometimes are quite different from it, there being nothing to oblige them to it."

As for the origin and first use of supporters, as we now see them, there are different opinions: First, as I said in the former chapter of emblems and devices, they were placed at the sides of the escutcheons by the owners, to show some

mystical meaning, and so through time became their supporters. But other eminent heralds bring the first use of supporters from tournaments and joustings, and others from the solemnities of creating nobility, of which I shall give a full account.

Menestrier treats of supporters fully, and brings them from tournaments and joustings, to which, by the laws of exercises, none were admitted but those that were truly noble, and who were obliged to expose their arms, as proofs of their nobility, which they then adorned with their helmets, mantlings, wreaths, crests, and devices, sometime before the exercise began, to the end that they might the more easily be known and distinguished in time of battle. And as this was, as I mentioned before, the first rise of these exterior ornaments, so Menestrier and other French writers bring from thence the rise and progressive use of supporters. The knights nobles, qualified for such exercises, had their arms hung up on the barrier trees, palaces, and pavilions, near to the place of jousting, which were attended by their armour-bearers and esquires, to the end they might acquaint their masters what knight gave them a challenge to fight, which was done by touching the shield. Our author tells us the knights put their armour-bearers, pages, and servants in such dresses as they fancied, making them sometimes appear like Savages, Saracens, Moors, Sirens, and with other odd dresses; and sometimes under disguise with the skins of lions, bears, &c. to guard their shields of arms, and to give an account of the names and arms of those who gave the challenge, by touching the shields of their masters.

I shall mention here the *formula* of a tournament given us by William Segar Norroy King at Arms in England, in his book of Honour, Military and Civil. This tournament was holden at Ingueluer in France 1389, which several French lords and gentlemen occasioned, by giving a challenge to as many Englishmen of the same quality. A part of the challenge from the French side I shall here add from our author. "We likewise give you to understand that such order is taken, that every one of us shall have a shield of arms and impress, (*i. e.* device or crest) hung on the outside of his pavilion, to the end, if any of you desire to run at tilts, then, that the day before, ye may, with a lance, or such weapon as you intend to joust with, touch the shield of the defendant; and who intends to try his fortune both with blunt and sharp, must touch the shield with both, and signify his name and arms to them that attend, or have their shields in keeping."

From these attenders and keepers of their master's shields, heralds bring the first use of supporters occasioned by such exercises, into which all that were noble or gentle by father and mother's side were admitted, and had afterwards right to carry supporters.

I cannot omit to mention a famous tournament proclaimed by the order of King James IV. of Scotland, through Germany, France, and England, under the title, *In defence of the Savage Knight*, to be holden at Edinburgh on the festival of his Majesty's marriage with Margaret, eldest daughter of Henry VII. of England. "The fame of which tournament (says Hawthornden in his History of the Jameses, and other manuscripts, which I have seen in the lawyers' library) brought many foreign lords and knights to Scotland, where challenges were given and received in defence of the Savage Knight, for several days before the prefix day of exercise. The shields of the nobility and gentry of Scotland, that designed to joust or tilt, were hung up on the barrier and other places near by, guarded with strong and robust Highlandmen, in savage dress, whose figures afterwards became the supporters of some families who jousted in this tournament, though long before this time we had tournaments in Alexander II. his reign; from which time I think supporters began with us, as by ancient seals, where savages are placed as supporters at the sides of the shields."

John Baptista Chancellor of Brabant, a learned gentleman in this science, in his commendable book *Jurisprudentia Heroica*, chapter *Of Supporters*, tells us, "That some are of the opinion that their rise and custom of hanging up shields was in imitation of the Romans, who, after their return from victory, hanged up shields, helmets, and other trophies, which they had taken from their enemies, upon trees and public places, to show their valour and conquest."

“ Others again, says our author, impute the use of supporters to the vanity and ambition of men to embellish their arms, and the *tessera* of their descent, with such figures as pleased them, till they were restricted by the laws of nations, which allowed them to none but to those who were able to erect a banner in the field; such as high barons, bannerets, and knights, who were allowed the figure of any creature they fancied to support their banners; for they could not stand properly at the sides of their shields of arms without supporters holding them up. Banners are more frequent in Germany than elsewhere.” I shall add here our author’s words; “ Sed cum vexilla, hæc per se subsistere, circa insignia nequaquam possent, excogitavit industria hominum, vel ambitio tenentes sive sustentantes, quos cum æque atque vexilla ipsa indistincte assumere non erubesceret.”

Our author is much for the opinion, as most reasonable, that supporters had their rise from tournaments and joustings, as I have given them from Menestrier and others; for which I shall here add his own words from the supplement to his book, page 139. “ Alii originem telamonum versus derivant a certaminibus, ludicris, seu hastiludiis, in quibus milites suas curabant deferri lanceas & scuta per ephebos & pedissequos (youths and waiting-men) transformatos in ursos, leones, silvestres, ethiopes, & id genus alias formas, ut videre est in antiquis historiis, & memoriis Oliverii a Marca. Injungebatur his latoribus & pedissequis ut campum martium aperirent, affligerent scuti pendula arboribus aut columnis, in viis publicis, vel locis ad dimicandum assignatis, ut contra prodituri in campum tangerent illa scuta, quibus promiscue ut custodes adstabant, pigmei, gigantes, silvestres, sarazeni, monstra, vel homines in forma animalium aderent & faciales, qui nomen inscriberent & observarent illos, qui eorum scuta tangerent, atque exinde nomen tenentium (gallice tenents) conflatum voluit.” The import of which is the same which I brought from Menestrier in the former page, and needless here to be repeated, to wit, that the rise of supporters came from the customs of tournaments, in having the shields of the combatants attended by their esquires and pages in whatever dress they would.

Those who were admitted into tournaments and joustings were obliged to make a formal proof of their ancient nobility by both descents, paternal and maternal, before the heralds, who attended for that end; and then their armorial ensigns with their crests and other devices were recorded, and formerly exposed with their pages and servants in several dresses or disguises.

Sir George Mackenzie, in his *Science of Heraldry*, chap. 31. *Of supporters*, gives another rise of them as follows.

“ Supporters (says he) are those exterior ornaments which are placed without the shield at its sides, and were at first invented (as Petra Sancta observes) to represent the armour-bearers of knights. But why then are they ordinarily two? And therefore I rather believe that their first origin and use was from the custom which ever was and is, of leading such as are invested with any great honour to the prince who confers it. Thus when any man is created a duke, marquis, or knight of St Andrew, of the Garter, or any other order, either in Scotland or elsewhere, he is supported by, and led to the prince betwixt two of the quality, and so receives from him the symbols of that honour: And in remembrance of that solemnity his arms are thereafter supported by any two creatures which he chooses; and therefore, in the received opinion of all heralds, only *nobiles majores* who have been so invested in these honours are allowed to have supporters: And albeit chiefs of old families have used supporters with us, yet they owe these to prescription, and not to the original institution of heraldry, as shall be observed. Others, as Menestrier, think that when knights hung up their shields to provoke all passengers to this combat, they placed their pages or armour-bearers under the disguises of wild-men, lions, bears, &c. to watch who offered to touch them; and thereafter they used these figures as supporters. But beside that this fancy seems as wild as the supporters, it may be asked, why some men use fowls or fishes? To which nothing can be answered, save that beasts being once allowed, each man choosed thereafter any living creature he pleased.” I shall here subjoin what Sir George says in another place in the above-mentioned chapter.

“ According to Chassaneus his opinion, an heritable sheriff, or an eminent judge may take supporters: and I crave liberty to assert, that all our chiefs of families and old barons of Scotland may use supporters: For, besides that to be a chief, was of old; and is still, reputed an honour, though it be adorned with no mark of nobility, yet these chiefs have prescribed a right to use supporters; and that such a right may be prescribed, I have proven formerly; and what warrant is for most of our rules in heraldry, but an aged custom: And that they have constantly used supporters, past all memory of man, even when they were knights, is clear from many hundred instances. Thus the lairds of PITCOUR did, and do use two wild cats for their supporters; FOTHERINGHAM of POWRIE, two naked men; IRVINE of DRUM, two savages, wreathed about head and loins with holland, and bearing battons in their hands; MONGRIEF of that Ilk, two men armed at all points, and bearing picks on their shoulders: And many of our noble-men have only retained the supporters which they formerly had. And that, of old, barons might use supporters *de jure*, seems most certain; for they were members of parliament with us as such, and never lost that privilege, though for their convenience they were allowed to be represented by two of their number; and therefore such as were barons before that time may have supporters, as well as lord barons; nor should we be governed in this by the custom of England, seeing their is *dispar ratio*; and this is now allowed by the principal herald to judge at the time who have right.”

Supporters are not so heritably fixed but they may be altered at pleasure, in their species and forms, by those who have right to carry supporters, as Colum-bier, Sir George Mackenzie, and others; for it is fit that these extrinsic parts of achievements should not be heritably fixed, to the end men may have somewhat to assume or alter upon considerable emergents: But if cadets keep their chiefs' supporters, they use to adjust some difference; as is to be seen in the Earl of Kelly's achievement. Mackenzie.

Before I proceed to give instances of arms with supporters, and the occasions upon which they were given and taken with us and other nations, I shall insist a little here of their ancient use in general. At first one supporter was used to carry up the shield; as by our ancient documents and seals, which represented the armour-bearer of knights, and afterwards came to be two, one at each side of the shield: And for the verity that one supporter was used anciently, I shall add here the words of *Jurisprudentia*, page 369, par. 18. “ *Olim unicum duntaxat sustentaculum ad primores viros usurpatum fuisse vetera nos docent monumenta. Ipsis enim solummodo regibus, aut principibus bina assumere sustentacula licitum erat.*” For which our author cites many others. So then it is groundless to bring the first origin and use of supporters from the custom of leading such as are invested with any great honour to the prince, who conferred it as above shown. But from whence came the use of sovereigns having supporters, who were not led by their equals to receive their imperial rights and diadems, being attended only by their subjects, and sometimes by officers, as armour-bearers and esquires, in royal solemnities? And I am much in the opinion with Menestrier and others, who bring the first use of supporters from the armour-bearers of knights. And of old none but one supporter was used by those that were not eminent princes, as by our above-mentioned author; of which I shall add a few instances.

Our ancientest seals had only the image of the owner, sometimes with his shield of arms hung about his neck, or holden up by his left arm, and he the only supporter; but afterwards these arms came to be supported by one creature or another: And Menestrier tells us, “ That he has seen the shield of arms of the old Dukes of BURGUNDY only supported by one lion, with its head in a helmet.”

Sandford, in his Genealogical History, gives us the seal of arms of Margaret Duchess of Norfolk, supported by an angel. Such another seal of arms I have seen, which belonged to Mary Queen of King James II. which had the arms of Scotland impaled with her paternal coat, viz. two lions *combatant*, supported only by one angel.

The imperial ensign of Scotland is yet to be seen on the frontispiece of the

outer entry to the abbey of Holyroodhouse, the shield supported only by one unicorn *seiant*.

WALTER LESLIE, designed *Dominus de Ross*, who married Elizabeth Ross, one of the co-heirs of Walter Earl of Ross, had on his seal of arms three shields *lie*, i. e. tied together, holten by the beak of an eagle for a supporter; of whose arms formerly.

From Uredus's Collections of the Old Seals of the Earls of Flanders, we have many instances of arms supported only by one animal: as that of LUDOVICK MALEANUS, appended to a diploma, whereupon is the shield of arms of Flanders supported by one lion, *anno* 1359. PHILIP the Bold Duke of BURGUNDY, son of John King of France, who married Margaret, daughter and heir of the above Lodovick Earl of Flanders, on whose seal was a shield, quarterly, the arms of Burgundy Ancient and Modern, and supported only by one eagle: But his dutchess Margaret had on her seal a lozenge shield, with her arms dimidiate with those of her husband Philip, viz. four animals supporters; her husband's two supporters the eagles stood upon the upper two sides of the lozenge shield; and two lions *seiant*, supported the two under sides of the lozenge, being these which her father used. The like of which I never met with in any book or seals; which seals, as I have described them, were appended to diplomas in the year 1384.

As for the antiquity of using supporters with us, Sir George Mackenzie, in his Science of Heraldry, gives us as uncouth an one as the last mentioned, being the shield of arms of MURIEL Countess of STRATHERN, supported on the left side by a falcon standing upon the neck of a duck, lying under the base point of a formal shield, and all placed within a lozenge, which he dates from the year 1284, and which is the oldest and ancientest that ever I met with.

Sir James Balfour, in his Manuscript of Exterior Ornaments, says, "The first use of supporters with us began about the end of the reign of Alexander II. and were frequent in the reign of Alexander III. which began in the year 1249, and who reigned 37 years:" But gives us no instances who carried supporters, till the reign of John Baliol; and then tells us, "That JOHN CUMIN Earl of BUCHAN, and great Constable of Scotland, had his arms supported by two snakes or vipers; and that THOMAS RANDOLPH Earl of MURRAY (who lived in the reign of King David Bruce, and who first began the use of supporters in England) had his supported by two winged dragons."

The seal of JOHN, Senchal of Kyle, eldest son of Robert Stewart of Scotland, was appended with his father's (who were both successively kings of Scotland, by the name of Robert II. and III.) to a charter of theirs to the burgh of Glasgow, *anno* 1364. The shield of arms of the Lord KYLE was *couché*, and supported by two savages; as by the abstracts of the charter in the Scots College of Paris.

I have seen the seal of arms of WILLIAM Lord of DOUGLAS, before he was Earl, upon which he had only the paternal coat of Douglas in a shield *couché*, supported by a lion *seiant*, with its head in a helmet, topped with a plume of feathers for crest, which timbred the shield. Upon this Earl's marrying Margaret, Countess and heir of Marr, for his second wife, he quartered with his own the arms of Marr, supported as the former, with the addition of two trees growing at the sides of his achievement; and below the shield, by way of compartment, was a field *semé* of cross crosetts and mullets, appended to a charter of his, in which he is designed Earl of DOUGLAS and MARR, to James Mowat of the lands of Easter-Foulis, dated at the Castle of Kildrumy, 26th of July, *anno* 1377.

I have seen many of the seals of the Earls of DUNBAR and MARCH, which were all equestrian till the year 1400, whose shields of arms were afterwards supported by two lions *seiant*, and behind their backs trees.

I have likewise met with the seals of arms of our ancient barons; as that of Sir ALEXANDER HOME of that Ilk, whose shield was supported by two lions: SOMERVILLE of Linton and Cambusnethan supported with two greyhounds: And CRANSTON of that Ilk supported his shield on the right side by a woman in rich attire, holding a bush of strawberries, and on the left by a roebuck. Those barons, with

others, long before their families were dignified with the titles of lord or earl, kept still their old supporters.

I have also seen those of other barons, whose families were never dignified; as that of DAVID HOME of Wedderburn, appended to a discharge to his nephew, the above Sir ALEXANDER HOME of that Ilk, dated at Cockburnspath 27th of January 1443, supported with two falcons *regardant*; and ROGER KIRKPATRICK of Closeburn, one of the Barons of Inquest, in the service of WILLIAM Lord SOMERVILLE, heir to his father Thomas Lord Somerville, had, on his seal appended to the retour, the 10th of June 1435, the escutcheon of his arms supported with two lions *guardant*; and his son Thomas, in the year 1470, carried the same, though now the family use for supporters two hounds. And on the seal of WILLIAM MURRAY of Touchadam, Constable and Governor of the Castle of Stirling, now designed of Polmaise, his arms were supported with two lions. Many more examples of our gentry using supporters are to be met with in our old books of blazons, on their houses and tombs, as representers of the ancient barons and chiefs of families; a few of which I shall here mention. DUNDAS of that Ilk, for supporters, has two lions: FULLARTON of that Ilk, in the shire of Ayr, has two savages wreathed about the head and middle, holding battons over their shoulders.

INNES of that Ilk, two greyhounds collared *azure*, charged with three stars.

POLLOCK of that Ilk two hounds, proper; and MAXWELL of Pollock had his arms supported, in the reign of Robert III. by two monks, as by his seal of arms which I have seen. DUNBAR of Westfield, Heritable Sheriff of Murray, has two lions rampant *argent*.

HALYBURTON of Pitcur two wild cats; and FARQUHARSON of Invercauld carries the like creatures.

IRVINE of Drum two savages wreathed about the head and loins with laurel, proper, bearing battons in their hands.

FOTHERINGHAM of Powrie two naked men.

MONCRIEF of that Ilk two men armed at all points, bearing pikes on their shoulders.

SKENE of that Ilk, two Highlandmen, the one on the dexter side in a Highland gentleman's dress, holding in his right hand a skein, point downward; and the other, on the sinister, in a servant's dress, with his darlach, and a target on his left arm.

DALMAHOY of that Ilk has two serpents cottising his arms.

Sir JOHN NISBET of Dean, baronet, his family has been in use for a long time, by allowance of authority, to carry supporters, viz. on the right side of the shield a savage wreathed about the head and middle, holding a batton in his right hand, all proper; and on the left side a greyhound, proper: Which two supporters uphold the principal arms of the family of NISBET of that Ilk, viz. *argent*, three boars' heads erased *sable*, armed and langued *gules*, with the crest of the family, laying aside the cheveron, a mark of cadency, used formerly by the House of Dean: in regard that the family of Dean is the only family of the name in Scotland that has right, by consent, to represent the old original family of the name of Nisbet; since the only lineal male representer (the author of this System) is like to go soon off the world, being an old man, and without issue-male or female.

EDGAR of Wadderly two greyhounds; and HAIG of Bemerside has, for supporters, two lions *gules*.

In Workman's Illuminate Book of Arms there are several knights who have their arms supported; as Sir PATRICK BARCLAY of Towie with two hounds: motto, *Hinc honor et amor*.

Sir GEORGE DOUGLAS of Redhouse's arms are there illuminate, being *argent*, a lion's head erased *gules*, in base a crescent of the last, and, on a chief *azure*, two stars *argent*, as descended of the House of Morton, and the crescent, as a vassal to the House of Seaton, supported by two griffins.

Sir NIEL MONTGOMERY of Langshaw's arms, *azure*, a stoned ring, proper, between three flower-de-luces *or*; supporters, two dragons.

Sir DAVID WOOD of Craigie, his arms supported by two savages wreathed about the middle with laurel.

Sir JOHN GRAHAM of Netherness carried the arms of Montrose, with a label of three points for difference, supported on the right side by a hound, and on the left by a falcon, proper.

BRUCE of Airth had two savages wreathed about the head and middle, proper; crest, a horse-head; with the motto, *Do well and doubt not*.

There are many more gentlemen, besides the ancient barons and chiefs of families, who have supporters added to their blazons in our New Register of Arms, having right, as I suppose, by concession or prescription; of which I have given many examples in the Plates of Achievements in the First Part of this System, as also in this Second Part, to which I refer the reader.

The right of using supporters is hereditary with us in the lineal heirs and representatives of families; but not to the younger sons of collaterals, unless they become representatives of the family: neither in the greater or lesser nobility, which in the first seems strange, since the younger sons of dukes and marquises have the title of lord prefixed to their names, and take precedency of hereditary lords of Parliament. But though the titles they have be only temporary, and do not descend to their posterity, yet I am of opinion they may use supporters by the same right that knights-bannerets did, whose dignity was also temporary, and that with their marks of cadency upon them, if agreeable, and if not with other additional figures: For the same reason that they now of late place the coronets of the respective dignities of their fathers on their helmets, to show the eminency of their birth.

It is not allowed to the nobility or gentry, who have right to carry supporters, to assume those of the sovereign's achievement, unless they be of the blood royal, or have obtained from the sovereign a special warrant for so doing, to show either the support and honour they had from the royal family, or for some special services they had performed to the same. Thus the Earl of STRATHMORE, being descended of a daughter of King Robert II. has, for supporter, on the right side, an unicorn *argent*, maned, unguled, and horned *or*, (the royal supporter) and collared *vert*, charged with a thistle *or*; and, on the left, a lion *gules*, armed and langued *or*.

BRUCE of Clackmanan was allowed the royal supporters; RAMSAY Earl of HOLDERNESS, and Viscount of HADDINGTON, for his special service, besides other augmentations of honour, was allowed to support his arms with the unicorn of Scotland on the right, and an antelope on the left: CAREY Viscount of FALKLAND had the like unicorn on the dexter, collared *sable*, charged with roses; and on the sinister a lion *gardant argent*, collared and crowned with a ducal crown; and several others have the like.

It is allowed, by the practice of heraldry, for many different families to carry the same supporters without any ground of offence, or concluding them to be of one descent and kin; which practice is frequent with us, especially in using savages for supporters. The Marquis of DOUGLAS has one; and the Earls of ATHOL had two savages, though now but one, the other, a lion, being for Tullibardin; the Earls of Sutherland, Morton, Perth, Roxburgh, Galloway, Seaforth, Cromarty, Stirling, Elgin, Viscount of Kenmure, Lords Herries, Kinnaid, Elphinston, Blantyre, Maderty, and many old barons, carry savages, some of them with laurels about the heads, and battons in their hands. The frequency of which with us I presume had rise in imitation of John, Seneschal of Kyle, eldest son of Robert II. King of Scotland, who was king after his father by the name of Robert III. or else proceeds from that tournament proclaimed, and holden by King James IV. in defence of the *Savage Knight*; of which I have given account before, where many of our nobility, and gentry appeared with their servants in the dress of savages, which became the supporters of several families.

Supporters have been given and taken upon many occasions; sometimes from the armorial figure within the shield, as those of SPAIN, two lions, the armorial figure of the kingdom being a lion. The Prince PALATINE of BAVARIA, the Duke of LUXEMBOURG, and other royal families in Europe, have lions for supporters, because their armorial figure within the shield is such: And the same reason has occasioned our nobility to do the like; as HOME Earl of HOME, HOME Earl of MARCHMONF, CRICHTON Earl of DUMFRIES, OGILVIE Earl of FINDLATER, GRAY Lord

GRAY, DUNDAS of that Ilk, because their armorial figures are such. As also many other families who have eagles, griffins, boars and bears, for their armorial charges; and if they carry but a head of any of those creatures, they make use of their entire bodies for their supporters; as FORBES Lord FORBES, who carries for arms three bears' heads couped, has for supporters two bears, proper.

When the armorial charges within the shield are not living creatures, nor figures fit to be supporters, I observe that lions are assumed by severals, but with some variation, upon the account, as I suppose, that the lion is the sovereign figure of the nation, or because he is said to be the king of beasts, and the most noble and fierce of all others. The family of ARGYLE has, for supporters, two lions *gardant gules*, armed *or*: GRAHAM Earl of MONTEITH two lions *gardant gules*, armed and langued *azure*, collared *sable*, and charged with three escalops *or*, the figures of the paternal bearing. MURRAY Earl of ANNANDALE supported his arms with two lions *argent*, crowned *or*, one of which the Lord JOHNSTON took when he was honoured with that earldom. MURRAY Earl of TULLIBARDIN two lions *gules*, collared *or*, charged with three stars *azure*, one of which is now one of the supporters of the family of Athol, which represents that of Tullibardin. And the Viscount of STORMONT, as descended of Tullibardin, had, for supporters, two lions *gules*, armed *or*, because none of those families' armorial figures were fit to be supporters, being girons, escalops, stars, or mullets; and many such examples may be added, which I think needless.

Some families take supporters relative to their names or designations, when no figures in their arms speak to them. The family of URSINI in Italy has two bears in allusion to the name; and the GRIMALDI, Princes of MONACO, in allusion to their title Monaco, have for supporters two Augustine monks. NAPLES, anciently called Parthenope, from the name of a syren, or mermaid, whose tomb was there; upon which account the arms of the kingdom of Naples are supported with two syrens. The Duke of GLOUCESTER, seventh son of Edward III. surnamed Woodstock from the place where he was born, had his shield of arms on his seals represented hanging on the stock of a tree, alluding to Woodstock. With us CUNNINGHAM, Earl of GLENCAIRN has, for supporters, two conies, proper, relative to the name: OLIPHANT Lord OLIPHANT two elephants, for his name; and RUTHVEN Earl of GOWRIE had two goats supporters, relative to the earldom of Gowrie, which signifies a goat.

Upon the account of hunting and hawking, hounds and dogs of all sorts, as also harts, deers, bucks, hawks, and falcons, are used by many families. Sir George Mackenzie tells us, "The Earl of PANMURE changed his old supporters to two greyhounds, because he was first noticed by King James VI. on the occasion of his entertaining his majesty with excellent sport in the muir of Monroben."

Upon the account of employment, supporters have been assumed thus: M'KAY Lord RAE, when he went to Germany with a regiment of foot to assist Gustavus Adolphus, supported his arms on the right side by a pikeman armed at all points, and on the left by a musqueteer, proper. And General ALEXANDER LESLIE, when created Earl of LEVEN by King Charles I. supported his arms with two men in armour, holding in their hands flying colours: KEITH Earl of KINTORE took two armed men with pikes: The Lord CARMICHAEL has his arms supported on the right by an armed man in all points, holding a batton in his hand, and on the left by a horse *argent*, furnished *gules*. Sir THOMAS LIVINGSTON being made Viscount of TEVIOT, for his victory at Cromdale, had given him for supporters two white horses bridled and furnished *gules*. The Earl of ANNANDALE has such a horse, furnished, for one of his supporters, on account of his being Warden of the West Marches. SEATON Earl of DUNFERMLINE has two horses at liberty *argent*, with mane and tail *or*; and DOUGLAS Duke of QUEENSBERRY two pegasus, *i. e.* horses *argent*, with wings *or*; and the same by DOUGLAS Earl of MARCH, a son of that family.

Monstrous creatures are used frequently to support arms, as griffins, dragons, &c. ERSKINE Earl of MARR two griffins, proper, winged *or*, membred *sable*: LESLIE Earl of ROTHES the same: And MONTGOMERY Earl of EGLINTON two dragons *vert*, vomiting fire, carried by the family ever since they came from the House of Seaton. The family before that time had two angels in Dalmatic habits; as on the roof of the house of Seaton.

The bodies of devices, which were anciently placed at the sides, above or below the shields of arms, as I observed before in the former chapter, have become supporters of arms. And I may begin with the unicorn, one of the ancient devices used by our kings, not only for his strength, courage, and particular virtue of his horn in dispelling poison, (as writers tell us) but as the emblem of unconquerable freedom; as Job, in his book, chap. xxxix. "Canst thou bind the unicorn with his band? Will he be willing to serve or abide by thy crib?" A suitable device for Scotland, which became the supporter of its imperial ensign, and continues the badge of its independency. Other nations have likewise used their devices as supporters, which have been often altered upon emergencies, and different successions.

Thus King CHARLES VI. of FRANCE, as Juvenal Ursini, in his History of that King, tells us, "That when hunting at Senlis, he perceived a stag which had a collar about its neck: The king ordered it to be taken alive; which being done, the collar was of leather, having these words, *Cæsar hoc mihi donavit*:" Whereupon that king took for his device a hart, or stag, with wings, and a golden crown about his neck; and afterwards supported his arms with two such creatures, about the year 1380. LEWIS VII. of FRANCE made his device, a porcupine, his supporter, and FRANCIS I. took his device, a salamander, for a supporter. But of late the supporters of France have been two angels in Dalmatic habits, winged *or*, and on their breasts the arms of France, holding by one of their hands the banners of France *accollé*, with those of Navarre.

Angels being the ordinary supporters now of France, some heralds tell us, as Philip Moreau, "That none can use them but those of the royal blood of France, and who have a special warrant for that end, being now the fixed tenents of France."

But Menestrier tells us, "There are many instances to the contrary to be seen on the tombs in churches, before and since the use of such tenents by the French kings: For, of old, churchmen in France, and other kingdoms, would not allow the arms of those that were interred in the church, to be adorned with their proper supporters, being the representation of lions, dragons, saltiers, savages, and other monstrous and fabulous creatures; but, in place of them, with angels, more properly becoming the church: Hence it is, says our author, that we see so many arms in churches supported by angels, which are not marks of honour, but ornaments allowed by the clergy, even to those who have no right to supporters. Our author tells us also of many ancient families in France, as that of Memorancy and others, many degrees of descent from the blood royal, who, without special warrant, have been in use, and still are, to have angels for their supporters; as also that many dignified prelates were in use, within these two hundred years, to support their arms with angels."

With us angels have been frequently made use of as supporters. Cardinal BEATON had his supported by two angels in Dalmatic habits, *or*, as some say, priestly ones, which are yet to be seen on his lodgings in Blackfriar's Wynd. BORTHWICK LORD BORTHWICK had his arms supported by two angels: as also KER LORD JEDBURGH, and the Earls of LOTHIAN, now Marquis, their arms are supported on the dexter by an angel winged *or*, and on the sinister by an unicorn *argent*, maned and horned *or*, being the same with that which supports the arms of Scotland.

The supporters of the kings of England have been various, and taken from their old devices before they were used as formal supporters, a detail of which I shall here subjoin from the English writers.

Some say that EDWARD III. was the first that supported the arms of England on the right with a lion *gardant* and crowned, (being one of those within the shield) and on the left by an eagle or falcon crowned also. And his grandson RICHARD II. supported them on the right, as his grandfather Edward did; and on the left by a hart: But these do not appear on their seals of arms appended to their public deeds.

Others again affirm, that RICHARD II. who began to reign in the year 1377, was the first King of England that used supporters, but used not the above-mentioned harts, but two angels; as Jacob Imhoff, who says, "That his successor

"HENRY IV. the first king of the house of Lancaster, carried also angels for his supporters:" But others more confidently assert, that the last mentioned had for supporters an antelope and swan, though neither of those are to be seen supporting his arms on his seals given us by Sandford. But these supporters they seem to bring from his devices, which he had on his horse-furniture when Duke of Hereford, and when he appeared in public combat against Thomas Mowbray Duke of Norfolk, in the reign of Richard II.

His son HENRY V. is said to have the arms of England supported on the right by one of the lions of England crowned *or*, and on the left by an antelope: But on his seals, given us by Sandford, his arms are not supported, though the seal of his Queen Catharine, daughter to Charles VI. of France, has (as in Sandford's book) her arms impaled with the king's, and supported by two antelopes, both gorged with coronets and chains thereto affixed; and our author observes, that these were the first supported arms he found carried by any Queen in England.

HENRY VI. son of Henry V. had his shield of arms supported with two antelopes *argent*, gorged with coronets and chains affixed to them, and attired *or*; as our author, who says they were so carved over the gate of Eton College; though others make the supporter on the left to be a leopard spotted proper, with fire issuing out of his mouth and ears.

EDWARD IV. the first of the house of York, used several devices or cognizances, to show his descent; some of which I mentioned in the former chapter, which sometime after he used as supporters of his arms. Sandford gives us the following instances in three several places. *First*, "On a window of Trinity-church in Chester his arms are painted standing on a falcon within a fetter-lock, and supported by the bull of Clare, being *sable*, crowned and hooped *or*, and the lion of March, being a lion *argent gardant*. *2dly*, Over the Library Gate in the University of Cambridge, his achievement is supported with two lions *gardant*. *And*, *3dly*, In Windsor Chapel they are supported with the lion of March and the white hart, the device of Richard II."

EDWARD V. son of Edward IV. had his arms supported with the lion of March on the right, and on the left by a white hind.

RICHARD III. had his arms supported by two white boars; but some say he placed on the right the lion of March.

HENRY VII. representer of the House of Lancaster, and restored again to the throne of England, supported his arms on the right side by a red dragon, on account that that creature was the device used by CADWALLADER, the last King of the Britons, from whom he derived his descent; and on the sinister by a greyhound *argent*, collared *gules*, in right of his wife Queen Elizabeth of York, of which before: But on her tomb her arms were supported by two angels; and their eldest son, Arthur Prince of Wales, had his arms supported with two antelopes.

HENRY VIII. of England, on his first seal, had a dragon and hound as his father; but afterwards he discontinued the greyhound, and supported his shield on the right side with one of the lions of England, *viz.* a lion *gardant or*, and transported the dragon to the left side. His son

EDWARD VI. crowned the lion with an imperial crown, and had the dragon on the left side.

Queen MARY had an eagle on the right side; but Queen Elizabeth restored again the lion to the right side, and the dragon as before on the left.

Upon King JAMES VI. his accession to the crown of England, the dragon was discontinued, and in its place stands the unicorn of Scotland on the left side of the achievement of England, but on the right of that of Scotland, with the lion of England on the left: each supporting the arms of these kingdoms, as they stand marshalled. Which position of different supporters is to be observed: That is to say, in marshalled arms the coat which is first on the right side is supported by the supporter properly belonging to those arms, and those on the left by the supporter belonging to them; but if they have none, then, for beauty's sake, the supporter on the right is doubled on the left. In subjects' arms also impaled or quartered, the supporters uphold the arms of the family to whom they belong.

As for the use of supporters on the plates of arms of the Knights of the Most Noble Order of the Garter, which are placed upon their stalls in the Chapel of

Windsor, (though they or their progenitors might have had them sooner elsewhere) the same was but generally practised in the reign of Henry VIII. (as Ashmole, chap. 25. §. 3.) there being only two instances where supporters were added before Henry VIII. the one of JOHN BEAUFORT first Duke of SOMERSET of that name, made Knight of that order by Henry VI. and the other by ANTHONY WIDVILLE Earl RIVERS in Edward IV. And no other example can be given till Henry VIII. in whose time it was the common usage for the knights not only to have supporters, but their mottos and devices engraven on their plates upon their stalls.

## C H A P. VIII.

OF DIADEMS AND CROWNS THEIR ANCIENT AND MODERN FORMS.

WITH the Romans, diadems and crowns differed, not only in matter and form, but in their representations, for the diadem was a sign of kingly power, and the crown, of subaltern power, eminency, and triumph. After the subversion of kingly government, the Romans could not hear nor see the diadem, but imprisoned those persons who attempted to honour the statutes of the Roman kings with such, as historians tell us; though the diadem was with them but a piece of white silk or linen, which went round the temples of the head like a fillet, called *candida fascia*, such as these to be seen about the heads of Moors, for which in blazon they are said to be *diademé*; whence the imperial double eagle, from the two circles which we see surround the two heads, is said to be *diademé* and not *couronné*: Yet with other nations the diadem was a circle of gold adorned with precious stones, as it was afterwards with the Romans. As the author of *Observationes Eugenio-logicæ* says, “ Enimvero prisca illa fascia, linea nullo artificio operata, nullis opibus tumida, nullo accersito lumine corusca, sed solo candore conspicua fuit; cui tamen simplicitati multa cohærebat majestas: “ Apud alias vero gentes magis ambitio aut opulentia prævaluit, apud quas fascia “ illa aurea, et quidem gemmata fuit.”

Crowns, coronets, and garlands, being all ornaments of the head, and distinctive marks of dignity, or tokens of noble exploits, are all of them in Latin known by the name of *corona*. The first Roman emperors wore no other crowns but garlands of laurel, which betoken victory, because the people of Rome abhorred all signs of royalty: But as their power and ambition increased, they began to assume diadems. Antony the consul presented one to Julius Cæsar; and that it might the more easily pass with the people, environed it with a laurel crown: The diadem to represent his kingly power, and the other his triumphant victories.

They likewise had *radiant crowns* of gold, being circles of that metal, brightened with rays or points, and on each of these a star, the emblem of an heavenly crown, by which they showed their descent from the gods.

The Emperor Aurelian is said by Selden to be the first Roman emperor that publicly wore a diadem of gold. Constantine the Great used the same, and transmitted it to his successor, brightened or relevate (as the French say) with points, leaves, and arches, topped with a mond, ensigned with a cross; so that the diadem and crown may be said to have been united on the emperors' heads.

Other lesser princes and great men were anciently in use to place their triumphal garlands and radiant crowns on their statues or images, as badges of their victories, eminency, and high descent. Which statues so adorned with those and other trophies, were religiously preserved and esteemed by their posterity, as honourable ensigns of their noble families; and these statues so trimmed were exposed by the Romans at their festivals and solemnities of their funerals, as we do now our armorial ensigns; which, after the subversion of the Roman empire, came in place of their statues; of which I have fully treated in the first part of this System, chap. I. The right of having images or statues was allowed to none but those that were noble, and had *jus imaginum*; and from their practice of placing

such crowns upon statues came the custom afterwards of placing such ornaments upon shields of arms.

Crowns or coronets may be said to be in or on armorial bearings four manner of ways.

*First*, As essential or internal parts of arms; that is, when they are the principal figures within the shield, as the three crowns in the arms of SWEDEN; and GRANT of that ilk with us, who carries for arms *gules*, three crowns *or*. Many other families through Europe have the like arms: But crowns so placed are no marks of sovereignty and dignity of whatever form they be.

*2dly*, When they are additional to armorial charges within the shield, they are but ornaments, whatever form they be of, and no ensigns of sovereignty or dignity; as that which ensigns the hart in the arms of the name of DOUGLAS, and that which crowns the lion in the arms of OGILVIE. And so of other figures thus adorned in many bearings with us and abroad.

*3dly*, When crowns are placed upon helmets which timbre shields of arms, they are then marks of sovereignty, being ordinarily so placed by sovereign princes: But when they are placed upon helmets by subjects, they are not signs of dignity, and only show the bearer to be a gentleman of name and arms. We find by practice that many carry crowns on helmets in place of wreaths. Menestrier tells us, "That that custom is from the tournaments, especially those solemnized in Germany, where knights are allowed to adorn their helmets with them; as others also, who have been allowed to exercise in such desports. Hence it is, says he, we see so many German achievements, whose helmets are adorned with crowns." And, as I observed before, though there are many helmets ordinarily placed upon the German shields of arms, according to the number of the feus by which they have votes in the circles of the empire, yet we see but some of them adorned with crowns: And the reason our author gives, is, because some of these feus are not privileged to carry a crown; or that the ancient possessors of them had never been at tournaments. He gives us for example the achievement of DE FUSHEN timbred with three helmets, where one of them is only crowned.

The custom seems to be ancient and frequent in England. Morgan, in his Heraldry, lib. 3. page 45. says, "That crowns above helmets are common to many, but under the helmet to few." Sandford, in his Genealogical History of England, gives us the arms of ROGER Earl of MARCH and ULSTER in the reign of Richard II. timbred with a helmet, ensigned with a ducal crown, out of which issued a plume of feathers for crest, though he was not a duke but an earl, to show his eminent descent, being grandchild of Lionel Duke of Clarence, third son to King Edward III. by his eldest daughter and heir Philippa. Many other modern instances may be met with in Guillim's Display of Heraldry, especially in the last editions of that book, where ducal crowns are upon helmets in place of wreaths, by earls, viscounts, lords, who commonly have their respective proper coronets below the helmet on their shield of arms.

With us also some noble families, though but earls, have been in use to place ducal crowns on their helmets for their wreaths; as the Earls of PERTH and WINNOR having also their proper coronets between the helmet and the shield. This practice has been used by our lesser barons and knights with us; the family of PRESTON of Craigmiller have a ducal coronet upon the helmet in place of the wreath, out of which issues the crest, which is to be seen on the House of Craigmiller for a long time; and several other families do the same with us; some on the account of favour, and others to show their eminent descent, as the younger sons of our nobility.

*4tly*, When crowns are placed immediately above the top of the escutcheon, they are then ensigns of sovereignty, and especially the dignity of nobility, whose degrees they show by their forms; of which by and by. But, first, of the crowns of sovereigns, which are either imperial or royal.

*Imperial crown* is properly that which is worn by the emperor; the circle being of gold adorned with precious stones, and releveled or brightened with points, sometimes flowery at the top, which the emperors both of the West and East anciently placed upon their golden helmets. Though they were open and not closed,

yet they appeared like close crowns long before such were in use by emperors, who were the first that assumed arched crowns topped withmonds.

The German emperors used close crowns first, and had the arches and bonnet very high, to show an eminency above kings: But those of France, in emulation of the emperor, took the same form of crowns, till the Emperor Charles V. turned his close crown to the form we see it now of, to distinguish it from other royal close crowns: Thus described by the best of writers, viz. "A circle of gold adorned with jewels and precious stones brightened or relevate (as the French say) with leaves like those of the oak tree, (the emblem of old age and strength) and closed with arches curiously wrought, rising from the circle, environing a rich high cap, or tiara, open on the top, in such manner as somewhat represents a mitre, (some say a crescent) and closes with a globe having a cross on it."

The King of the Romans, and Archdukes of Austria, being ordinarily sons of emperors, had their crowns closed with an arch, and topped with a mond, since the year 1477: For MAXIMILIAN the King of the ROMANS, son of the Emperor Frederick III. had his shield of arms timbred with a crown relevate with broad leaves, like those of the oak, and closed with an arch. And his son PHILIP, as Archduke of AUSTRIA, had such another, but relevate with points: And when he was King of SPAIN he had only an open crown, as all his predecessors Kings of Spain; as in Olivarus Uredus his Collection of Seals.

*Royal crowns* being anciently open, and worn by every king, but now being being closed at the top, they call them *imperial ones*, and themselves are said invested with imperial power, altogether independent on any man.

The royal crown of Spain was a circle of gold adorned with jewels and precious stones, and brightened with eight leaves of gold like those of the oak tree, but not closed with arches till Philip II. who married Mary Queen of England, and is now called an *imperial crown*.

The crowns of SWEDEN, DENMARK, POLAND, and BOHEMIA, were all relevate with leaves of the oak, and open; but are now closed with arches, and so named imperial.

The crowns of the kings of France were and are relevate with flower-de-luces, (the figures of their arms) and were not closed with arches, and topped with a double flower-de-luce, till Charles VIII. of France, who is said by some to be the first that used a close crown, on pretension of being emperor of the Eastern Empire; as by his medals, where he is represented on horseback with a close crown upon his head, with the inscription, *Carolo imperatori orientis, victori semper Augusto*: But, as King of France, the close crown did not belong to him; therefore the first close crown for that kingdom is more rightly ascribed to Francis I. who wore it in emulation of the Emperor Charles V.: As the author of *Observationes Eugeniaologicae*, "Franciscus primus Galliarum Rex, Caroli quinti imperatoris amulus, laminam aliam auream octo liliorum flosculis circumactum, tot superne ramulis concluderet, ex lamina prodeuntibus, & in unam aspiciem qui lilio superno terminantur reductis, adeo ut speciem quandam diadematis imperialis referat;" and for that cause the above-mentioned emperor altered his crown by making it like a mitre, and ending in the *sommet* like a crescent.

In England the kings of the Saxon race had crowns (says Selden) after the fashion of other nations at that time, being a plain fillet, or circle of gold: And King EGBERT was the first that brightened it with points or rays; but EDWARD IRONSIDE topped the points with pearls. WILLIAM the CONQUEROR, the first of the Norman race of kings, had his circle fleury: But by his seal, given us by Sandford in his above-mentioned book, the crown on his head is relevate with points and leaves; but the points are much higher than the leaves, and each of them topped with three pearls 1 and 2, and the cap or tiara topped with a cross patee. His son William's crown was only brightened with points pearled on the top, and not accompanied with flowers. Again, MAUD Queen of ENGLAND had her crown relevate with leaves and points, but the leaves or flowers were higher than the points: And all their successors to Edward III. had their crowns variously relevate with points and flowers alternately, sometimes the one higher than the other. EDWARD III. whom I just now named, brightened his crown with flower-de-luces and cross

patees. And EDWARD IV. of the House of York, was the first King of England that, on his seal of arms, is represented sitting on his throne with a close crown on his head; and on the reverse, with another, on horseback, and on it a lion *passant gardant* for crest: Which crown was relevelate with flower-de-luces and crosses-patée alternately, and arched, as I could understand by the seal with four arches, and topped with a mond, ensigned with a cross patee. But his queen, ELIZABETH WIDVILLE, had over her arms, impaled with those of her husband's, a coronet (not arched) relevelate with four cross patees, and as many flower-de-luces, and between them eight flowers of a lesser size, which Sandford gives us.

EDWARD V. and RICHARD III. had the same crown with Edward IV. and Henry VII. and all of them used the same on the heads of their effigies. Henry VIII. not only had such an one on his effigies on his seals, but tumbled his shield of arms with such, whom Sandford observes to be the first in England that did so; and the same form and practice continues.

The ancient crown of the kingdom of SCOTLAND was of another form, (as our historians tell us) that is, its circle of gold was brightened with stakes, or piles, so formed by FERGUS I. after his victory over the Picts, whom he attacked in their camp, and broke down their barriers or palisadoes; and that form of crown continued with his successors till ACHAIUS, who entering into that solemn league with Charlemagne of France, relevelate with flower-de-luces and crosses fleury alternately, as a badge of that memorable league: Which alteration is not only attested by our own historians, but by foreigners; as Pet. Grego. *de Repub. Limneus de Jure Pub.* And Hoppingius, cap. 6. page 3. has these words, "Acceptis in coronæ circo quatuor liliis aureis, cum salutiferæ crucis quatuor aureis signis, paulo eminentioribus partibus intervallis discretis, ut inde Scotiæ gentis Christianæ religionis, inviolatæque fidei observatio omnibus dignosceretur."

The crown of Scotland, after this form, I have seen on pieces of coins of ALEXANDER III. ROBERT the BRUCE, and their successors; and the first time I met with it closed with arches, is on a silver coin of King JAMES II. where his effigies is represented with a close crown on his head, and topped with a mond, surmounted with a cross patee: And in other pieces of his coins the crown is not closed with arches, but open, and only relevelate with flower-de-luces and crosses-fleury; and so on all the coins of his son King JAMES III. that I had occasion to see: But on the large pieces of coin of King JAMES IV. his head in profile is crowned with a close crown, as are those of his successors.

In the year 1704, I had the opportunity frequently to observe the forms of our regalia, viz. crown, sceptre, and sword of honour, by the favour of the ingenious Mr William Wilson, one of the Clerks of our Council and Session, who, for a long time, was keeper of those honours under the Earl Marischal, during the Sessions of Parliament. And in the foresaid year, in presence of several gentlemen, antiquaries, jewellers, architects, and others, whose names I could here mention, if convenient, I drew, by their assistance, a particular description of the regalia, which, unknown to me, was sent to England to Guy Miegé, who, I cannot but say, has caused print it truly in his Present State of Scotland, 1707. But since I am here treating of imperial crowns, I shall add a description of that of Scotland, especially since it hath been formerly misrepresented in its structure and form by writers, painters, and engravers, who have made it the same in form with the imperial one of England. The form of it is thus:

1<sup>st</sup>, The imperial crown of Scotland is of pure gold, enriched with many precious stones, diamonds, pearls, and curious enamellings. It is composed of a large broad circle, which goes round the head, adorned with twenty-two large precious stones, viz. topazes, amethysts, garnets, emeralds, rubies, hyacinths, in collets of gold of various forms, with curious enamellings; and betwixt each of these collets and stones are placed great oriental pearls, one of which is wanting.

2<sup>dly</sup>, Above the great circle there is another small one formed with twenty points, adorned with the like number of diamonds and sapphires alternately; and on each point there is a great pearl.

3<sup>dly</sup>, The upper circle is brightened with ten crosses-fleury, each being adorned in the centre with a great diamond betwixt four large pearls put cross-ways; but some of these pearls are wanting: Those crosses-fleury are interchanged with ten.

high flower-de-luces alternately betwixt the great pearls below on the points of the second circle.

This is said to be the form of the crown of Scotland, since the league made betwixt Achaus King of Scots, and Charles the Great of France. It differs from other imperial crowns in that it is brightened with crosses-fleury alternately with flower-de-luces; whereas the crown of France is brightened with flower-de-luces, and that of England with crosses patee alternately with flower-de-luces. The Scots crown, since King James VI went to England, has been, as I have said, ignorantly represented by herald-painters, engravers, and others, after the form of the crown of England, with crosses patee; whereas there is not one cross-patee, save that on the top of the mond, or globe, for all the rest are crosses-fleury, such as we see in our old coins and churches.

Our crown is closed thus: From the upper circle proceeds four arches, adorned with enamelled figures, which meet and close at the top, surmounted with a celestial globe, enamelled blue *semé*, or powdered with stars, with a large cross patee on the top, adorned in the extremities with a great pearl, and cantoned with other four in the angles. In the centre of the cross patee, on the fore part of the crown, there is a great pearl, and below it, on the foot of the polar part of the cross, are these letters, J. R. V.; by which it appears to some King JAMES V. was the first that closed the crown with arches, and topped it with a globe and cross patee: But I have shown before that King James II, on his coins had a close one.

The tiara or bonnet of the crown was of purple velvet; but, in the year 1685, there was put in a cap of crimson velvet, adorned, as before, with four plates of gold richly wrought and enamelled, and on each of them a great pearl half an inch in diameter, which appears between the four arches, and the cap is faced with *ermine*.

Upon the lowest circle of the crown, immediately above the furr *ermine*, there are eight small holes, two and two together, in the four quarters of the crown, in the middle space betwixt the arches: To which, as I am informed, at the occasion of the coronation of our kings, they were in use to tie a fillet round, beset with precious jewels, as a diadem; after which solemnity they were loosed from the crown, being the proper jewels of the royal family at the time. The crown is nine inches diameter, being twenty-seven inches about; and in height, from the under circle to the top of the cross patees, six inches and an half. It always stands on a square cushion of crimson velvet adorned with fringes, and four tassels of gold hanging down at each corner, when carried to our parliament with the sceptre and sword. Which two last I shall describe in another place, and return to the descriptions of the crowns of other sovereign princes.

The Dukes of SAVOY have closed crowns with four arches terminating in a globe, surrounded by a cross, taken by the Duke VICTOR AMADEUS, at the time when he assumed the title of Royal Highness, after the example of the DOGE of VENICE; who having taken upon him the title King of CYPRUS, and caused his ambassador at Rome to bear a crown closed, the Duke of Savoy, had as good a title to call himself King of Cyprus, demanded the same privilege, and had it allowed, on account that those two dukes possessed kingdoms with sovereign dominion. Now these dukes have been distinguished by the name of Kings of SARDINIA: Other republics, which do not possess kingdoms, nor have pretensions to them, as the Republic of LUCCA, have only open crowns.

The crown of the great Duke of TUSCANY is open, and the circle is brightened with points alternately, with trefoils and a large flower-de-luce on the fore part, which Pope Pius V. put on the head of COSMUS DE MEDICIS, when he honoured him with the title of Great Duke of TUSCANY, the 5th of March 1570. And on the inner side of the circle are these words, " Pius Quintus pontifex maximus, ob eximiam dilectationem ac catholicæ religionis zelum, præcipuumque justitiæ studium donavit."

The crown of the DAUPHIN, the eldest son and heir of France, is a circle of gold brightened with four flower-de-luces, and as many leaves of the oak tree, like trefoils alternately; and, of late, has been closed with four arches after the form of dolphins, meeting with their tails at the top, and surmounted with a high

flower-de-luce; which form of a close crown was presented to Lewis XIV. by Abbot Briantville, *anno* 1662. To pass by all these fancies ascribed to the nature and properties of the dolphin which the ancients have left us, I think the greatest honour done to him is his being carried by the eldest son of the kings of France, and next heir to the crown; and that may, with good reason, be concluded to have proceeded only from the name. The DAUPHINS of VIENNE, Sovereigns of the Province of Dauphiné in France, having taken it for their arms. *Dauphin* in French, and *dolphin* in English, being the same thing. And the last of those princes having no issue, gave his dominions to the crown of France, upon condition that the heir of the crown should be called Dauphin, and ever bear a dolphin for his arms, which they have accordingly done ever since, and been so nice in preserving that bearing to themselves, as never to permit any other subject to bear it, except the counts of FORREST, as descended of the Dauphin of Vienne. But in England, where that rule cannot take place, there are several families that have dolphins in their arms; as *argent* on a chief *gules*, a dolphin *naïant* embowed of the field, is borne by the name of FISHER; and *or*, three dolphins *haurient azure*, is the coat of the family of VANDEPUT.

With us several families carry dolphins; as MONYPENNY of Pitmilly in Fife, taken notice of in the First Volume of this System, page 357.

The crown of the Prince of WALES, the apparent heir of England, is brightened with flower-de-luces and cross patees alternately, as the crown of England itself, but open, and not closed with arches. Upon the restoration of King Charles II. it was ordered by the king in council, "That the son and heir apparent of the crown of England should bear his coronet brightened as before mentioned, and closed with an arch, adorned on the top with a mond ensigned with a cross patee, as the Royal Diadem." Likewise it was ordained, "That the Duke of York, and all the immediate sons and brothers of the kings of England, should use and bear their coronets brightened with cross patees and flower-de-luces alternately only, and not closed: as also their sons respectively, having the title of Duke, shall have and bear their coronets only brightened with cross patees and trefoils alternately; but the sons of nephews shall use coronets as other dukes, not being of the blood royal;" as appears by the said act given us by Sandford in his history, at the title of James Duke of York.

Imperial royal crowns are ensigns of sovereignty, and ordinarily placed on the top of the helmets, which timbre the escutcheons of sovereigns; (but otherwise placed by our nobility, of which afterwards) yet when sovereigns use not their helmets on shields, then they place their crowns immediately upon the shields: This was first practised in France, as Menestrier observes, by Charles VII. about the year 1422, who placed only a crown on his shield of arms; and since that time the practice continues there: and I observe that the same is also practised in other kingdoms.

Sandford, in his Genealogical History of England, observes, "That HENRY VI. who began his reign 1421, in the 23d year of it had on his seal of arms the armorial shields of England and France, both timbred only with crowns of the respective kingdoms; and that they were the first royal escutcheons he could meet with so adorned, the crowns being all open."

Amongst Mr Sutherland's Collection of Coins, I did see a piece of gold coined by King ROBERT II. upon which was the shield of arms of Scotland adorned with an open crown; and the same practice is to be seen on the coins of his successors: But King JAMES II. had on some of his coins, as I observed before, a crown closed with arches.

Queens of sovereign princes did not, of old, timbre their shields of arms with the crowns of their husbands, but with those of their fathers. I have observed that, with us, King James II. his Queen, MARY, daughter of Arnold Duke of Guelders, had on her seal of arms these of Scotland, impaled with her own the arms of Guelders, and only timbred with an open crown brightened with trefoils, such as these which now relevates the crowns of dukes, and I suppose was that of her father's: Which seal of arms was appended to a charter of her's to the Abbot and Convent of Holyroodhouse, the 16th of April 1459.

Menestrier gives another instance, "That in the church of St Dennis in France, on the picture of MARY of Spain, wife of CHARLES of FRANCE Duke of VALOIS, is a crown mural, (*i. e. crenellé or, embattled*) to show she was descended from the House of Castile: So that queens, it seems, of old, by their ensigns of honour, showed their paternal descent."

Having now fully treated of the crowns of sovereign princes, I proceed to these of eminent subjects, and their forms.

Of old, none but sovereign princes used crowns; but some time after their children, to show their descent, did use the same in their father's life, as L'Oseau observes, till of late, that Dukes, Marquisses, &c. were allowed to bear crowns; which allowance had this rise. The children of kings, of old, in France, were kings, and so carried the crown; but thereafter they were forced to take duchies and earldoms for their shares; yet they still retained their crowns to declare their extraction: whereupon other dukes and earls did think they might likewise assume the same, being in the same degree, which obliged the kings of France to distinguish the forms of those crowns; as we now see from L'Oseau, chap. 5. *Des Seigneuries*: And from this also did proceed the king's calling, all such of the nobility as bear crowns, his cousins, as the same author observes.

The forms of the crowns of the sons and brothers of France, whether dukes, marquisses, or earls, to show they are of the blood-royal, are brightened with flower-de-luces, as the crown of France. And that practice has been under consideration, when King CHARLES, by his act, (before mentioned) regulated the crowns of the princes of the blood-royal in England, that they be brightened with flower-de-luces and crosses pates, as the royal diadem; whereas those of other dukes, marquisses, and earls are brightened with trefoils or leaves, like to those of smallage, both in France, Great Britain, and other kingdoms; of which afterwards. It may be observed here, that the first peers that used coronets in Scotland and England, were sons, brothers, or nephews of those kingdoms.

It is the opinion of many learned heralds, that the crowns of dukes, marquisses, &c. (not of the blood royal) which timbre the escutcheon of their arms, are not marks of noble descent, but of noble feus and dignities; as the author of *Observationes Eugenio-logicae*, "Coronas hodie non esse indicia nobilitatis avitæ, adeo ut nemo ratione nativitatis jus habeat coronam gestendi, præter regum seu imperatorum filios, qui jure ipso naturæ principes habentur, & jus coronæ principalis armis imponendi retinent, cæteri non nisi ratione possessionis territorii in coronæ titulum avecti habeant." Therefore, with us, the younger sons of our high nobility do not adorn their escutcheons of arms with the coronets of their fathers, because they do not succeed to their dignities; and none can legally use coronets, but the children, brothers, and nephews of sovereigns, to show their royal descent. And from those who are dignified with noble feus and titles, the right of carrying coronets cannot descend to their younger sons, except they succeed to these feus and titles; but if otherwise they assume them, they must place them on the top of their helmets, and not immediately on the shield.

Others again adorn their shields by special concessions of their sovereigns; as the BRANDILINS in Italy, by the concession of the King of Cyprus. And the kings of Spain have laws and edicts very strict against using of crowns, by these who have no right to them; notwithstanding of which they have granted several concessions to families and cities to adorn their arms with crowns; for which, see *Observationes Eugenio-logicae*, at the title of Crown.

The practice with us and the English, of using coronets upon helmets, in place of wreaths, by the younger sons of the nobility, without special licence, ought to be adverted to; though they be not signs of dignity, as observed before, neither can they be proper ones of a noble descent, but rather marks of some merit, favour, or tolerance.

The dignified nobility, being temporal peers of the realm, and lords of parliament, are comprehended under the word *lord baron*, and have coronets; of whom there are five degrees, such as the title duke, marquis, earl, viscount, and lord: And these are either declared such by feudal erections, their lands being erected by the king into a duchy, earldom, &c. The dignity of which feu, of old, did, of itself, give the honour and privileges in whose favours the lands were so erect-

ed; otherwise, both with us and other nations, they were honoured with these titles by a formal creation; and, of late, by patents of honour from the sovereign declaring them dukes, marquisses, earls, viscounts, and lords, taking their titles of honour from a country, or part of the same, viz. a town, castle, places where they have estates or dwellings. And some have their titles of honour from their offices, as the Earls Marischals of Scotland and England.

To proceed then to treat separately of the coronets of the fore-mentioned five degrees of dignified nobility; they differ not only in form, according to the quality of the bearers, but according to the nation wherein they are. For though the Scots and English have one form of coronets to the degrees of their nobility, yet they differ from those of the French. In describing of which I shall begin with that of a Duke.

The title of *Duke* came from *Dux*, a leader and commander of an army, who enjoyed the title no longer than the command. But in process of time, great estates being annexed to their office, this dignity became hereditary. King Robert III. conferred the title of Duke on his eldest son David Earl of Carrick, with the title of Duke of Rothsay, *anno* 1399, and was the first of that dignity with us: though others were soon after dignified with the title of duke; as Robert Earl of Fife and Monteith, the said king's brother, was made Duke of Albany.

The form and ceremony of the investiture of a duke or earl, &c. with us, was very solemn; as by our antiquaries and writers, which I think is the same almost with those in England: for which I shall give an account of both their solemnities.

With us, the candidate to be dignified was led into the presence of the king, or his commissioner for that end, in ducal robes: and, after many ceremonies, the king or his commissioner girds him with a belt and sword, puts on his head a coronet, and gives him a golden verge in his hand, with the charter patent of his creation.

The English give a more full account of the creation of their nobility. The first duke created with them was EDWARD, commonly called the Black Prince, eldest son to King Edward III. who created him Duke of CORNWALL in the 11th year of his reign, and erected it into a dutchy; as may be seen in the charter of investiture, taken notice of by Selden. There is no mention of any ceremony but the girding with the sword; and ever since the sons of the kings of England have been Dukes of Cornwall without any other creation. But afterwards, in the charters of investiture of LIONEL Duke of CLARENCE, and JOHN Duke of LANCASTER, both sons to the said King, there is mention not only of the sword, but of a cap and coronet of gold; and later times have mentioned the verge or rod of gold. Our author says, "The girding with the sword is to put him in mind, that he is bound to defend the king and kingdom in time of war; and adorning the head with a coronet of gold is a token that he was a counsellor to the king and kingdom in time of peace."

Since these times all kings have created dukes, and they are still growing more numerous. The manner of creating a duke in England, according to English writers is thus: "The person to be created, having his hood and surcoat on, is led betwixt a duke and a marquis, a marquis going before with his sword, and before him an earl with the robe and mantle on his arms. The mantle is of crimson velvet, guarded about the shoulders with four guards of *ermine*: on the right hand an earl bears the cap of state, (the same as the mantle) doubled *ermine*, but not indented, as those of the blood-royal are. The cap within a coronet of gold, adorned with leaves without pearls. On the left hand another bears a rod or verge of gold. All the said peers are to be in their robes, and thus to conduct him to the presence-chamber, where, having made obeisance three times to the king sitting in his chair, the person to be invested kneels down: Then Garter King at Arms delivers the patent to the king's secretary, and he to the king, who returns it to be read aloud; and when they come to the word *investimus*, the king puts the ducal mantle upon him that is to be made a duke; and at the word *gladio cincturamus*, girds on his sword: at the words *cappe & circuli aurei impositionem*, the king likewise puts on his head the cap and coro-

“ net of gold ; and at the words *virgæ aureæ traditionem*, he gives the verge or rod of gold into his hand. Then the rest of the charter being read, wherein he is declared duke, the king gives him the said charter or patent to be kept.”

I shall not insist here upon the privileges of dukes, but refer the readers to the English writers upon that subject. The eldest sons of dukes are, by the courtesy of England, stiled marquisses ; and their younger sons lords, with the addition of their Christian name, as Lord John, Lord James, &c. and take place of viscounts : and the same practice is with us, though not authorised by any laws of the land. A duke has the title of Grace ; and being wrote unto is stiled Most High, Potent, and Noble Prince. Dukes of the blood-royal are stiled Most High, Most Mighty, and Illustrious Princes.

The coronet of a duke with us, both of old and at this time, is a circle of gold adorned with precious stones, brightened with leaves like those of the oak tree, smallage, or great parsley: Such an one is to be seen adorning the shield of Alexander Duke of Albany, brother of King James III. on several impressions of his seal of arms. The tiara or cap of the coronets of all the dukes of England, Scotland, and France, are of crimson velvet turned up *ermine* ; but the turning up *ermine* is not indented, because that form belongs to the princes of the blood-royal.

The Saxon word *Marquis* was anciently appropriate to the Lords of the Marches, frontiers countries, and towns upon the sea-coasts ; which has since become a title of special dignity next to that of a duke. The manner of creating a marquis differs little or nothing from that of a duke ; and it were too tedious here to mention them again, especially since these ceremonies are in desuetude. The first that was dignified with the title of marquis in England was ROBERT DE VERE Earl of OXFORD, Marquis of DUBLIN in Ireland, by King Richard II. in the year 1337. And the first that enjoyed that title in Scotland were the Earls of ARRAN and HUNTLY, who were both solemnly invested in one day, (after the manner of a duke above mentioned) with sword and coronet, at Holyroodhouse, the 17th of April 1599, their titles being Marquis of Hamilton and Marquis of Huntly.

The coronet of a marquis is a circle of gold, adorned with flowers or leaves, as a duke's, and points with pearls on them ; but the leaves are higher than the points pearled. A marquis's mantle has only three guards of *ermine* and a half, to distinguish it from a duke's, which has four. The title given him in writing, is, Most Noble, Most Honourable, and Potent Prince. By the king they are stiled Our Right Trusty and Entirely Beloved Cousins. The honour is, like the others, hereditary ; and the eldest son of a marquis is, by the courtesy of the land, called Earl or Lord of a place ; but the younger sons are called Lord John, Lord Thomas, or the like.

The marquisses in France for their coronet have a circle of gold adorned with jewels, and brightened with four flowers (like those of the marquisses in Britain) between twelve points, each topped with a pearl.

The title of Earl is more ancient than that of a Duke, or any of the five titles of dignity before mentioned. It is said, by Selden and others, to have come from the Saxon word *Ear-æthel*, which in time was abridged to *Ear-el*, and afterwards, by abbreviation, to *Earl*, signifying Noble of Honour. Some bring it from the Saxon word *Elderman*, a judge, being of the same degree with the Latin *Comes*, by some called a Count, when speaking of foreigners ; and the same is still preserved in the consorts of our Earls, who are called Countesses.

Earls were very anciently with us, even in the time of King Malcolm II. as appears by several passages of our laws and histories. Torfæus, in his History of Orkney, speaks of one *Melbrigidus comes in Scotia*, before the year 900, and of another Meldunus. Fordun, another historian of our country, tells us, “ That Kenneth III. King of Scotland, was killed by Finel, daughter of Gruchin Earl of Angus.” And Sir James Dalrymple, in his Collections, is of opinion, “ That there might be such earls with us of old : But the dignity was not annexed to their families, nor hereditary to their descendants, till the reign of Malcolm III. after whom there is frequent mention made of earls, and a constant succession of that honour in families, that possessed great lands and baronies in the kingdom.”

By our old charters and evidents, it appears that the title *Comes* was only added to the Christian name, without mentioning their lands; as in the charter of King Alexander I. to the church of Scoon; the witnesses there are *Malus comes, Madach comes*, who were Earls of Strathern and Athol. This charter was about the year 1115: as Sir James Dalrymple, Collect. Appendix, page 373.

In England the same practice was, as Selden observes; of which he gives several instances: As *Allanus comes, Rogerus comes*, which continued to the reign of Richard I. who ascended the throne in the year 1180; and then the earls were designed after their countries and lands.

In Britain there have been Earls, or Counts Palatines, who had a more eminent and royal authority within their territories than the ordinary earls; as the Count Palatine of the Rhine in Germany is preferable to ordinary counts there. In England we find mentioned the Earls Palatines of Chester, Pembroke, and Durham: These, says Segar, had royal power within their own jurisdiction: The first of whom, Hugh Lupus, was made Earl of Chester by William the Conqueror, and the county of Lancaster was made Palatine by Edward III. as our last mentioned author tells us, "That the Earl Palatine of Lancaster had under him barons, chancery, and great seal; and the same had the bishops of Durham and Ely." The offices of the barons were to sit in council and parliament with their earls in their respective palaces; and for magnificence these earls kept their grandeur and festival days in their provinces, as absolute princes. Our author here calls their place of residence a palace, which cannot be so said of ordinary earls: And I cannot but take notice, that King James VII. in his charter of erection of the earldom of Winton and lordship of Seaton into a free regality, through all the charter calls the house of Seaton *palatium*, a palace; and, with submission, I think that those earls whose earldoms are erected into a regality, may be understood Palatines. We find few or none called Earls Palatines, mentioned in our records, but *Walterus Comes Palatinus de Strachan*; and Sir George Mackenzie gives this reason why they were so few, "Because the Lords of the Regality had the same power."

The manner of creation of earls is the same almost with that of a duke. The robes of state almost the same, and honoured by the cincture of the sword, imposition of a cap and coronet of gold on their heads, with a verge of gold put into their hands. The robes and mantles are of crimson velvet, doubled with *ermine*, as those of dukes or marquises, but have only three guards of *ermine*; and the cap is also of crimson faced up *ermine*, called *galerus* or *beretum*, especially with the Germans: with the English the coronet is a circle of gold, enriched with stones of several colours, of old not brightened either with points or flowers, as Sandford observes in his Genealogical History of the Kings and Nobles of England, as by those coronets on the effigies of the deceased Earls, Henry Lacy of Lincoln, and William de Valence, whose circles were not brightened. And that the first circle or coronet brightened with leaves or flowers, was that of John of Eltham second son to Edward II. who was created Earl of Cornwall by his brother Edward III. the second year of his reign.

Of what forms, of old, were the coronets of our ordinary earls, I cannot be positive; but in latter times they are the same, as now used by the English, viz. a circle of gold adorned with jewels, and brightened with points topped with pearls, alternately with flowers, like these of the marquises, but the points are higher than the flowers, for difference. The title to an earl is, Right Honourable and Truly Noble Lord.

French earls or counts, according to Columbiere, wear only on their shield of arms, and not elsewhere, their coronets of gold, brightened with nine large pearls, raised on points above the rim. And other writers since Columbiere tell us, "That the counts in France have their circles brightened with nine great pearls only."

The immediate degree of dignity next to that of an Earl is a Viscount, in Latin, *Viccomes, quasi Gubernaturus comitatum*, a lieutenant to an earl or count, and so was only officary, and the same with sheriff of a county or shire. Some of them (as Selden writes) having obtained a feudal gift by inheritance or usurpation, in their jurisdictions, by these means they obtained a settled dignity, which kings afterwards bestowed on others. For having in their hands old duchies and coun-

ties by forfeiture, recognition, or otherwise, they erected out of them this feudal dignity. In France and Spain there are several nobles of this dignity, but none in Germany; nor were any with us till the year 1606, that King James VI. created THOMAS Lord ERSKINE Viscount of FENTON, (now Earl of KELLY), and JOHN RAMSAY Viscount of HADDINGTON, afterwards Earl of HOLDERNESS in England. The reason Sir George Mackenzie gives for that dignity being so late with us, is, because our kings gave not the government of counties and shires to earls, but appointed sheriffs, who depended upon themselves. The ceremonies of creation of a viscount with us is the same almost with an earl, with this distinction, that the robes of a viscount have two bars and a half only.

The coronets of viscounts with us are a circle of gold adorned with diamonds, and brightened with thirteen great pearls only, without either points or flowers.

Some French heralds give to their viscounts only a plain circle of gold: but Favin brightens the rim of it with pearls, and ordinarily with four: as the author of *Observationes Eugenicologicae*, thus, "Laminam auream nudam, vel quatuor tantum unionibus conspicuam." Menestrier brightens their circles with nine pearls, 3, 3, and 3 together.

To let us see what the English say, besides Segar, Guillim, and others, I shall give the words of the author of the New Dictionary of Heraldry lately printed. "Viscounts, in Latin *Viccomites*, says he, are well known to have been no other than deputies or lieutenants to earls or counts, as proconsuls were the degree under consuls. There were no such in England before the reign of Henry VI. who, in his 18th year, created John de Belmont a Viscount; and it is since become a name of dignity between an earl and a baron, as the marquis is between the duke and the earl; whereas formerly it was only a name of office; for the sheriffs were called *Viccomites*, as being vicegerents to the earls, on whom the several counties depended. The ceremony of his creation is so much the same with that of a baron that it is needless to repeat it here. He has also a surcoat, hood, mantle, verge, cap, and coronet; the doubling of the cap all white without spots, as are the guards of his mantle, being two and a half, to distinguish him from a baron, who has but two; and that fur is called *miniver*, being made up of the bellies of squirrels. The rim of his coronet of gold is set round with pearls, not confined to any number; which is another distinction from a baron, who has but six; but they must not be raised above the said rim. The title given him is Right Honourable, and Truly Noble, or Potent Lord. He has the privilege of having a cover of essay held under his cup when he drinks, and a traverse in his own house; and a viscountess may have her gown borne up in the presence of a countess by a woman, and out of it by a man. The eldest son of a viscount has no title of peerage, nor are his daughters ladies; but his eldest son and daughter take place of all gentry, and before those of a baron. In France, according to Columbier, viscounts have only a circle of gold, or a coronet enamelled with four large pearls on it."

Again, the said Dictionary tells us, "That a viscount's coronet has neither flowers, nor points raised above the circle, like the other superior degrees, but only pearls placed on the circle itself, without any limited number, which is his prerogative above the baron."

Matthew Carter narrates, "That this title of viscount is derived from the same order in France: And that viscounts at first were only substitutes to earls; till getting themselves into power, got also to have the title Honorary and Hereditary, between the earl and baron;" it being the same word which signifieth our sheriff, and began not in England till about the 18th year of King Henry the VI. who then created John Lord Beaumont Viscount of Beaumont, by letters patent.

Though Sir John Ferne tells us of it in the time of King Henry I. and King Stephen; and though the elder sons of dukes are stiled earls during their father's lifetime, as also the eldest sons of marquisses are stiled by their fathers *viscounties* and *baronies*, and called lords, and the younger sons saluted with lord, yet it is by courtesy only that they assume these titles.

To this degree of a viscount was allowed (by the Parliament of England in the reign of King James I. monarch of Great Britain) a surcoat, mantle, hood, and a circulet, without either flowers or points as foresaid, and is created with the same ceremonies that those of a higher dignity and title of honour above him are.

The last degree of our high nobility is the Lord Baron, or Lord of Parliament. Which title of baron is as ancient in Britain as any of the titles before mentioned, and came in place of thane, as a barony did for thanedome; since which time the word *baron* denoteth all kinds of lords of parliament, as well earls as others: And baronage is a collective of all dignities. For now there is no duke but is also marquis, earl, viscount, and baron, and so are those of the dignity of marquis, earls, and viscounts; and all of them are barons or possessors of honourable possessions, which is the root of all feudal dignities.

The word *baron* is variously interpreted, as first coming from the Greek word *baria*, which signifies *authoritas gravis*, a wise and discreet man. Bracton interprets it, *robur belli*. Again, Sir Henry Spelman saith the Gothic word *bar*, *barn*, or *bern*, is the same in Latin with *vir*, whose derivation is from *vi*, force; and from thence, *sunt et alii potentes sub rege qui dicuntur barones*, id est, *robur belli*. And taking it in that sense we now understand it, Sir Henry Spelman calls him *cliens feodalis*, and *vassalus capitalis*. "Husjusmodi sunt (saith he in his Glossary, page " 79.) qui pagos, urbes, castra, vel eximiam ruris portionem, cum jurisdictione " acceperunt a rege;" and the word *vir* or *homo* (as with the English, *baron* and *femme*, for man and wife) may be applied to those who had territories given them under the tenor of homage, as becoming a man to him that gave them, and were called barons. But not to insist farther on the derivation of the word *baron*, I shall give the words of the author of the new Dictionary of Heraldry, lately printed at London, 1725, in octavo, as follows:

" *Baron*, from whence derived, is no easy point to determine; the Romans having had no such dignity among them, though they had the word: and Bracton " says the word *barones* imports men of valour. They are the lowest dignity " among the English peerage, but were of great power and authority in former " ages, as may be seen by those that read the barons' wars. All that is said about " their original, being only guess work, we shall pass it by, and speak of what is " evident. All the peers of England sit in Parliament by their baronies, though " they be besides, dukes, marquisses, or earls; and the archbishops and bishops " have baronies annexed to them, as abbots had formerly, in right whereof they " are said to sit among the peers. But there is no doubt of the spirituality being " a distinct body from the temporality, and so they were formerly reputed in " England, and are to this day in other nations, howsoever they may be here " looked upon now, which is not our business to discuss. Barons are divided into " three sorts, viz. barons by tenure, barons by writ, and barons by patent. The " barons by tenure are the bishops, who enjoy their baronies by virtue of their being chosen to their sees. A baron by writ is he that is called to sit in Parliament by the sovereign without any preceding title, of which there have been " many instances; and the sons of noblemen during the lives of their fathers, " when they had no right as yet by their birth to sit among the peers, have been " often summoned to the House of Lords in this manner."

" The manner of erecting a baron by patent is thus: He appears in court in his " long robe and hood, attended by several persons of quality, two heralds walk " before him followed by Garter King at Arms holding the king's writ; a baron, " supported by two gentlemen of distinction, brings the robe or mantle, and so " they come into the king's presence, kneeling three times. Garter delivers the " writ to the Lord Chamberlain, which is then read, and when they come to the " word therein, *investimus*, we have invested, the king puts on his mantle, and the " writ being read out, declares him and his heirs barons. The writ is given to " the king, who delivers it to the new baron, who, after returning thanks for " the honour received, withdraws with the same attendance as he came, to entertain the nobles that introduced him at dinner. When dinner is brought up, " Garter coming to the table with the heralds, cries *largess*, and repeats the king's " stile and titles, and then, at some farther distance, they again cry *largess*, and

proclaims the titles of the new made baron thus: *The most noble Lord N. N. Baron of N. &c.* and then bowing, they withdraw, crying, twice more, *largess, largess.* Where note, that these declarations are made in French. So Mr Glover in his *Nob. Pol. et Civ.* of Barons made by writ, he says thus, The new baron having received his writ, when the House of Lords is sat, Garter King at Arms, barcheaded, and wearing his kingly coat, goes before the said baron, who is led, by two of the last barons in their robes, into the House, and brought before the Chancellor, to whom, after kneeling twice, he delivers his writ to read. The Chancellor having read it, congratulates him upon his new honour, and so dismisses him to take his seat, which is showed him, Garter still going before; and the Chancellor delivers the writ to the clerk of the Parliament to be laid up: After which the baron enjoys all the honours and prerogatives due to a baron." Glover as above.

King Richard the II. was the first that erected a baron by patent, in the year 1388, being the 11th of his reign, when he conferred that honour on JOHN BEAUCHAMP of Holt, Baron of Kidderminster, investing him with a surcoat, hood, mantle, cap, and verge, being all the same with those of a viscount, only with this difference, that a viscount has two guards and a half of miniver, and a baron but two. The baron is not girt with a sword, nor had they any coronets till the reign of King Charles II. who gave them a circle of gold with six pearls set close to the rim. The title given a baron is Right Noble Lord, and it is allowed him to have the cover of his cup held underneath whilst he drinks: and a baroness may have her train held up by a woman in the presence of a viscountess: The eldest son of a baron has no particular title, nor are his daughters ladies, but the eldest son and eldest daughter take place of all other gentlemen and ladies: The coronet of a baron in France, says Columbiere, is a circle of gold enamelled with a string of pearls round about it, which they place over their arms.

In former times great lords and knights of renown used chaplets of pearls, and did set them on their heads in summer or hot weather; such was the chaplet of pearls given by King Edward the III. of England to EUSTACHE DE RIBEAUMONT, his prisoner of war, as to the person that had fought best, and forgave him his ransom. For they mistake who think it was a count's coronet, the same being only a present and honourable reward in token of valour and liberty, according to the custom of those days.

The word *baron*, says Matthew Carter, is a general title in England (as it is also in Scotland) to all lords of the Great Council of Parliament, and in Naples and Lombardy, where all those lords that are called *titulati* are in general stiled barons. This word was used by the Danes in the stead of thane, which was among the Saxons a title of honour, and being next the king, he was called the king's thane.

And Selden tells us, folio 87. "That in the laws of William I. instead of the earl, king's thane, and middle thane of the Saxon times, the title of count or earl, of baron, and of valvasor are used." By which we understand it to have been, though not in the same name, yet notion, a feudal honour of great antiquity. And Sir Henry Spelman says, "They were such as had not only castles, towns, or great part countries in their jurisdiction, but they had their *valvasores*, (*minores*, I conceive; for there were then *valvasores, majores, et minores*; *milites, et libere tenentes*) which should signify an honour of command in the commonwealth."

It has been a common opinion, that every earldom in times past had under it ten barons, and every barony ten knights' fees holding of him: But those knights' fees (says other authors) were uncertain for number. However, we find many barons created in the times after the coming in of the Normans, that held both of knights' service, and of the crown in chief, which were either spiritual or temporal; and it is certain, that all honorary barons, from the Conquest till the latter time of King John, were only barons by tenure.

The spiritual barons were distinguished from the temporal thane, in time of the Saxons, by holding their lands free from all secular service, excepting *trinoda necessitas*, (as it was called); which was assistance in war in building of bridges and castles; and this continued till the fourth year of William I. who then made the

bishopricks and abbies subject to knights' service in chief, by creation of new tenures; and so first turned their possessions into baronies, and thereby made them barons of the kingdom by tenure, as says Mr Selden in his *Titles of Honour*, chap. v. fol. 699, 704. "That all bishops, abbots, priors, and the like, that held in chief of the king, had their possessions as baronies, and were accordingly to do services, and to sit in judgment with the rest of the barons in all cases, but cases of blood, from which they are prohibited by the canon law."

William the Conqueror of England distributed the lands there amongst his Normans, into several possessions, called counties and baronies, to be holden of him for military services. As before him did our King Malcolm M'Kenneth his lands of Scotland, which he possessed by a hereditary right, to his native subjects, into earldoms and baronies, from which they had the honourable titles of earls and barons. And these again distributed parts of their lands to their followers, called *milites*, who likewise give part of theirs to other men called *vassals*, each holding subalternately of others, and the barons of the king for military services, and other feudal duties. So that these kings knew thereby the strength of their kingdoms, and what number of horse and foot they could bring to the field in time of war.

Barons were those who held their possessions immediately of the king, and were heritable members of the king's council, now called Parliament, by the tenure of their holdings, as well with us as in England; where, about the end of the reign of King John of England, there arose a distinction of barons, *majores et minores*. To the first, as being more potent, particular writs were issued to each of them, summoning them to Parliament, and the *minores* were called by a general summons executed by the sheriffs in their several counties, whose title of baron dwindled into that of *tenant in chief*.

From the reign of King John to the middle of King Richard II. *anno* 1387, there were two kinds of barons, as saith Selden, the one sort by writ and tenure, and the other barons by writ only. The first were those who were actual barons by possession, and had particular summons to Parliament; the other barons by writ only were such as were called by virtue of summons to Parliament, though they possessed no baronies.

Mr Carter's account of those two kinds of barons, as in his *Analysis of Honour and Armory*, page 44, 45, and 46, take as follows, "Barons (says he) by tenure are barons spiritual, as I said before, which are reputed peers of the realm, and were ever first in nomination, and take place on the prince's right hand in Parliament, being capable of temporal dignities, and some of them are accounted Count Palatines in their jurisdictions."

"And by tenure temporal, which are such as hold their honour, castle, or manor, as the head of their barony, *per baroniam*, which is grand sergeantry: By which tenure they ought to be summoned to Parliament. See Bracton, lib. 5. fol. 351 and 357. But he is no lord of the Parliament until he be called by writ to the Parliament."

These barons by tenure, in the time of the Conqueror, and after, were very numerous; and, in his time, as I conceive, distinguished into *majores et minores*, and summoned accordingly to Parliament: The *majores* by immediate writ from the king, the others by general writ from the high sheriff at the king's command.

But they had also another distinction, which was, "The first were called only *barons by tenure*, and the last *tenants in chief*, which were after quite excluded the Parliament, as Mr Camden says, fol. 122. in the reign of King Henry III. by a law made, that none of the barons should assemble in Parliament but such as were summoned by special writ from the king. And that King Edward I. summoned always those of ancient families that were most wise, but omitted their sons after their death, if they were not answerable to their parents in understanding." But Mr Selden's opinion is, "That not long after the grand charter of King John the law for excluding all tenants in chief was made."

From whence came that other dignity of barons by writ, the king summoning whom he pleased, though he were a private gentleman, or knight, as many seculars,

priors, abbots, and deacons also; all which have been since omitted, that held nothing of the king in chief, or grand tenure.

This title of baron by writ is by some esteemed only temporary *pro termino parliamenti*. But that cannot be, for the ceremony of his admittance signifies more than a titular or temporary honour, which is this. He is first brought by the Garter King at Arms, in his sovereign coat, to the Lord Chancellor, between two of the youngest barons, who bear the robe of a baron; there he shows his prescript, which the chancellor reads, then congratulates him as a baron, and invests him with these robes, and sends him to take his place; then the writ is delivered to the clerk of the Parliament, and he by the Garter showed to the barons, and placed in the house; and from thence is this title allowed him as hereditary.

Since these two sorts of barons in the time of Richard II. another has been established, viz. barons by letters patent; which indeed are now more usual, and continue to this day, who are all lords of Parliament, and of the last degree of our high nobility. For the said King Richard, in the 11th year of his reign, first created JOHN DE BEAUCHAMP, Steward of the Household, Baron of Kidderminster, him and the heirs-male of his body. And this coming afterwards to be the only way of creation, they had (says Selden) commonly creation-money granted them, as Sir Ralph Boteler, who had one hundred merks granted him annuity out of the county of Lincoln.

Some of these *minores* do yet remain, as the barons of the cinque ports, barons of the exchequer, &c. which are called barons, yet have not the honour; such are those that were created by Count Palatines, as the Baron of Kinderton, and some few others.

As concerning the descent of this honour, and the extension of it, it many times descends to heirs-female, as when there is no special entail on the heirs-male; yet, then, no husband of that heir-female shall enjoy the title and honour, in right of his wife, unless he have issue by her; as was decreed by King Henry VIII. in the case of Mr Wimby, for the stile of the Lord Talboys.

With us here in Scotland there was no distinction of greater or lesser barons, but all were admitted to come to Parliament who had a free barony and power of pit and gallows; till about the end of the reign of King James I. when, by an act of Parliament, *anno* 1427, it was statuted and ordained, "That small barons need-  
" ed not come to Parliament, but only two commissioners from each shire. All  
" prelates, dukes, earls, lords of Parliament, and bannerets, or banrents, to be sum-  
" moned by the king's special precept." Here we have the first distinction of small barons, and barons lords of Parliament, so called, because they were summoned out of the prime barons to come to Parliament. And, shortly after, followed their solemn creation and letters patent for making them lords of Parliament; the form and ceremony of their creation being thus:—He is brought in his robes of state before the king, or his commissioner, by two of that order, his friends carrying before him a pinsel of taffeta rolled up, whereupon is his crest and motto, and next a banner also rolled up, whereupon is his whole achievement; and after the ordinary oath is administered to him, the cincture of the belt and sword is performed by the king or his commissioner, who also puts into his hand a patent of his dignity; then the Lyon King at Arms proclaims his titles, Sir A B of C, knight, baron, and banrent, lord of our sovereign's Parliament, lord of D. But these ceremonies have been dispensed with, as also those in the creation of higher dignities these several reigns by-past; and the delivery of letters patent, passing the seals, are sufficient now for that end. The robes of lords have two bars *ermine*.

Lords or barons, with us, as well as in England, had no coronets till King Charles II. by a warrant under his hand, in June 1665, allowed to barons or lords of Parliament in Scotland a crimson velvet cap, with a golden circle decorated with six pearls on the top, equally distant one from another, being the same with the barons' coronets in England, a circle heightened with six pearls. The which warrant being registrate in the books of his Majesty's Secret Council of Scotland, I here insert as follows.

The signature following being presented and read in council, was ordained to be recorded.

Edinburgh, June 29. 1665. " Our sovereign lord ordains a letter to be made  
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“ and passed under the Great Seal of this kingdom, mentioning, That whereas the  
 “ noblemen of higher degree of this kingdom, by titles of honour, were distinguish-  
 “ ed from gentlemen of lower quality, in all coronations and parliaments, by scar-  
 “ let robes and other marks of honour, wherewith they were adorned at their crea-  
 “ tion, many ages ago, with no small lustre; in their particular degrees and places  
 “ they were manifestly known to be different in their several stations: amongst  
 “ which distinctions, the divers forms of coronets ordained for, and appointed to  
 “ be carried by dukes, marquisses, earls, and viscounts, at the most magnificent  
 “ coronation of the kings of Scotland, added no small ornament and state: All  
 “ which considered, by reason the barons and lords of Parliament of this ancient  
 “ kingdom, most famous in former times, who had place and vote in Parliament,  
 “ and all other public conventions, by heritable right, have not had hitherto any  
 “ ornament to their head in such solemnities as became their rank: And because  
 “ it is just and reasonable that those of the degree of peers carry a mark of honour  
 “ suitable to that of the peers of a higher degree, his majesty, willing to show all  
 “ those of that degree, in time coming, his royal favour, doth by these presents or-  
 “ dain and appoint, that they and their heirs, barons and lords of Parliament,  
 “ made or to be made at any public or solemn conventions, shall have and carry  
 “ on their head a certain crimson velvet cap, with a golden circle decorated with  
 “ six pearls on the top, equally distant one from another, on the day of the coro-  
 “ nation of his majesty’s successors kings of Scotland; and also in all time and place,  
 “ and after the same manner that the viscounts of this kingdom, and other peers  
 “ of higher degree of honour, carry and use their coronets, or may by right and  
 “ custom use and carry the same: As also, that they may set it on their coats of  
 “ arms, or anywhere else they please; and his majesty ordains these his letters  
 “ patent, that they may be the better known, to be insert and registrate in the  
 “ registers of his chancery, together with the figure of the said cap: And also,  
 “ that they be forthwith insert in the public office of the Lyon King at Arms,  
 “ amongst the public acts thereof, whereby his servants, the Lyon, and the  
 “ heralds, may have the surer knowledge of his majesty’s command and com-  
 “ mission, to observe and obey the same in all time coming, so often, and when-  
 “ soever it shall be necessary, or occasion shall require. And these presents shall  
 “ be a sufficient warrant to the Director of the Chancellery to write, and the  
 “ Lord Chancellor, or Keeper of the Great Seal, to append the same thereto: As  
 “ also, to the Lyon King at Arms, to registrate the same in the books of his office,  
 “ and give out extracts thereof. Given at our Court of Whitehall the 2d day of  
 “ June 1665 years.”

The forecited M. Carter, in his Analysis of Honour, page 48. tells us, “ That a  
 “ baron of England, as a lord of Parliament, is reckoned among the peers of the  
 “ realm, and privileged amongst them in all those things. As first, In all trials  
 “ of criminal causes, he is not tried by a jury, but a bench of peers. If for treason  
 “ he be indicted, and shall stand mute, he shall be convicted, but not prest; but if  
 “ it be for felony, his standing silent shall not convict him. Upon any trial of  
 “ peers, the lords that are to give verdict are not, like a jury, put upon their  
 “ oaths, but upon their honour. A peer of the realm is not to be empannelled in  
 “ any jury but what concerns the king’s inquiry. Neither are they to be arrest-  
 “ ed by any warrant of a justice of peace, either for the peace or good behavi-  
 “ our. Neither is he to be put upon his oath, upon any appearance he shall make  
 “ in court; but his honour to be esteemed as binding. And whereas all burgesses  
 “ of the commons are sworn to supremacy, the barons of the upper-house of Par-  
 “ liament are not, 5th Eliz. C. 1. with many other privileges.”

Mr Miege, in his State of Britain, tells us likewise, “ That the nobility of Eng-  
 “ land, (now all those of Great Britain since the Union) are also free from all ar-  
 “ rests for debts, as being the king’s hereditary counsellors. Therefore a peer can-  
 “ not be outlawed in any civil action, and no attachment lies against his person:  
 “ But execution may be taken upon his lands and goods. For the same reason  
 “ they are free from all attendance at courts leet, or sheriff’s turns: Or, in case  
 “ of a riot, from attending the service of the *posse comitatus*. And to secure the  
 “ honour of, and prevent the raising of any scandal upon peers by false reports,  
 “ there is an express law, called *scandalum magnatum*, by which any man convict  
 “ of a false and scandalous report against a peer of the realm, is condemned on an

“ arbitrary fine, and to remain in prison till the same be paid. They have other  
“ privileges which I pass by for brevity's sake ; yet none has that of the grantees  
“ of Spain, to be covered in the king's presence.”

The form of creating a baron by patent, according to the said Carter, *ib.* page 49. is in this manner. “ The king sitting in state in the presence-chamber ;  
“ first, The heralds by two and two, and their Garter Principal King, alone, pro-  
“ ceed, bearing in his hand the patent of creation ; next to him a baron, bearing  
“ the robes, and then the person to be created followeth betwixt two other barons.  
“ Being entered the chamber of presence, they make their obeisance to the king  
“ three times. Garter then delivereth the patent to the Lord Chamberlain of the  
“ Household, and he to the king, and the king to one of his principal secretaries  
“ of state, who readeth it, and at the word *investimus*, the king putteth on him  
“ the baron's robe. So soon as the patent is read, it is to be delivered to the king,  
“ who gives it to him that is created. Then he returning thanks for his great  
“ honour, withdraws in the same manner he came in, the trumpets sounding ;  
“ and so he goes to dinner, where, after the second service is gone up, the Garter,  
“ with the rest of the heralds, cometh near the table, where first pronouncing  
“ *largesse*, with a loud voice, he declareth the king's stile in Latin, French, and  
“ English ; and then standing somewhat further off, pronounceth *largesse* again,  
“ with the stile of him that was newly created. In which form (says Mills) was  
“ WILLIAM CECIL created Lord BURLEIGH, 15th of February, 13. Elizabeth.”

Silvanus Morgan, lib. 3. p. 24. observes, “ That the circles of the crowns of  
“ all the degrees of nobility are of one form (though variously heightened as be-  
“ fore described) to show them to be *pares regni*.”

The coronet of a lord in France is a golden circle adorned with bracelets of small pearl.

Our learned countryman, Sir George M'Kenzie, in his Science of Heraldry, page 91, tells us, “ That the first origin of crowns in arms, was from the Romans,  
“ *App. lib. 2. de Bell. Civil.* for they rewarded the great actions of their citizens  
“ and warriors with different and suitable crowns, which I here narrate out of the  
“ ingenious Mr Cartwright.”

*Corona muralis*, this was due to him that was first seen upon the wall of the enemy. The forecited author of the new Dictionary says, “ That a mural crown  
“ or garland was of gold, being a circle, and on its battlements like those of a  
“ wall, given to him that first mounted the breach, or any ways was the first that  
“ broke into an enemy's town : which honour was due to the meanest soldier,  
“ as well the greatest commander, if he could prove he had been the first that  
“ entered the place. On the circle of this coronet there were lions engraved to  
“ express the undaunted valour of the bearer. Again there was the *corona cas-  
“ trensis* for him that made a breach in the camp of the enemy.” The said  
dictionary says, “ That a vallar-crown or garland, called also *castrensis*, was of  
“ gold, and consisted of palisadoes, or the likeness of them, standing up all about the  
“ gold circle, given by the general of the army to him that first broke into a for-  
“ tified camp of an enemy, or forced any place palisaded after the manner that  
“ the outwards of strong places generally are, and therefore the palisades were re-  
“ presented upon the coronet, to denote the exploit performed by the bearer.”

Again the Romans had the *corona navalis*, the naval crown or garland, which was of gold, adorned with the heads and sterns of ships, or gallies, as also sails &c. given to him that had first boarded an enemy's ship or galley, and been, by that means, the occasion that the same was taken. With such a coronet her late Majesty Queen Anne honoured Captain JAMES MOODIE commander of the ship Prince George, to ensign his helmet with, instead of a torce, and thereon to place his crest, for his merit and great services done to her, and, in particular for relieving the town and castle of Denia in Spain when besieged by the French in the year 1707 and 1708. As in the Appendix to this book, page 23.

The Romans had also the *corona triumphalis*, or triumphal crown or garland, which was made of laurel, and granted only to generals who had vanquished their enemies and had the honour of a triumph granted them by the senate of Rome. This was said to have been taken from Apollo's crowning his head with laurel after killing of the Delphic serpent, and it was as much esteemed by the Romans as if it had been of gold.

*Corona ovalis*, oval crown or garland, was made of myrtle, and granted to those who had obtained a victory with little hazard; and was first given to those that were victorious at the Iolian games, instituted by the Thebans in memory of their hero Iolus, near his tomb; and therefore this was a mournful garland. The Romans bestowed the same sort of garland on their generals who had vanquished their enemies without bloodshed, or surprised some important place without striking a stroke, as also on those that had subdued slaves or pirates, not reckoned worthy of the Roman valour, and consequently not to deserve a triumph.

*Corona obsidialis*, or obsidional crown or garland was made of grass, and given to him that held out a siege, or caused it to be raised, repulsing the enemy, and delivering the place. So Fabius Maximus had no greater reward than this crown, for having delivered the city of Rome from Hannibal, after the unfortunate battle of Cannæ.

*Corona civica*, or civic crown or garland, was given to a brave soldier who had saved the life of a fellow-citizen, or rescued him after being taken prisoner by the enemy, exposing himself to save another. And this was only made of oaken leaves with the acorns, if they could be so had; because that tree was dedicated to Jove, who was reckoned the protector of cities, and their inhabitants. This crown was made of oaken boughs, says Sir George M'Kenzie.

*Corona olivæ*, olive crown or garland, was made of olive leaves; and was given, among the Greeks, to those that came off victorious at the Olympic Games, kept in honour of Jupiter, at the foot of Mount Olympus. But, though highly valued amongst these people, this, and others like it, were only a reward for running, wrestling, or such like exercises; and therefore nothing comparable to the martial rewards among the Romans, who also gave this crown to those who had, by their wisdom, reconciled two enemies.

The said Sir George M'Kenzie mentions also the *corona populea*, which, he says, was given to young men that were found industrious and studious in the exercises of virtue. But, amongst these rewards of honour, that of ivy, called *corona bederalis*, was only appropriated to the poets.

The aforesaid Roman crowns or garlands, though made of leaves or grass, were as highly valued as if they had been of gold, because they were only bestowed on such as had purchased them by their singular bravery; whereas, of late, golden coronets have been too frequently bestowed upon no other desert than wealth, and even that sometimes meanly gained. All the ancient rewards of garlands are now expired, and it is well they are when so little regard is had to real merit. Favour and affection are sufficient to advance the least deserving, and very often those who have done most are the least looked upon, if they have not some powerful interest to support them. He that runs away sometimes carries the prize from him that fought the battle.

There is another ancient crown, being a circle with high points rising therefrom, called an *open* or *antique crown*, which Silvanus Morgan says is that crown borne by Homager Kings, and by John Baliol, when he held the crown of Scotland of Edward the I. of England. But I beg the gentleman's pardon (says Sir George M'Kenzie, *ibid.* page 92.) to tell him, that, of old, the Roman Emperors carried no other than these, after their apotheosis, and being numbered among the gods,

Fulminibus manes radiisque ornabit & astris.

LUCAN.

And generally all kings of Christendom, of old, as I said before, carried theirs of that shape, as L'Oseau also well observes.

There is also a *Turkish crown*, if we may so call it; for, in reality, the Grand Signior has no crown, but instead of it he wears on his head a great turban of fine muslin, held out by a wire that keeps it from falling together, and adorned on the sides by two rich jewels of diamonds and carbuncles, with fine heron's feathers standing up above, and costly pearls hanging below, and sometimes crescents, or half moons, two chains of gold and precious stones hanging at the two aforesaid jewels, and crossing the turban before. The Bashaws and other great men have turbans of another sort.

The Doge of Venice wears for his crown a great pointed cap of cloth of gold encompassed with a gold circle, covered with precious stones, two long ears or lap-

pets of the same cloth of gold hanging down on the sides of it pointed at the ends; though they have lately taken the close crown like monarchs.

I shall only observe (and then have done with this chapter on crowns) that the name is originally derived from horns; for the ancient Jews and Gentiles looked upon horns as tokens of supreme honour and power, and, in scripture, we often find the horn taken for royal dignity; and therefore Moses's face is said to have been horned, the same word in the Hebrew signifying a crown and a horn. The most ancient knights and warriors wore horns for their crests; but, in process of time, great men left them off, and, instead of them, took crowns. The most ancient kings wore only wreaths, either white or purple, in nature of the present Turkish turbans, as a token of royalty, or else circles of gold with points rising from them like that of the open or antique crown I before mentioned.

And now having sufficiently treated on the crown and coronet, with its tiar or cap, I proceed to the *cap of state*, which also adorns the achievement.

## C H A P. IX.

## OF THE CAP OF STATE.

**T**O leave nothing untreated of that embellisheth hereditary achievements of families, I have added this chapter, wherein I shall describe this *cap of state* or *dignity*, and its ancient and modern use.

It is of crimson velvet faced up *ermine*, with two points turned to the back, not unlike in figure to our Scots *cowl*, so called.

It is frequently used in armories by the English, which they say is from, or in imitation of, the caps of the Roman generals, who having obtained a victory, and returning in triumph, had this cap of state carried before them, by their most worthy captive.

It is now called a *ducal cap*. For the wearing of this cap had a beginning from the *dux*, or duke, who was so called, a *ducendo*, being leader in war, that is, general of an army to emperors and kings, and is now given to others of inferior dignities, and so cannot be an ensign of dignity, but given as a token of triumph and victory.

Yet, of old, by the ancient practice of the English, and ourselves in Scotland, none but princes and dukes used to wear it on their heads or helmets, or timbred their achievements therewith as an ensign of royalty or dignity. Mr Sandford tells us in his Genealogical History of the Kings of England, "That King EDWARD the III. and his successors Kings of England, down to King EDWARD the VI. had on their seals of arms this cap of state. For on the cuts of their seals there is to be seen on one side the figure of the several kings represented on horseback in armour, with this cap of state on their heads, and the crest of England set thereupon." Which helmet, cap, and crest adorn also their escutcheons.

Prince EDWARD, eldest son of King Edward the III. had the same cap on his head, surmounted with the crest of England, and charged with a label of three points. And HENRY Duke of LANCASTER, the second of that dignity in England, carried on the helmet of his achievement such another cap, in place of a wreath, whereupon was placed his crest, being a lion *passant gardant*.

The author of the dictionary to Guillim says, "That the word *chapeau* is the common French word for a cap or hat; but here it is taken for an ancient *cap* of dignity worn by dukes, being scarlet coloured velvet on the outside, and lined with a fur; of late frequently to be seen above a helmet instead of a wreath under gentlemen's crests. But formerly (continues he) they were rarely to be found the right of private families: They after became frequent, together with ducal coronets by the grants of Robert Gock, Esq; Clarencieux, and others since him, but by his in particular." Thus that author. But I do not find this ducal cap in any other called *chapeau*, except in the Display, where it is more properly also called a *cap of dignity*; and Columbiere calls all sorts of such caps *bonnets*; but

gives the name of *chapeau* to that which we properly call a hat, and not to a cap or bonnet.

With us Sir James Balfour, Lyon King at Arms, in his Manuscript of Exterior Ornaments, says, "That he has seen the seal of arms of Archibald Earl of Douglas, Duke of Touraine, Great Constable of France, appended to a charter granted by him to the progenitor of the Earls of Winton;" which charter is supposed to be in their custody; on which seal is the said duke's achievement, and the helmet ensigned with a cap of the same form, as mentioned before. The present Duke of Douglas had the same on his achievement painted and illuminated on his coach, which I saw *anno* 1708; but observed that, through ignorance, the painter had drawn the points of the cap forward, which ought properly to be turned to the back or sinister side of the helmet.

The said Sir James informs us, "That he had likewise seen the seal of arms of John Stewart Duke of Albany, Earl of March, Lord Annandale, and the Isle of Man, Governor of Scotland in the minority of King James the V. appended to a treaty with King Henry the VIII. of England, upon which was his achievement, and on the helmet placed above the same, was set, instead of the wreath, this cap of state."

And the present Earl of Home, carrying in his armorial achievement for crest, a lion's head erased, with this cap of state, *gules*, turned up *ermine*. I could give several other examples; but these may suffice to prove its usage here in Scotland.

But now this *chapeau*, or cap of state, has lost its former eminent dignity, by the bad practice of some modern heralds, who not only give it to all the degrees of high nobility, which is somewhat tolerable, but even to the lesser nobility, as may be seen in Richard Blome's Treatise of Honour, Military and Civil, subjoined to Mr Guillim's Display of Heraldry. Where the achievements of knights, baronets, and batchelors and esquires are represented engraven on copperplate, having their helmets and other parts of their achievements ensigned with this cap of state, which ought not properly to be carried by any below nobility, considering that none but kings, dukes, and high nobility were allowed, of old, to carry the same in their armorial bearings.

Yet the French have no such *chapeau*, as a sign of dignity and eminent virtue, though they have of another form, used by their chancellors, and presidents of Parliament, as ensigns of their civil dignity, and with which they always adorn their arms; of which after. But first of marks of *ecclesiastic dignity*, of which I shall treat in the next chapter.

## C H A P. X.

### OF ENSIGNS BELONGING TO ECCLESIASTICAL DIGNITIES.

**A**ND first, as to the Pope, who is the supreme dignity in the church, being the head bishop, and, as it were, sole monarch in spirituals among Roman Catholics, throughout the whole world. He is chosen by the cardinals, and his See has always been at Rome, whence his orders, by the name of *briefs* and *bulls*, are dispersed throughout the universe. The bulls are so called from *bulia*, a great leaden seal hanging to them. This may suffice concerning him, as being sufficiently known; and yet the controversies about his authority are endless; and therefore it is needless to say any more of him, but only what relates to the exterior ornaments that he is in use to carry in adorning his armorial bearings.

The **POPES** of **ROME** have been in use to carry and adorn their paternal arms, not on a formal or ordinary shield, but an *oval cartouch*, as it is called, and the Italians, for the most part, have their shields of arms after an oval form, in imitation, it is thought, of those used by popes and other eminent churchmen. This oval cartouch the popes adorn with their papal ensigns, being the tiara, keys, and cross staffs.

The *tiara papalis* is an ornament of the head, being a high cap of silk environed with three crowns of gold, placed one above the other, adorned with pearls

and precious stones. The top of the cap surmounted with a mond of gold, or precious stone, ensigned with a cross, as that of the emperors; having two labels or pendants at the sides of the tiar, hanging down, and again turned up; which tiar or triple crown, called the *regne*, is the sign of sovereign supremacy, as they say, over the universal church, and is placed above the cartouch of the pope's arms.

The author of the new Dictionary of Heraldry says, "That the papal crown is like a deep cap or mitre, of cloth of gold, encompassed with three coronets or circles of gold, adorned with flowers, and all embellished with precious stones, and on the top the globe, and on it the cross." There are several of these triple crowns kept in the Roman sacristy, some say to the number of four, with as many rich mitres, which serve only for ornament and show, being too heavy to wear. The richest of which was made by Pope JULIUS the II. An account of which may be seen in Motraye's Travels, vol. 1. page 346.

The two keys, one of gold and the other of silver, are placed in saltier on the banner of the church, which is of red silk. And they were also placed behind the cartouch of the pope's arms saltier-ways, as symbols of their power in opening and shutting the gates of heaven and hell. The pope carries also, by way of supporters, two angels proper, who are placed in a sitting posture one on each side of the cartouch, and each with one of their hands supporting and bearing up the triple crown, and with their other hands holding each a long staff with three traverses near the top; which traverses end in trefloils, and are of the same metal with the keys.

The cardinals are now become the first of all the clergy of the popish church, next to the pope. That which raises them above bishops and patriarchs is the power they have during the vacancy of the see of Rome; as having the right to choose a new pope, and being themselves the persons on one of whom that election falls. These high prerogatives have gained them the title of princes of the church; and, as such, few princes in Italy contend with them for precedence, being reckoned little inferior to crowned heads: For this reason the popes have thought fit that they should be clothed in scarlet, especially upon public occasions, as kings and emperors commonly are, though that colour was given them, as they say, to put them in mind that they are always to be ready to shed their blood for the true faith. But though they wear red garments on ordinary days, that being the colour of blood, yet, on days of sorrow, they put on violet or purple, which is more dark and mournful. Pope INNOCENT the IV. was the first that gave them the red hat. At the council of Lyons, in the year 1244, BONIFACE the VIII. granted leave to the secular cardinals to wear the scarlet robe, when the popes began to wear white. PAUL the III. gave them the red cap; and, lastly, GREGORY the XIV. allowed the religious cardinals to wear it, but that they should still be clothed in the colour of their order. The creation of cardinals is wholly in the pope, who only communicates the same to other cardinals, and they give their approbation. The new created cardinals go the same day to visit the pope, who puts the red cap on their heads, they kneeling, and the master of the ceremonies puts on their rochet; then having taken off the cap, the new cardinal kisses the pope's foot and hand, and then they rise, and the pope embraces them; after which, when the pope gives them audience, they sit down and are covered. The red hat is afterwards given them in a public consistory, on their knees, and then they go to church, and *Te Deum* is sung. The pope performs the ceremony of shutting their mouths in a private consistory, and they are opened again in the same manner a few days after; that done, he gives each of them a title of bishop, priest, and deacon, putting a gold ring on their fourth finger, to signify their being married to the church. The cardinals that are absent when chosen have the cap sent them, and is set on their heads by the sovereign in whose dominions they reside. As for the red hat, and the other ceremonies, they cannot be performed anywhere but at Rome; for the hat must be given by the pope himself, who also confers the title, after the ceremonies of shutting and opening the mouth. Thus many cardinals die without ever receiving the red hat, because not at Rome.

The cardinals' exterior armorial mark of dignity is the red hat, with which they tincture their shields, having red strappings, with fifteen tassels hanging down at

each side of the shield. Pope INNOCENT III. discharged them to use coronets or other badges of their secular dignities, but few complied therewith, save the Italians, for those of France continued to carry in their achievements all their marks of dignity, politic, civil, and ecclesiastic. As Cardinal RICHLIEU, commonly designed the Cardinal, Duke, Peer, High Admiral of France, and Commander of the Royal Order of the Holy Ghost. For he in his armorial bearing carried below his cardinal hat a ducal crown placed upon his escutcheon, and round it the Order of the Holy Ghost, and behind the shield two anchors disposed in saltier, for his badge, as being High Admiral of France.

ALBERT Archduke of AUSTRIA, son of Maximilian II. Emperor of Germany, who married Clara Eugenia, Infanta and daughter of Philip II. King of Spain, placed on his escutcheon an arched crown, and above it a cardinal's hat, with fifteen tassels hanging down at each side of the shield, which he carried as being a cardinal. See his seal of arms exhibited by Olivarius Uredus.

Archbishops, primates, and legates, place a cross staff with two traverses at the top, erected in pale in the middle of the back of their shields of arms, and above the same a green hat with ten tassels hanging down at each side of the shield; as Monsieur Baron, in his *Abregé Methodique*, blazons the achievement of CAMILLE DE NEUVILLE de VILLEROY, Archbishop and Earl of LYONS, Primate of France, and Commander of the Royal Order of France, viz. *azure*, a cheveron between three anchors of the last: which shield of arms is environed with the blue ribbon, and thereto affixed the pendant of the royal order, and timbred with an earl's coronet; and behind the shield is placed, in pale, a cross staff, with two traverses near the top, surmounted of an archbishop's green hat, with its proper number of tassels, being ten on each side.

Bishops place on the dexter side, and on the top of their shields of arms, a mitre *affronté*, (*i. e.* looking forward) and behind the sinister side of the said shield they carry a crosier, erected in pale, with its hooked head appearing above the shield as high as the mitre, turned to the left, and the foot of it appearing below at the bottom of the left side thereof; and above all, a green hat with six tassels hanging down at each side of the shield.

I do not find that our bishops in Britain have used to carry hats and tassels, as a part of their armorial ensigns, before the year 1520, but only mitres and crosiers; for I have seen several seals of our ancient bishops, in formal shields placed below the images of saints or mitred bishops, supported by angels, and adorned with mitres and crosiers only.

Particularly I have seen the seal of WILLIAM FRASER Archbishop of St Andrews, who flourished in the reign of King Robert the Bruce, where the shield of his arms is only timbred with a mitre below the feet of St Andrew.

And on the seal of JOHN CAMERON, Bishop of Glasgow and Chancellor of Scotland, appended to an indenture between Jean, widow of King James I. and Sir Alexander Livingston of Callender, concerning Sir Alexander's keeping of the young king's person, dated 4th September 1439, where his arms are only timbred with a mitre, and at the sides of the shield are two salmons erected with rings in their mouths; and the legend round the seal is, *Sigillum Joannis Episcopi Glasguen*. The same arms are cut in stone, with a salmon below the shield, as they are to be seen on the vestry of the church of Glasgow, which that bishop built.

The modern method that our British bishops use in adorning the shields of their arms, is, That our archbishops only place a mitre *affronté* on the top of their shields, with two labels or pendants fixed thereto, hanging down, waved and folded on each side of the shield; and behind the same, two crosiers disposed in saltier, with their hooked heads appearing above, and the points of the same coming out below the bottom of the escutcheon. And, in most of paintings and heraldry books, bishops only adorn their shields of arms with a mitre placed on the top thereof, with pendants hanging down as aforesaid, without making use of any other exterior ornaments.

Abbots of the popish church timbre their arms with a mitre in profile, or standing sideways, on the dexter side of the top of their shields, and a crosier erected in pale, placed at the back of the sinister side thereof, with its hooked head appear-

ing above the shield, raised as high as the mitre, and turned to the right, and above both is a black hat, from which issueth a knotted cord, with six tassels hanging down on each side of the shield.

But on the beautiful abbey of Paisley are to be seen the arms of GEORGE SHAW, (a brother of the family of Sauchie) Abbot of the said abbey, who adorns only the shield of his arms with a crosier, erected in pale, at the back of the middle thereof, with its hooked head appearing above the same.

As also on the abbey of Holyroodhouse is to be seen, cut on stone, the arms of Abbot ARCHIBALD CRAWFURD, a brother of the house of Haining, and Treasurer to King James III. where his shield of arms is only adorned with a mitre placed on the top thereof. But I never could find that any of our abbots of old made use of the black hat and tassels, as an addition of exterior ornaments to adorn their armorial bearings.

On the seal of ANDREW, Commendator of Jedburgh, I saw his arms cut, adorned only with a crosier erected in pale, placed at the back of the middle of the shield, and the hooked head thereof appearing above the same, turned to the right.

Abbesses carry their arms in a lozenge shield, and adorn the same with a crosier erected in pale, at the back of the middle thereof, with its head above the lozenge, turned to the right, and the shield is ordinarily either environed with a chaplet of flowers, two palm branches, or a crown of thorns tied to the foot of the crosier, that appears below the base point of the lozenge.

Prothonotaries of the church of Rome timbre their shields of arms with a black hat, having three tassels hanging down at each side thereof.

Priors and Provosts of the said church carry, behind the middle of their shields, erect in pale, a pastoral staff, like to that of a pilgrim's bourdon. And the shield is also adorned with two palm branches tied to the foot of the said staff, appearing below the shield, and raised on each side thereof as high as the top of the staff.

Deans of that church carry a crosier erect in pale behind the middle of their shields, with its hooked head appearing at the top thereof, turned to the left, adorned with two palm branches, disposed after the same method as carried by the priors above.

Chanters of the same church carry the staff or mace of the chapter, erected in pale at the middle of the back of the shield, with the head thereof appearing at the top. Also they adorn the shields of their arms with two palm branches disposed after the same method as the last.

And other inferior ecclesiastics of the church of Rome abroad trim and adorn their shields of arms with cherubims, who are said to be the second of the nine orders of angels.

As for the ancient use of these ecclesiastic marks in armories, Menestrier tells us, "That the cardinal's hat, the crosier, and cross staff, have been in armories above three hundred years; and which figures have made up the arms of many churchmen."

The custom of timbring archbishops' and bishops' arms with the hat was first practised in Spain, as some will, and the arms of Don Roderico Fernando, Bishop of Jaen, was so trimmed in the year 1400, which are still to be seen at Basa.

In Alimond's History of the Council of Constance, printed at Augsburg in the year 1483, are the arms of four patriarchs, viz. of Antioch, of Constantinople, of Venice, and of Jerusalem, timbred with green hats.

The hat upon arms of bishops is not ancient in France, says Menestrier; and the use of it was only brought in there by Tristan de Saludzes, Archbishop of Sens, a Spaniard, about the year 1520. But I find in England, out of Sandford's Genealogical History, that HENRY BEAUFORT, (second son of John Duke of Lancaster, by his wife Catharine Swinford) who was a cardinal, had his arms timbred with a hat. And with us in Scotland our ancient bishops carried mitres and crosiers only; but in all my readings I have not met with any of them to have carried hats before the year 1520.

The mitre is made forked, to intimate that those who have right to carry it, ought to be known both in the Old and New Testament. And though very ancient, yet it is not universally to be met with on escutcheons of arms; because upon sepulchral monuments, where they are most ordinarily to be found, we meet frequently with the representation of the person interred cut on stone, upon whose head is set the mitre, and not upon his shield of arms, just as we find crowns on the seals of kings, &c. first on the bearers' heads, before they were placed on their shields of arms.

As for the antiquity of prothonotaries, placing on their arms a black hat doubled with green, Charles de Grasaria, in his Treatise of such Ornaments, printed in the year 1545, says, "Protonotarius timbrum addit ex pilio nigro duplicato viridi colore." And about this time chanters began to place the staff or mace of the chapter behind their shields of arms.

It has also been the custom of the commanders of the religious orders to place the badges of these orders in their arms, by way of composition. But as to the antiquity of churchmen impaling and quartering their arms with those of their sees, the same is to be found in the year 1329, and sooner.

It is to be observed, that all the above churchmen who use and carry the exterior ornament of a hat above their arms, have also a *cordeliere*, (issuing out of the same) which is a cord with two running knots on each side, whereat hang down the foresaid tassels on both sides of the shield, and are always advanced in number according to the person's degree in ecclesiastical preferments, from a protonotary to a cardinal.

Sir George Mackenzie tells us in his Precedency, pages 29 and 30, That the Roman patriarch was by Phocas the Emperor raised above all the rest in the year 606, since which time they have raised themselves by several degrees to the papacy; though it cannot be denied but, even before that time, the bishop of Rome had the first seat in all councils, as is clear by Justinian's *Novella*, 131. cap. 2. But the power of presiding did still belong to the emperors, as has been fully cleared by Cursius and others. And though it be pretended that Constantine the Great did, from Christian humility, prefer the successor of St Peter (as vicar of Jesus Christ) to himself, yet the Emperor Frederick I. did conscientiously debate this precedency with Pope Adrian IV. since which time it has been variously acquiesced in by popes and emperors. And though the legates be representatives of the popes, yet Thuanus tells us, *lib.* 98. that the learned Brissonius, President of the Parliament of Paris, would not suffer the pope's legate to precede him; and at the coronation of the Emperor Charles V. the pope's legate was denied the precedency from the electors.

The cardinals have debated for precedency with patriarchs; though by the *Novella* 132. cap. 2. Justinian places patriarchs next to the pope; and Panormit, in *Cap. Antiqua. X. de Privileg. & Excess. Prælat.* prefers the patriarchs to the cardinals. But now, by the concession of Sixtus Quintus, that pope has raised the cardinals to an equal degree with kings; and if kings be present at table or other solemnities with cardinals, if there be but one king, he is to sit after the first cardinal bishop; and if there be more kings, they sit mixtly with the cardinals; first a cardinal and then a king. But though this holds amongst popish princes, yet the author of *Les Memoires des Ambassadeurs* does observe, That Leicester, Trotius, and the other ambassadors of protestant princes, never yielded precedency to cardinals, till our countryman Sir William Lockhart, Ambassador for Oliver Cromwell to the Court of France in the year 1657, yielded it to Cardinal Mazarine; where he likewise observes, that the Prince of Conde yielded the precedency to Cardinal Richlieu, yet the Count of Soissons refused it.

I find by a letter in the year 1625, that before King James went to England, the marquisses of Scotland took place of the archbishops; but now the archbishops take place of all dukes and marquisses, in imitation of England. And by a letter in the year 1626, renewed in the year 1664, the Archbishop of St Andrews is to take place of all subjects, which is to be so limited as not to exclude the king's children and brothers, as I conceive; and *de facto* the Archbishop of St Andrews gives place to the Chancellor, ever since the letter.

## C H A P. XI.

ENSIGNS OF CIVIL AND MILITARY OFFICES, AND OTHER POLITIC ONES OF DIGNITY AND CHIVALRY.

**I**N treating of these, I shall take occasion to mention all such dignified persons as I have met with, who adorn the shield of their arms with exterior ensigns and figures suitable to the offices and dignities they have been honoured with by the sovereign; with the manner of usage and situation of such badges of honour in and about the shield, as their *symbola administrationis*.

And, first, as to the armorial ensigns of civil offices of dignity, I shall begin with the Lord High Chancellor, or Keeper of the Great Seal, who is looked upon (says Mr Miede, in his State of South Britain) as the prime minister of state, and the highest person in the kingdom in civil affairs, after the king and princes of the blood, as the Archbishop of Canterbury is in England, and that of St Andrews in Scotland, in ecclesiastical affairs. His place is of great trust: He keeps a court, called the Court of Chancery, wherein he is sole judge. It is he that now keeps the Great Seal of Britain, without which and the mace he never appears abroad. All patents, commissions, and warrants, coming from the king, are perused by him. If they be lawful he signs them, and if not, he cancels them. By virtue of his office he is one of the King's Privy Council, and ought to have a tender regard for the rights of the crown. He also bestows all benefices in the king's gift under twenty pound yearly, in the king's books. His office is *durante beneplacito*. The Lord Chancellor and Lord Keeper is the same in authority, power and precedency in England. All the difference is, that the Lord Chancellor is created by patent, which the Lord Keeper is not; and that the title of chancellor is a particular mark of the king's favour.

The Lord Chancellor, with us, (says Sir George Mackenzie, in his Precedency, page 39.) is in effect the first officer in the nation, and is by his office, and by a particular statute, president in all courts, Act. 1. Parl. 1. Charles II.; which act was made to declare that he was president of the exchequer, as well as of other courts, this having been pretended to by the treasurer. He hath his title not from the power of cancelling, as the old Gloss says, that "Cancellarius est qui habet officium scripta responsaque principis inspicere, & male scripta cancellare;" for it is not imaginable that he would take his title from what he destroys, and not from what he does; but from the *cancelli et barres*, within which the judges did sit inclosed, as is clear from Cassiodor. *lib. 11. epist. 1.* These *cancellarii* of old were in effect the clerks; and the chancellor is so called now because he signs all the public papers, and appends his seal. "Ideo quod ad eum universæ publicæ referentur conscriptiones, ipseque eos annulo regis sive sigillo firmaret." Simaq. *lib. 1.* calls him, "Questor legum, conditor regalis, consilii particeps, justitiæ arbiter:" Which names I conceive are given to him, because *Novel, 114.* "Dinvinæ jussiones debent habere subscriptionem glorissimi questoris;" and many of the *Novels* are signed *questor legum*. The Lord Chancellor of Scotland doth not receive his authority as the Chancellor of England doth, who hath no other commission but merely by the delivery of the Great Seal of England, as the learned Coke observes: But with us the chancellor's place is always conferred by commission under the Great Seal, and very often during life; as also the Chancellor and Lord Keeper in England have the like jurisdiction. But we had a Lord Chancellor and a Lord Keeper of the Great Seal, who were distinct persons, as I could prove by a number of instances too prolix here to insert.

By the laws of King Malcolm II. I find ten pounds is ordained to be paid to the King's Chancellor, for his fee of the seal appended to the charter of every hundred pound land. Where, observe, that every hundred pound land is set down for the least proportion and measure of a barony, or holding of the king. Now we know that an hundred pound land, at least, will be thirty or forty, and some 50,000 merks in good rent; so that the barons of old were powerful, and had under them *milites*, and these had *subvasores*. Also in the laws of King Malcolm Canmore, the chancellor is placed before all the officers, and sometimes many of the considerable earls

are placed betwixt him and the rest of the officers. Thus King Alexander grants a charter, *testibus Willielmo de Bosco Cancellario meo, Malcolmio Comite de Fife, Alano Senescallæ Scotiæ, &c.* But it is observable, that the officers of state of old were in ancient writs oftimes ranked according to the quality of the bearers, and not according to the precedence of the offices.

The LORD CHANCELLOR of ENGLAND (says Sylvanus Morgan, in his *Sphere of Gentry, lib. 4. cap. 6.*) carries, as the badge of his office, in pale, behind the shield of his arms, a mace, being no other than a staff, ensigned with a crown. But his chief symbol (says he) is the purse which he places below his shield, and is open, with the strings pendent, fretted, nued, buttoned, and tasselled *gules*, in a field *argent*, embroidered all over with the sovereign ensigns of his majesty, denoting the high magistracy of his office, being to confirm the gifts and grants of dignities, offices, franchises, privileges, and immunities: "Et in Francia duo sunt officia, omnibus aliis excellentiora & principaliora, quorum unum est primum & prius in justitia, aliud autem jure militari," &c. The Lord Chancellor taking place first for justice sake.

This high officer, with us, has been in use to place behind his escutcheon of arms, as the badge of his office, two maces disposed in saltier, ensigned with imperial crowns, and, below his achievement, the said open purse, embroidered with the royal arms of the kingdom.

The CHANCELLORS in FRANCE, besides the two maces placed in saltier behind their shield of arms, carry also, as a particular badge of their office, a proper cap of gold, (*au mortier d'or*) turned up *ermine*, which is placed on their helmet, out of which issues the crest of their office, being the figure of a queen representing France, holding in her right hand a sceptre, and in her left the Great Seal of the kingdom; and their achievements are ordinarily placed on a mantle of scarlet, adorned with rays of gold towards the top, and doubled with *ermine*, as Monsieur Baron tells us in his *Art of Heraldry*. But the chancellors there have not the usage of the purse, as with us in Britain. And Daniel Fewel says, That Chancellor Segnies was the first who had his arms so trimmed by the persuasion of the learned herald, Mark de Voulosen de la Columbier.

The PRESIDENTS of the PARLIAMENTS in FRANCE place their proper *cap*, being of black velvet, edged with gold galoun, above their coronets and helmets, when of temporal dignity, and of spiritual below their hats and mitres. And their achievements lie upon a scarlet mantle doubled with *petit gris, i. e.* a grey furr made of squirrels' tails, as set down by the fore-cited Monsieur Baron.

The GREAT CHAMBERLAIN in FRANCE is called *Grand Chambrier*, and was constantly possessed by the family of Bourbon.

The LORD GREAT CHAMBERLAIN of ENGLAND, (according to Mr Miede, in his *State of South Britain*) is an officer of great antiquity, and of special service at the coronation of our kings. Upon which day, before the king rises, he is to bring his shirt, coif, and wearing clothes; he dresses the king, puts on his royal robes, and serves his majesty that day before and after dinner with water to wash his hands. In the procession he marches with his coronet and a white staff in his hand. He disposes of the sword of state to what lord he pleases, to be carried before the king when he comes to the Parliament; at which time he goes himself on the right hand of the sword, next to the king's person, and the Earl Marshal on the left. The whole palace of Westminster being under his government, he issues out his warrants for the fitting and furnishing of Westminster-Hall against coronations, and trials of peers in Parliament time. He provides all things in the House of Lords in the time of Parliament, and to that end he has an apartment near that house, with the Gentleman-Usher of the Black Rod, the Yeoman-Usher, and door-keepers under his command. Upon all solemn occasions the keys of Westminster-Hall, of the Courts of Wards, and Requests, are delivered to him. At the coronation he has forty ells of crimson velvet allowed him for his own robes. After the king is dressed by him, and gone forth, his majesty's night apparel, his bed, and the furniture of his chamber, are his fees. The very bason the king washed his hands in, and the towels he has wiped them with, fall likewise to his share. There are also certain fees due to him from all peers of the realm at their creation, or when they do their homage; and from all bishops, when they do their homage to

the king. This office is hereditary in the family of the Marquis of Lindsay in England.

The GREAT CHAMBERLAIN OF SCOTLAND, (says Sir George Mackenzie, in his Precedency, page 40.) of *Camerarius Domini Regis*, is the third great officer named in the statutes of King Malcolm Canmore. And I find him in old writs placed as witness, before all the other officers, next to the chancellor. There was *Magnus Camerarius*, who was chief judge over all the burghs: And there were others under-chamberlains, who are oftentimes designed *Camerarii*, without the adjection of *Magnus*: And I find in a charter granted by King David, in the year 1495, the witnesses are *Alexandro domino Hume magno camerario nostro, Johanne domino Drumond justiciario nostro, Ricardo Murehead secretario nostro, et Waltero Drumond nostrorum rotulorum et registri ac a consiliis*. This office is the same with *Praepositum sacri cubiculi*, mentioned by Justinian. By the fourth chapter of *Regiam Majestatem*, we see the chamberlain's office hath been very great: For we find that his fees have amounted to no less than two hundred pounds *per annum*, which he had paid out of the profits of the escheats, fines, tolls, and customs accruing to the king out of the burghs over whom the Great Chamberlain exercised a particular jurisdiction. The process and matters of inquiry that came before him is distinctly treated of by Sir John Skene, to whom I refer my reader.

The LORD HIGH CHAMBERLAIN IN ENGLAND, as the symbol of his office, carries two keys in saltier at the back of the escutcheon of his arms, as says Sylvanus Morgan, in his *Sphere of Gentry*, lib. 4, page 82. who also tells us, *ibid.*: "That the Lord Chamberlain of the King's Household, as a badge of that office, carries one key in pale behind the middle of the shield of his arms, the same appearing above his shield and coronet, and the bowl is seen below the same."

The LORD HIGH CHAMBERLAIN, with us, is now hereditary in the family of the Duke of LENNOX, whose achievement I have seen adorned with two keys of gold disposed in saltier behind the shield of his arms, having the bowls of the keys downwards, and ensigned with imperial crowns as the badge of his office, after the same form as those dignified with that high office in France; the figure and blazon whereof is to be seen in Monsieur Baron's *Art of Heraldry*. As also in an old painting of the arms of the family of Lennox, I have observed their crests to have a golden key hanging thereat.

The LORD CHIEF JUSTICE OF ENGLAND (says Mr Mieve in his *State of Britain*) is so named, because his jurisdiction extends over all England, and a warrant from him may fetch one from any part of it. He is also called *Lord Chief Justice of the King's Bench*, because anciently the king sat there sometimes in person on a high bench, and the judges on a low bench at his feet. This is the highest court in England at common law, next to the House of Lords in Parliament. Here the pleas are between the king and the subject; all treasons, felonies, breach of peace, oppression, and misgovernment, being commonly brought before this court; as are also all errors of the judges and justices of England in their judgments and proceedings, not only in pleas of the crown, but in all other pleas, the Exchequer excepted. In this court, all young lawyers that have been called to the bar are allowed to plead and practise. There are four judges belonging to this court, who hold their office by writ, not by patent. But none may be judge in this court except a sergeant at law, who (upon taking his degree) is obliged to wear always a lawn coif under his cap at the bar. And the first of these judges is called *Lord Chief Justice*.

The LORD JUSTICE GENERAL, OF GREAT JUSTICIAR with us, (according to Sir George Mackenzie, in his *Precedency*, page 39.) is in the laws of King Malcolm Canmore placed next the chancellor, though afterwards Scotland was divided into two justiciaries one upon the south side of Forth who was called *Justiciarius Lothaniae*, and in old charters *Judex Laudoniae*; and the other on the north side of Forth. This place has been generally possessed by noblemen, and is now the same with us that the Chief Justice of the King's Bench is in England. His jurisdiction extends over all Scotland, and a warrant from him may fetch one from any part thereof. He keeps his court commonly at Edinburgh, called the *Justiciary Court*. There are five commissioners, called *Lords of Justiciary*, besides the Lord Justice General, and Lord Justice Clerk, that are judges in this court, where are tried all

crimes that reach to life and limb (as we express it) of the criminals, be they peers or commoners; and the matter is submitted to the cognizance of a jury, which is not allowed in civil courts in cases of *meum* and *tuum*, excepting the High Court of Exchequer, of which afterwards. The jury consists of fifteen persons, and the foreman is called the *chancellor* of the assize, or jury. In case of the trial of a peer, the greatest part of the jury were to be peers; but they are now, since the Union, to be tried as peers of Great Britain. The votes are collected by the chancellor, or foreman, and the major part determines the matter. This court sits every Friday in the afternoon, during the time of the Session, or term. All criminals those accused of treason not excepted, are allowed the benefit of advocates or counsel to plead for them in this court.

I have met with no author that mentions any figures or symbols made use of by the Lord Chief Justice of England, in his armorial bearing, as a badge of his office. But our Justice General in Scotland, once hereditary in the family of Argyle, who is also heritably Great Master-Household to his Majesty in Scotland, carries for the badges of these high offices, (as matriculate in the Lord Lyon's Register of Arms in Scotland) saltier-ways, a baton and a sword suppressed of the shield, the first powdered with thistles, proper, and ensigned on the top with the imperial crown and crest of his majesty set thereon; which symbol he bears as his particular badge of Master-Household. The sword is proper, hilted and pommel'd *or*, with the point appearing above, and the pommel below the shield; which figure he carries as being Heritable Justice General of the sheriffdom of Argyle, the isles and others. But when our Justice General had no other high office beside the same, he carried as the ensigns of this office two naked swords disposed in saltier behind the escutcheon of arms, the points appearing above, and the pommels below the same. And this jurisdiction was amongst others possessed at Rome by the *Præfectus Prætorii*, who was their chief magistrate.

The LORD HIGH TREASURER (according to the fore-cited Mr Miege, in his State of Britain) has under his charge and government all the king's revenue, which is kept in the Exchequer, and consequently the check of all officers anyways employ'd in collecting the same, whose offices are also for the most part in his gift. This office was formerly confer'd by the delivery of the golden keys of the treasury, and now by the delivery of a white staff, during the king's pleasure.

This officer of state, with us, (says Sir George Mackenzie in his Precedency, page 42.) is not mentioned amongst these officers of the crown under King Malcolm Canmore, and of old it has been thought but an office of the king's house: For in a confirmation granted to the abbacy of Aberbrothock, in the year 1529, by King James V. after *reverendissimis episcopis*, and *dilectis consanguineis*, are enumerated as witnesses *dilectis familiaribus nostris Roberto Barton nostro thesaurario et computorum nostrorum rotulatore*. Nor do I find a treasurer designed as witness in any of the king's charters till then, though some foolishly think that *Panetarius* was treasurer. And though the word *familiar counsellor* be now given to all officers of state, who are not earls, because they cannot be called cousins; yet, of old, it was only given to those of the king's own family, and was derived a *familia*, though now *familiar* is thought to be the same with *intimate*. But herein Sir George is in a mistake; for King James I. established the office of High Treasurer in Scotland after his return from captivity in England. And I humbly think, that before this, the Lord Chamberlain was in effect treasurer; for after this the jurisdiction of the chamberlain was restricted to what more particularly related to the government of the burghs, the charge and management of the king's property, and the other casualties of the crown being committed to the care of the treasurer as a distinct officer of state, whom henceforth we find almost constantly mentioned as a witness in all the royal charters, grants, and commissions, that past the Great Seal, under the designation of *Thesaurarius noster*.

The COURT OF EXCHEQUER IN SCOTLAND (says Mr Miege in his State of North Britain) is established by an act of Parliament of Great Britain, *anno sexto Anne Regina*, entituled, "An Act for settling and establishing a Court of Exchequer in the north part of Great Britain called Scotland," pursuant to a clause or proviso for that purpose in the 19th article of an act for an Union of the two kingdoms of Scotland and England. This court has the same power, authority, privilege,

and jurisdiction over the revenue of Scotland, as the Court of Exchequer in England has over the revenues there; and all matters and things competent to the Court of Exchequer in England relating thereto, is likewise competent to the Exchequer of Scotland. The judges are likewise invested with the power of passing signatures, gifts, and tutories, and to revise and compound them in the same manner as was done by the Lord High Treasurer, Commissioners of the Treasury, and Court of Exchequer in Scotland before the Union, and to receive resignations in his majesty's name in the Exchequer at the time of the Union, and to appoint officers, as was in use to be done before. All sergeants at law, barristers at law, of five years standing, in any of the four Inns of Court of England, or such persons as shall be advocates in the College of Justice in Scotland for five years, are qualified to be made barons of this court. Their commissions are, *quamdiu se bene gesserint*.

THE LORD HIGH TREASURER OF ENGLAND, according to Sylvanus Morgan in his *Sphere of Gentry*, lib. 4. page 82. carried a staff ensigned on the top with an imperial crown, which he places in pale at the back of the middle part of his shield of his arms, as the peculiar badge or ensign of the said office. And Sir George Mackenzie, in his *Science of Heraldry*, page 85, tells us, that the Lord High Treasurer of Scotland carried a white staff ensigned also on the top with an imperial crown, and placed in pale behind the escutcheon of his arms as the symbol of his office. And the Lord High Treasurer of Great Britain now makes use of the same figure as his badge in adorning his armorial bearing.

THE MASTER OF THE HOUSEHOLD, or *magister hospitii*, is an officer that surveys the accounts, and what related chiefly to the offices of the king's household or court, and seems to have come in the place of the Senescallus, since we are pretty sure we had no master of the household till after the most serene family of the Stewarts came to the crown, and not just then either; for we have no vestige of such an officer, so far as I have been able to trace them, before the Restoration of King James I. *anno* 1425. But whether this officer in England is in use to carry any distinguishing badge thereof in his armorial bearing, is what I have not as yet discovered. But I find that the family of the Earl of Winton, as Master-Household to our kings of old, carried two battons *gules*, powdered with thistles of gold, and ensigned on the top with an imperial crown, whereon is placed and set the royal crest of the kingdom, and disposed in saltier behind the shield of their arms. And the family of Dalmahoy of that ilk, as being Under Master-Household to King James VI. and King Charles the I. which office he got by patent from the first, and confirmed by the second, (which I have seen) wherein he has the allowance to place one such batton erect in pale behind the middle of the escutcheon of his arms. This office of Great Master-Household is now hereditary in the family of the Duke of Argyle, who being both Great Master-Household to the king, and Justice-General of the kingdom, adorns his armorial ensigns with one of these battons for the office of Master-Household, as is above narrated.

The office of CUP-BEARER to our kings being of old hereditary in the predecessors of the family of the Earls of Southesk, they carried a golden cup in their arms as the badge of their office. But this figure being no exterior adornment of the shield, I pass it over, now treating on the Exterior Ornaments only.

We had also of old in Scotland the office of *Panetarius*, who commanded over all the bakers, and *Buttelarius*, who had the like command over all the keepers of taverns, &c. and were inferior offices of the king's household under the High Stewart of Scotland. And I find in the letter directed from the nobility of Scotland to Pope John, in the reign of King Robert the Bruce, dated at the Monastery of Aberbrothock, the 6th of April 1320, that the Lord Soulis was *Buttelarius Scotiae*. And I have seen a charter wherein John and Thomas Murrays, sons to Sir Andrew Murray, Governor of Scotland, were designed *Panetarii Scotiae*, upon the forfeiture of John Cuming Earl of Monteith. in the year 1348. And which Earl of Monteith was formerly designed *Panetarius*.

Monsieur Baron, in his Art of Heraldry, gives us the arms of the COMTE DE COSSE, GRAND PANETER OF FRANCE, who, as the badge of that office, carries (says he) below his shield, on the dexter side thereof, a cup, and on the sinister a standish with pen and ink. But whether these of that office with us ever carried such

symbols as the distinguishing marks thereof, to adorn their shield of arms, I have not discovered, though it is very probable they have borne the same, seeing in all our method of heraldry we commonly follow the usage of France.

The KING'S FORESTER in SCOTLAND, (says Sir George Mackenzie, Science of Heraldry, page 3.) carried hunting-horns as the badge of that office. Thus (continues he) Burnet carries a hunting-horn in his shield, and a Highlander in a hunting garb, and greyhounds for his supporters, to show he was his Majesty's Forester in the Northern Forest, as Forrester of that Ilk is in the south: For which he also carries three hunting-horns. And the GRAND HUNTSMAN, or VENEUR, in France, carries (says Monsieur Baron) as the badge of his office, two hunting-horns *affronté*, garnished and placed below the shield of his arms.

I have seen the arms of Sir Alexander Erskine of Cambuslang, knight and baronet, LORD LYON KING at ARMS, cut on copper, and trimmed thus;—above the shield (whereon is his own paternal coat-armorial impaled with that of his office) is set an imperial crown, and behind the same two batons *semé* of thistles, and St Andrew's crosses disposed in saltier appearing at the foot, and at the top on each side of the crown, and round the shield the collar of the thistle.

The GRAND AUMONIER, or GREAT ALMONER in FRANCE, is thought to be an officer of the crown, and places under his arms a book marked with the armorial shield of France for the badge of that office. And I have seen on the roof of a hall in the house of Seaton the arms of John Hamilton, Archbishop of St Andrews, where is placed behind the shield of his arms, a cross staff erect in pale, and below his escutcheon a book expanded. No doubt on the same account as being Great Almoner in Scotland. The Almoner with us (says Sir George Mackenzie in his Precedency, page 44.) hath no precedence for ought we know, yet is very oft a witness in all charters granted by our kings, and some think that *clericus noster* was almoner.

I come now, *zdly*, To treat of the ensigns and badges of such military offices (as I have met with) used by those officers as symbols in adorning their escutcheons. And shall begin with the LORD HIGH CONSTABLE, of whom Mr Miege, in his State of South Britain, says, "That this officer in England, whose power and jurisdiction was anciently so exorbitant, that it was thought too great for any subject. In short (continues he) this office has been discontinued ever since the reign of King Henry the VII. Edward Bagot (or Stafford), then Duke of Buckingham, *anno* 1521, having been the last High Constable in England." However, upon a coronation, a Lord High Constable is created *pro illa vice*, who, at that ceremony, marches in his robes with his staff and coronet in his hand. In the Marshal Court he sat as judge, and took place of the Earl Marshal.

This high office with us is the same office (says Sir George Mackenzie in his Precedency, page 41.) that the *Comes Stabuli* was under the Roman empire, which may be confirmed by two clear testimonies of great antiquity, one is of Aimon, *lib.* 3. cap. 7. "Landegesilis regalium præpositus equorum, quem vulgo Comes Stabuli vocant." The other is from Rægino, *lib.* 2. "Annalium Burchardum Comitem Stabuli sui (quem corrupte constabulum appellabis) cum classe misit in Corsicam." Though the learned Cujacius does believe that this title comes from one that commands a company of men of war, *ad lunic. de comit. et tribun. scolar.* And there are some who derive it from the word *koning*, which signifies a king; and *staple*, which signifies a hold, because some constables were commanders of the king's houses: Though I find that the High Constable did command the king's armies, but was expressly debarred from commanding either his houses or garrisons: But now, with us; the Constable and Marshal take not place as officers of the crown, but according to their creation as earls, the reason whereof I conceive to be, because, of old, offices did not prefer those who possessed them, but they took place according to their creation: For the Constable and Marshal, being now the only two officers of the crown that are heritable in Scotland, continue to possess as they did formerly. But in France, England, and all other places, the Constable and Marshal take place as officers of the crown; and it seems strange that these who ride upon the king's right and left hand, when he returns from his Parliaments, and who guard the Parliament itself and the honours, should have no precedence by their offices; and yet I cannot deny, but that, of old, other earls were

placed before them in ancient charters, wherein Malcolm Earl of Fife is named before them. The Constable with us was, by the laws of King Malcolm, cap. 6, judge of all crimes committed within twelve miles of the king's house or habitation; though Sir John Skene observes, that the best manuscripts bear only two leagues: But now his jurisdiction is only exercised either as to crimes or breach of the peace during the time of the Parliament, which some extend likewise to all general conventions.

Upon a commission and warrant granted by King Charles I. in the year 1631, to several commissioners therein named, to search and make trial anent the honours and privileges belonging to the High Constable of Scotland, they, after a diligent scrutiny, returned their report to his Majesty hereanent. The tenor whereof follows:

*The Double of a Report of a Commission anent the Privileges of the High Constable of Scotland, which was registrate in Sir JAMES DALRYMPLE'S Chamber the 25th March 1727, the principal of which is still kept in the custody of the Earl of ERROL, hereditary High Constable of the Kingdom.*

MOST SACRED SOVEREIGN,

“ ACCORDING to the warrant and direction of the commission granted by your Majesty unto us for trial-taking of the honours and privileges due to the office of High Constable within this Kingdom, we have kept sundry diets and meetings (wherein the now Earl of Errol was present) and having heard and considered his claims, and the instructions and warrants produced by him for verify- of the same, and having likewise informed ourselves what the customs of other countries allow in the like case, we have hereby thought good to set down our articles, our opinion and judgment concerning the said privileges, and therewithal to satisfy your Majesty of what we conceive to be due and belonging to the said Constable in the right of his office. In all royal armies and expeditions, the Constable, in right of his office, is lieutenant-general, and supreme officer next unto the King. He has the command, direction, and government in the army, and is proper and sole judge in all military affairs, and in all actions concerning the captains, lieutenants, their officers and companies, enduring their employment or pay in the King's service, and that according to the custom universally observed in other countries. 2do, It appears that in former times, here, the Constable had precedency and place next to the Chancellor with relation to whatsoever officers; and, so far as we can learn, they have been in possession of the same till of late years that your Majesty's dearest father, of ever blessed memory, was pleased to prefer the late Earl of Dumbar to be High Treasurer of this kingdom, and that your Majesty's self sinsyne advanced the late Earl of Montrose to be President of your Council, and the Earl of Haddingtoun to be Lord Privy Seal, ordering them, in the right and warrant of their offices, to take place successively in their order, next unto the Chancellor, like as their successors in the said offices presently enjoy the same. 3tio, The Constable is supreme judge in all matters of riot, disorder, blood, and slaughter, committed within four miles of the King's person, or of the Parliament or Council representing the same, and the trial or punishment of such crimes and offences is proper and due to the Constable and his deputies, and the provost and baillies of that city or burgh; and all other judges within the bounds where the said facts are committed, are obliged to rise, concur, fortifie, and assist the Constable and his deputies in taking the said malefactors, to make their tolbooth patent for receiving them therein; as was clearly verified by production of warrants granted by your Majesty's predecessors to that effect, and which likewise appeared by exhibition of certain bonds made by the town of Edinburgh to the Constable for the time concerning that purpose. 4to, The Constable has the charge of guarding the King's person in time of Parliament or Conventions, as also the keeping of the Parliament House is committed to him, and the keys thereof delivered to him for that effect; he has likewise the chief command of all guards and men at arms attending on the King's person at such times. 5to,

" In time of Parliament the Constable rides on the King's right hand, and  
 " carries a white batton in token of command, and accordingly sitteth apart from  
 " the rest of the nobility in the Parliament House on the King's right hand,  
 " having the honours lying before him. *6to*, Before the thirteenth Parliament of  
 " King James II. the Constable was in possession of taking distress of all manner  
 " of goods bought or sold in markets in time of Session, General Councils, Parla-  
 " ment or Conventions, which being at that time discharged till the Constable  
 " should clear his right to the same in the next following Parliament; we find  
 " that in the table of the unprinted acts of the fourteenth Parliament of the said  
 " King, there is mention made of an act touching the taking of strysses by the  
 " Constable, but can find no record thereof extant in the register. *7mo*, In the  
 " original charter granted by King Robert I. of glorious memory, to Gilbert Lord  
 " Hay, first Constable of that name, and ancestor to Earl of Errol, we find the  
 " office of Constabulary to be given unto him *cum hostilagiis*, as a main and prin-  
 " cipal privilege belonging to the said office; which being a word obsolete and  
 " out of use, and we not knowing perfectly the genuine sense and meaning there-  
 " of, and whether then the same did import the liberty and right of a lodging duly  
 " furnished and appointed within the king's house, (as many do suppose) or some  
 " house in every town where the king did remain, or if there be any privilege or  
 " casuality imported, we have, in that regard, forborne to deliver our opinion  
 " concerning the same. As also in putting the crown on the king's head at the  
 " time of his coronation. Which, with sundry other privileges, are only made by  
 " the Constable to be due to him in the right of his office, and whereof, as he al-  
 " leges his predecessors has been prejudged, and the same brought into discoun-  
 " tenance by reason of the many eclipses which that noble house from time to  
 " time has suffered on occasion of the loyalty of the most part of his predecessors,  
 " who, out of zeal to the king's service, and honour of their country, did in their  
 " days die worthily in battle before they could gain the opportunity of time, or  
 " ripeness of years, to settle their estates, to vindicate the liberties due to their  
 " place and office. And this for an account of our proceeding in the execution  
 " of the commission directed by your Majesty unto us, which we humbly lay to  
 " your Majesty's royal consideration, praying God to bless your Majesty with  
 " many long and happy years. From Holyroodhouse, the 27th day of July 1631:  
 " *Sic subscribitur*, DUPLIN, WIGTOUN, LINLITHGOW, WINTOUN, NAIPER, ARESKINE;  
 " Sir THOMAS HOPE of Balmano, ARCHIBALD AITCHISON, A. FLETCHER, HENRY  
 " BRUCE." Extracted by—

And, *de facto*, I find in the orders for the riding the Parliaments of Scotland at  
 Edinburgh, in the year 1661, 1681, and 1703, the Lord High Constable and  
 Marischal, are (in the morning of that day the Parliament is to be ridden) to wait  
 on his Majesty's High Commissioner at the palace of Holyroodhouse, and to re-  
 ceive his orders, and from thence, returning privately, the Constable is to come  
 out of his lodging on foot, and having viewed the rooms under and above the  
 Parliament House, put on his robes, and, having his batton in his hand, set him-  
 self in a chair at the entry of the Parliament Close at the Lady's Steps, by the  
 outmost of his guards, from which he is to rise and salute the members, as they  
 alight from their horses, and to recommend them to the gentlemen of his guards  
 to be conducted to the Marischal's guards. And at the Riding of the Parliament,  
*anno* 1661, Gilbert Earl of Errol Lord High Constable of Scotland, received the  
 members of that Parliament (says the author of *Mercurius Caledonius*, page 3.)  
 at their arrival at the Parliament Yard, attended with his guard of one hundred  
 gentlemen of his name, armed with swords, pistols, and gilded pole-axes. And,  
 at the return of the members of Parliament back to the palace, the Constable rides  
 on the High Commissioner's right hand with a cap of permission on his head.  
 How soon his Majesty's High Commissioner alights from his horse, in his coming  
 to the Parliament, the Lord Constable receives him, and attends him to the Marischal  
 guards, and then both Constable and Marischal convey him bare-headed to the throne,  
 and are in the same manner to attend him in his returning to horse. And always  
 during the sitting of our Parliaments, the High Constable kept his guards without

the Parliament House, and the Marischal his guards within the same; the one to keep the peace within, and the other without doors.

The badge of this high office in England, according to Sylvanus Morgan in his *Sphere of Gentry*, *lib.* 4. page 82. is a staff or batton, ensigned with an imperial crown, and, on a shield, below the same, on the batton, is the King's royal arms; which batton, he carries erect, in pale, at the back of the middle of the escutcheon of his own armorial bearing, as the peculiar ensign of that high office.

But commonly the badge of this office was, and is, a naked sword, which, in the Roman Empire, was the badge of the office, *præfecti prætorio*; and the Emperor Trajan giving the naked sword to Suro Licernius, who was his *præfectus prætorio*, gives it with these words, *pro me si mereor in me*; which words were thereafter put, by Buchanan, with a naked sword, on the money coined during the minority of King James VI.

The first Lord Constable of Scotland that I have discovered, was Richard Morville, whom I find, in Sir James Balfour of Denmiln's Collections, to have flourished in the reign of King William the Lion; and next David Cuning Earl of Athol and Lord Strathbogie, of whom I read also in the said Sir James Balfour's Genealogical Account of the Nobility of Scotland, who gave three merks of money yearly to the monks of Inchaffray in Perthshire by a donation under his seal, which beginneth thus, "David de Cumine Comes de Atholix Dominus de Strath-  
"bolgie & Constabularius Scotix," &c. Which donation is confirmed by King Alexander II. in the year 1239. Afterwards this high office became heretable in the noble family of the Earl of Errol. For GILBERT DE LA HAY Lord HAY of Errol, (as says Sir George Mackenzie in his MS. Collections of the Scottish Families, and Lewis Moreri in his large Historical Dictionary) closely adhering to King Robert I. in all his troubles, when almost the whole nation had submitted to the Baliol; in consideration of his loyalty, was, by the favour of this warlike prince, created Lord High Constable of Scotland, in the sixth year of his reign, which was *A. Dom.* 1312, and which office was granted to him and his heirs, and is still enjoyed by them. JOHN, late Earl of ERROL, having matriculated his armorial bearing in the Lord Lyon's New Register, carries as the symbol of his high office of Constable at the foot of his shield on each side thereof, an arm gauntleted fesseways issuing out of a cloud, and grasping a naked sword erected in pale at the dexter and sinister sides of his escutcheon of arms, all proper, hilted and pommelled *or*. The figure whereof, as cut on copper, the curious may see in Sir George Mackenzie's Science of Heraldry.

The French High Constable makes use of the like badge as the ensign of his office. And, as to the antiquity of this practice with them, Menestrier, in his Science of Heraldry, gives us an instance of the arms of Matthew Lord Montmorency, Constable of France, who died in the year 1239, on whose sepulchral monument between two swords is placed his shield of arms; and though, as he tells us, the monument appears not to be so old, yet (says he) I have seen other instances of the same as old.

The same author, speaking of the King's Master of Horses in France, as an office subaltern, and dependent of the High Constable, was in use to place at the sides of his shield of arms, two swords in their scabbards, *azure, semé of flower-de-luces or*, with their belts rolled round them, to difference them from these of the Constables. And Monsieur Baron, in his Art of Heraldry, gives us the shield of arms of Lewis de Loraine, Count de Armagnac, Grand Ecuier de France to Lewis XIV. King of France, who, as the badge of his said office, carries below his shield two swords in their scabbards placed bend-ways, with their belts wrapt round them, *semé of flower-de-luces*, hilted and pommelled *or*. The Master of Horses is called there *Ecuier*, from *ecu*, a shield, because, by his office, he carried one before the king.

The High Marischal is a name which we have borrowed from the French, who write it *marechal*, and they have several of them, being the generals of their armies. The Earl Marshal of England is a post of great Honour, and takes cognizance, as the High Constable did, of all matters of war and arms (says Mieve) wherein he is commonly guided by the civil law. This post is now hereditary in the family of the Duke of Norfolk. For Thomas Mowbray Earl of Nottingham.

was the first that was invested with the title and office of Earl Marshal, by King Richard II. in the year 1385; which dignified office continues now in the said Duke of Norfolk's family, who enjoys it at this day heritably, as being descended by the mother's side from the said Thomas Mowbray.

Sir William Segar, Garter Principal King of Arms, tells us, "That the Earl Marshal of England is an Earl by office, and so is no other earl in England but "be." The Earls Marshal have sometimes been the king's lieutenant-generals in martial affairs, and, by their office of marshalship, have had power and authority to hear and determine judicially of questions, doubts, and differences between parties concerning honour and arms. And, to that end, the Earl Marshal held a court of judicature, called the Earl Marshal's Court; as when arms are usurped and unjustly borne, the Earl has power to disclaim the same, and to punish the parties that shall falsely assume and take upon them the armories of another, by the name and title of a Gentleman, when they are not so to be approved. The Earl Marshal has power also, by special commission under the Great Seal of England, over the College of Heralds, prohibiting the provincial kings of arms to give and grant any new coats of arms without his Lordship's consent. His Lordship establishes orders among the heralds, for their better rule and government; and any doubt or question which they cannot decide among themselves, they refer that to the arbitration and judgment of the Earl Marshal. His Lordship gives them their solemn creations according to their degrees, viz. Kings of Arms, Heralds, and Pursuivants. The Earl keeps his court either at Westminster, in the painted chamber adjoining to the Parliament House, or in his own house; where, in the great hall, is a large square table, with rails about it, and benches within, and an half-pace raised above the same. There the Earl sits in the midst, with divers noblemen, and sometimes judges on either side, according to the cause in hand, to the end that, with their advice and counsel, he may the more legally proceed. And here the College of Heralds sit as his council or assistants in their rich coats of arms. His Lordship has belonging to the said court a pursuivant-messenger that serves his precepts and summons. He has also a crier that stands on a corner of the stage; a doctor of the civil law, who sits within the rails over against the Earl, to resolve doubts. The register or clerk of the court sits before his Lordship's foot, on either side of whom the officers of arms are placed to give their opinions, being required. Without the rails stand the lawyers that plead, as sergeants and counsellors of the law, and sometimes doctors and proctors of the civil law, as the cause does require. The messengers having returned the process and summons into the court, the crier calls the parties whom the cause concerns; they present their petition or bill of complaint; the register reads the same; the lawyers plead *pro et contra* thereunto. And before the decision the court takes bond of the parties to stand to the award and order of the Court Marshal. When the court is to be dismissed and prorogued for that time, the register pronounces the prorogation, and the crier proclaims it aloud, appointing a day, as his Lordship shall please, for the producing of witnesses, for further hearing, or a final determination and judgment. But if the cause concerns the claim of dignities, as for baronies, or earldoms, or honourable offices, which differences happen sometimes between heirs-male and heirs-general, then the party plaintiff exhibits his or her petition to the King's Majesty, and the king refers that to be judicially heard in the Court Marshal. There, as that is found, the Earl Marshal advertises the king how he finds the right of the claim to be, and leaves the decision thereof to the king. In this case the warrants are set forth in the king's name, for the appearance of the parties in the Court Marshal, and are served or summoned by an officer of arms, with the other formalities of the return; and, if the cause be doubtful or ambiguous, it is sometimes referred to be heard and determined by the House of Peers. The Earl Marshal bears a staff of metal, gilt with gold, at either end tipped with black, enamelled: Which staff King Richard II. in the twenty-first of his reign, granted to Thomas Holland Duke of Surrey, Earl Marshal of England. In time of war, with this golden staff he marshals and orders battles in the field, and has the leading of the van-guard; and in time of peace, he bears it usually at his pleasure, but especially on festival days at the court, and in solemn and royal proceedings before the king, and takes his place with the Lord Great Chamberlain, or

the Constable, next before the sword. The Earl Marshal is placed, by act of Parliament, 31. Henry VIII. next after the Lord Great Chamberlain and the Constable, and before the Lord High Admiral, and the Lord Steward, and the Lord Chamberlain of the King's House. At the coronation of the king the Earl Marshal appear in his robes, with his coronet in his hand and his staff, and has the ordering of the abbey of Westminster, and sees the regalities and robes of King Edward the Confessor to be in a readiness. He appoints the building of the scaffold whereon the king is to be crowned, and gives orders to the gentlemen-ushers for the covering and furnishing thereof with hangings, chairs, traverses, carpets, cushions, &c. especially the *siege* royal whereon the king is to be crowned. At which time the Earl Marshal is one of those that does all the nearest offices to the king's person, as to help to lead him, and to support his majesty in his chair, putting his hand, with others of the nobility, to set the crown on his majesty's head, doing his homage first, and then presenting all others of the nobility. The Earl Marshal appoints what number of Knights of the Bath are to be made at the coronation of the king, and makes election of them. The day being come, the Earl Marshal with the Lord Chamberlain, gives them their oath, after they are all bathed; he also presents them to the king the same day to receive the Order of Knighthood. Of every Knight of the Bath the Earl Marshal receives a fee in money viz. five pounds for the horse the knight rides upon, and a merk for the horse's furniture, or composition for the same. And at the creation of a duke, marquis, or earl, the Earl Marshal ought to have his furniture, or composition for the same; and by ancient custom he has had the same of archbishops, bishops, and abbots, at their consecrations. At the funeral obsequies of kings, queens, and princes, the Earl Marshal is a chief commissioner appointed with the Lord Treasurer, the Lord Chamberlain, &c. to give orders to the wardrobe for the distribution of black for the mourners, velvet for the hearse, palls of cloth of gold, escutcheons, banners, and hachements, giving charge to the officers of arms to give their attendance, and to see all things royally and princely performed. At combats, barriers, tournaments, and jousts royal, the Earl Marshal is the chiefest officer to see them duly performed, to appoint judges, and to ride round the lists and order all things; at which time the Knight Marshal is but his attendant. Touching duels and private quarrels between gentlemen, growing upon disgraceful words, blows, or challenges, the Earl Marshal has power and authority to stay and commit the persons, confining them, and taking sufficient bonds for their good bearing and forthcoming, compelling the offenders to make satisfaction to the parties injured, according to the form and advice of a book published in print for that effect, by the appointment of King James I.

Mr Mieve, in his State of South Britain, also tells us, "It is the Earl Marshal who, with the assistance of the Kings at Arms and Heralds, marshals and orders the proclamation and coronation of our kings, their marriages, funerals, cavalcades, royal interviews, and feasts, &c. or when either peace or war with a foreign power is proclaimed: And is also judge of the coats of arms, and of the pedigrees of the nobility and gentry: and therefore keeps a court of chivalry in the common hall of the college of heralds in London. And whoever desires a coat of arms, must first apply himself to the Earl Marshal by petition, with a certificate annexed as to his being qualified for it; which being approved of by his Lordship, an order is directed by him to Garter King at Arms, and another of the Kings at Arms, being of that province where the petitioner resides, to devise arms for him, and prepare him a grant, with the coat blazoned in colours in the margin thereof: in which grant it is expressly said, that none at his peril do presume to bear the same coat."

Sir George Mackenzie, in his Precedency, page 42. tells us, "That the word *Marischal* is a German word and office originally, as the learned Tillet proves fully, a *marker of camps*. And the axe which he bears as the badge of his office, is delegated to the *Marechal du Camp*. The Marshal commanded the horse, as Tillet proves; whereas the Constable commanded both: but yet our learned Craig calls the Constable only *Praefectus Equitum*; and yet, as Tillet observes, the Marshal was not under the Constable, else he could not be an officer of the

“ crown, and officers of state do depend upon none but the king. Of old I find “ the orders in military cases run to our Constable and Marshal.”

It is presumable that our Earl Marischal in Scotland is honoured with the like privileges as the Earl Marshal of England: For the office of Marischal has never been out of the family of Keith: But the Earls of Athol and several others have been Constables of Scotland; and therefore it is that the Earl Marischal with us hath no other title, whereas the High Constable designs himself Earl of ERROL. Our High Marischal has been, like those of England, Lieutenant-General in martial affairs. And Sir Robert Keith, our great Marischal, accompanied Edward Bruce when he went to take possession of the crown of Ireland, and did him notable service at taking in of Dublin Castle, and kept close to the interest of King Robert the Bruce in all his troubles: He was the chief instrument in gaining the battle of Inverury, which was the first that ever that great prince won; And at the battle of Bannockburn he commanded 500 horse, being the person that gave the first onset, and defeat a party of the English horse sent to reinforce Philip Mowbray, Governor of Stirling, which made way for that glorious victory the Scots there obtained. And at last died fighting most valiantly at the battle of Duplin, “ Cum magno propinquorum & clientium numero,” says Buchanan. Sir Robert Keith was a man of great courage, and the main instrument of driving Edward Baliol out of the country, and restoring King David Bruce. And Sir William, Lord Keith, whose father, Sir Edward first Lord Keith, being indisposed when the battle of Otterburn was about to be foughten, supplied his father's place as High Marischal. And being a man of great valour, went to the said battle, where, after James the second Earl of Douglas, then General of the Scots army, was killed, and the English like to prove victors, he, as High Marischal, took on him the chief command of the army: and being a nobleman of intrepid courage, recovered the battle, beat the English, and took Ralph Percy (brother to, and conjunct commander with, Henry Hotspur son to the Earl of Northumberland) prisoner with his own hand. But fearing I should prove too prolix in enumerating the valiant actions of the heroes of this noble and ancient family, I proceed to acquaint my reader that our Earl Marischal kept also a court called the Marischal Court.

In this court his Lordship hath power and authority to hear and determine judicially of questions, doubts, and differences, between parties, concerning honour and arms; as also touching duels and private quarrels between gentlemen, arising from disgraceful words, blows, or challenges. He also, as the Earl Marshal of England, has power and authority to stay and commit the persons, confining them, and taking sufficient bonds for their good a-bearing and forthcoming, compelling the offenders to make satisfaction to the parties injured. To prove this, I shall here insert an order of this court, taken from the principal copy, signed by the clerk of the said court, whereof the tenor follows.

“ The Marischal Court of the kingdom of Scotland, holden at Leith the 21st “ June 1633, by a noble Earl William, Earl Marischal, Lord Keith and Altree, “ &c. Great Marischal of the kingdom, members of court chosen, suits called, the “ court lawfully fenced and affirmed.

“ The which day anent the riot committed between Francis Stewart, son lawful “ to John Stewart of Coldingham, and Malcom Crawford of Newtown, in their “ injuring of others, and appealing others to combat contrary to the laws of this “ realm, to the disturbance of his majesty's peace, and offence of his majesty, baith “ the said parties being present, and confessing the same, the said Earl decerned “ them to keep his majesty's peace in time coming; and for that effect to act them- “ selves as follows, and to agree together, and chope hands, which they particular- “ ly did.

“ The which day the said parties actit themselves, aither of them to others for “ their indemnities, and for keeping his majesty's peace, aither of them to others, “ under the penalty of one thousand pounds, *toties quoties. Sic subscribitur,*

F. STEWART, J. CARESBURNE,  
R. KEITH, clerk of the said court.

At the Riding of our Parliament I find the Constable and Marischal guards of partizans are to make a lane from that entry to the Parliament Close, called the Lady's Steps, to the Parliament House, those of the Constable's without, and those of the Marischal within the house, allowing the Constable six of his guard within doors, conform to ancient practice. And here I take occasion to insert what I should have mentioned before, viz. I find by the Privy Council Registers, *anno* 1633, that the foresaid report of a commission, concerning the privileges of the High Constable, was approved of by his majesty. But as to that part of it, alleging the Constable to be superior judge in all matters of riot, disorder, blood, and slaughter, committed within four miles of his majesty's person, or of the parliament, or council representing the royal authority in his absence; and that the trying and punishing of such crimes and offences is only proper and due to him. The royal burghs of this kingdom pretended some prejudice to be done them in that report, particularly the city of Edinburgh, who produced charters from King James III. and other of our kings, ratified in parliament, by which the magistrates of that city are made and constitute heritable sheriffs within themselves, and afterwards justices of peace within Edinburgh and Leith; whereupon his majesty was pleased by his letter to the Lords of his said Council, dated at Greenwich, May 14, 1633, to will them to call the commissioners of the burghs before them to hear their objections concerning this affair, and to report. The council finding the Lords of Session judges competent thereto, remits the same to their solution. But as to their determination on the head, I refer to their decision about that time.

The Constable and Marischal, in the morning of that day the Parliament is to be ridden, do wait on his majesty, or, in his absence, on his High Commissioner at the palace, to receive his orders: and from thence the Marischal returns privately, and goes and puts on his robes; and being set in a chair at the head of his guards, near the entry to the Parliament House, he there attends in his robes with his baton in his hand, and from his chair arises and receives the members as they enter the door. And when the king or his commissioner enters the house, then both the Constable and Marischal convoy him bareheaded to the throne, and are in the like manner to attend him in his return to horse: Afterwards the Marischal takes horse, and rides with him on his left hand to the palace, having on a cap of permission, and clothed in his robes.

We had no Knight Marischal in Scotland, as they have in England, till King Charles I. his coronation in the year 1633, at which time it was erected by a letter to the Privy Council. And Sir George Mackenzie, in his Precedency, page 42, tells us, "That this officer, by his office, is to take place immediately after the younger sons of lords." And after the restoration of King Charles II. January 1, 1661, the Earl Marischal, accompanied with four hundred gentlemen of his own relations, marched on foot from his own lodgings to his majesty's palace of Holyroodhouse, (then the residence of the Earl of Middleton, his Majesty's High Commissioner) with the honours of the kingdom, viz. he himself carrying the crown, Colonel George Keith his second brother the sceptre, and the youngest, Sir John Keith, the sword: And when the two eldest of these brothers were prisoners in England for their loyalty, by the particular care and industry of the youngest, the same honours (so much hunted after by the English then our enemies) were miraculously preserved: For which his said Majesty King Charles II. deservedly conferred upon him the honour of Knight Marischal of Scotland.

Our Earl Marischal was also heritable keeper of the regalia of the kingdom, viz. the crown, sceptre, and sword. And after the rising of the Parliament, wherein the union with England was concluded, William Wilson, one of the under-clerks of Session, as Depute-Marischal of Scotland, upon his delivering up of the said honours, took the following protest, viz.

Protest taken by William Wilson, one of the under-clerks of Session, as Depute-Marischal of Scotland, upon his delivering up of the honours to David Earl of Glasgow, Treasurer-depute, after the rising of the Union Parliament, *anno* 1707.

"At the Castle of Edinburgh, within the crown-room there, betwixt the hours of one and two afternoon of the 26th day of March, in the one thousand seven

“ hundred and seventh year of our Lord, and sixth year of the reign of her Majesty Anne, by the Grace of God Queen of Scotland, England, France, and Ireland, Defender of the Faith, &c.

“ The which day, in presence of us notars-public, and witnesses undersubscribing, compared personally William Wilson, one of the Under-Clerks of Session, Depute-Marischal, for himself, and as procurator for, and in name and behalf of William Earl Marischal, Lord Keith and Altree, Great Marischal of the Kingdom of Scotland, Heritable Keeper of the Regalia thereof, viz. crown, sceptre and sword; and there, in presence of David Earl of Glasgow, Lord Boyle, &c. Lord Treasurer-Depute, who, for himself, and in name of the remanent Lords Commissioners of the Treasury, was present to receive the above regalia; the said William Wilson, afterwards producing and reading a procuratory granted by the said noble earl to him, of the contents therein and after mentioned, dated and registrated in the books of Council and Session, on the 25th of March instant, did also produce to the said Lord Treasurer-Depute a schedule signed by him and the notars-public undersubscribing, containing an inventory and particular description of the said regalia.

“ And thereafter, upon the delivery of the above regalia to the said Lord Treasurer-Depute, and upon lodging thereof, with the foresaid description of the same, in an orderly manner, in a chest within the said crown-room, the said William Wilson, as procurator foresaid, and in name and behalf of the said Earl Marischal, and in the terms of the said procuratory, protested, that the delivery up of the regalia foresaid shall not invalidate, or be prejudicial to the said Earl Marischal his heritable right of keeping thereof, both in time of Parliament and intervals, either in the said earl his castle of Dunotter, as heretofore his ancestors have done, or any other else within the kingdom of Scotland, that his lordship and his successors shall think secure and convenient. Also in terms of the act ratifying the Union between the kingdoms of Scotland and England, whereby it is stipulated and agreed by both Parliaments, “ That the crown, sceptre, and sword of state, shall be continued to be kept as they are at present within this kingdom of Scotland, and that they shall remain so in all time coming, notwithstanding of the Union,” protested, That they shall remain within the said crown-room of the castle of Edinburgh: and in case the government shall find the transportation thereof from Edinburgh castle, to any other secure place within this kingdom, at any time thereafter necessary, protested also, That the same may not be done until intimation be made to the said Earl Marischal and his successors, to the effect his lordship or they may attend and see the same safely transported, and securely lodged: And made due and lawful intimation of the premisses to Colonel James Stewart, Depute-Governor of the said Castle, then present, that he might pretend no ignorance. And also as procurator foresaid, and likewise for himself, as continued keeper of the regalia, by deputation from the said Earl Marischal, and the deceased George Earl Marischal his father, since the 3d day of August 1681 years, in the reigns of King Charles II. King James VII. King William and Queen Mary, and her present Majesty Queen Anne, declared, that the same were now delivered to the said David Earl of Glasgow, Lord Treasurer-Depute, for himself, and in name foresaid, and in the same state, case and condition he then received the same; and offered to give his oath, that the said William Wilson, nor none to his knowledge, has ever directly or indirectly embezzled or taken away from the said regalia any of the jewels, pearls, or others appertaining thereto: And, therefore, seeing he had with exact care, and continued fidelity and honesty, discharged the said trust reposed in him, did protest to be liberate and exonerate for his administration in the said office, during the said bygone space, but prejudice to the said Earl Marischal of keeping the same in all time coming as formerly, by himself, and the said William Wilson as his depute, or any other whom his Lordship shall appoint; and upon all and sundry the premisses, the said William Wilson and his procurator for, and in name and behalf of the said William Earl Marischal, asked, and took instruments ane or mae in the hands of us notars-public undersubscribing. Thir things were done time and place above-mentioned, before and in presence of Mr David Leslie, son to the Earl of Leven, Governor of the Castle of Edin-

burgh, Sir James Mackenzie, Knight and Baronet, Clerk of the Treasury, George Allardice of that ilk, Captain John Cockburn, son to the deceased Mr John Cockburn, advocate, Francis Dunlop of that ilk, William Morison of Preston-grange, James Malcolm of Grange, and Captain Patrick Auchmoutie, two of the Earl Marischal's battonneers, John Barclay of Culernie, Patrick Durham of Omachie, Mr George Areskine, son to Sir John Areskine of Balgonie, deceased, William Murray, writer to the signet, Thomas Gibson, writer in Edinburgh, son to the deceased Sir Alexander Gibson of Pentland, one of the Clerks of Session, Mungo Smith, John Reid, Walter Murray, and Robert Bull, merchants in Edinburgh, Mr John Corsar, Alexander Keith, George Forbes, Alexander Farquharson, and Alexander Johnston, writers in Edinburgh, John Hog and David Graham, Macers of Privy Council, Charles Maitland, John Adam, Andrew Graham of Jordanston, and Patrick Grant of Bonhard, four Macers of Session, John Letham, her Majesty's Smith, David Graham, eldest lawful son to Captain David Graham, Macer of Privy Council, William Robertson, son to William Robertson, one of the Under-Clerks of Session, Robert Douglas, eldest lawful son to Robert Douglas of Milcraig, merchant in Edinburgh, with divers other witnesses specially called and required to the premisses. *Et ego vero Willielmus Robertson, Georgius Cockburn, Alexander Alison, Willielmus Brown, Alexander Bailie, Joannes Corss, and Robertus Bannantyne*, all notars-public subscribing and subjoining their notes hereto."

Several exact copies of this protest Mr Wilson sent to the four universities of the kingdom, also to the Faculty of Advocates, and College of Physicians, as also to the Earls of Errol and Marischal, who received the same as a great favour done them, and returned him their several missives of thanks therefore. The Earl of Marischal's missive to him upon the foregoing account I subjoin as follows.

" Affectionate Friend,

" I received the instrument of the delivery of the regalia, which I acknowledge a great service done by you to me and my family, and yet a greater to the nation in general; and, therefore, I will preserve it as carefully as any paper in my charter-chest. I shall at present pass over in silence many other good offices you have done me; and conclude by assuring you, that as you think it an honour to be descended of my family, so I think it happy to have such a friend as you: You shall find on all occasions with how much reality I am your most affectionate friend to serve you." *Sic subscribitur*

MARISCHAL.

*Inverurie, July 8th,*  
1709.

Directed thus, to Mr WILLIAM WILSON,  
one of the Clerks of Session.

It is commonly thought, that about the beginning of King Robert the Bruce's reign, when Gilbert Hay Earl of Errol was made High Constable of Scotland, that Robert de Keith was made Marischal of the kingdom by that gallant prince, who gave the same office heritably to himself and his successors: Yet I find by the chartulary of Kelso, that Simon Fraser gives the kirk of Keith, and some lands near Haddington, to the abbacy of Kelso, which is confirmed by Hugh Lorens, and Eda his wife, heiress of the said Simon, and *Herveus filius Philippi Marescalli* also confirms the same. He is sometimes designed *Herveus de Keith*, and sometimes *Harveus Marescallus*. And *John de Keith Marescallus filius Hervei Marescalli*, by an agreement with the Abbot of Kelso, confirms in his favours his said father's donation of the kirk of Keith; all which is confirmed by King Malcolm IV. who began his reign in the year 1153, which is a clear evidence that this noble family has been possessed of the office of Great Marischal of Scotland long before the reign of King Robert the Bruce.

The High Marschals, of old, carried for the badge of this office an axe; Tillet says, on the account that they were the markers out of camps, and broke the ground with that instrument, as I before mentioned. But others say, as La Lonet, in his Treatise of Nobility, *lib. i. cap. 8.* that the marschals carried axes as the token and badge of power and royal authority, which, of old, kings themselves did use instead of a sceptre, as a mark of their dignity, having got the investiture and

possession of their kingdoms by the tradition of an axe. But the Great Marischals now, instead of the axe, carry battons as the badge of this high office.

Those in France bear behind the shield of their arms, as symbols of this office, two battons *azure, semé* of flower-de-luces *or*, and disposed in saltier, as says Monsieur Baron in his Art of Heraldry.

The Earl Marshal of England carries, as the badge of his high office, (as narrated by Sylvanus Morgan in his Sphere of Gentry, *lib. 4. cap. 6.*) a staff, or batton, erected in pale, behind the middle of his shield of arms. And the said author tells us, that most of the chief officers of state in England carry, as the badge of their office, a staff of their dignity, or rather *symbolum administrationis*. For which he cites Cassaneus as follows:

Datur igitur virga prætoribus, propter disciplinam.  
 Datur principibus, propter summam regendi potestatem.  
 Datur senioribus, in quibus sapientiæ munus excellit.  
 Datur præsidibus, ad custodiam obeundam.  
 Datur regibus, ad mansuetudinem. & clementiam exercendam.  
 Datur imperatoribus, ad hostilem impetum coerendum atque injuriam propulsandam.

(CASSANEI Sexta Conclusio.)

Such is the dignity of the staff, that at the coronation of the Prince of Wales it is required, and at the words *virgæ aureæ traditionem*, the king delivereth into his hand a verge of gold, betokening government.

With us, our Earl Marischal bears for the ensign of his high office, as matri-culated in our Lyon's Register of Arms, two battons of the Marischal of Scotland, being *gules, semé* of thistles, ensigned on the top with imperial crowns *or*, and disposed in saltier behind the escutcheon of his arms.

Mr Miede, in his State of South Britain, tells us, " That the last great officer " there is the Lord High Admiral, who has the management of all marine affairs, " and the government of the royal navy, with power of decision in maritime " cases, both civil and criminal. He judges of all things done upon or beyond " the sea in any part of the world, upon the sea-coasts, in all ports and havens, " and upon all rivers below the first bridge from the sea. By him vice-admirals, " rear-admirals, and all sea-captains are commissioned, all deputies for particular " coasts, and coroners to view dead bodies found on the sea-coasts, or at sea. He " also appoints the judges for his Court of Admiralty, and may imprison, re- " lease, &c."

" The sea being reckoned without the limits of the common law, and under " the jurisdiction of the Lord High Admiral, therefore the civil law is made use " of in the Court of Admiralty. The proceedings in all civil matters are accord- " ing to the civil law, that is by libel to the action, both parties giving surety " that they shall stand to the judgment of the court, and he that shall fail in the " suit pay to the other what he shall be condemned to. But in criminal matters, " such as piracy chiefly, the case is altered. For whereas the proceeding in this " court was, of old, according to the civil law, there were two statutes made by " Henry VIII. that criminal affairs should be tried in this court by witnesses and " a jury, and this by special commission of the king to the Lord High Admiral, " whereof some of the judges are to be commissioners. In which case the trial is " by the common law, as directed by these statutes.

" The customs and former decrees of this court are there of force for deciding " of controversies. And there is a Court of Equity under it, for determining dif- " ferences between merchants. Though the common law reaches as far as the " low-water-mark, being counted *intra corpus comitatus adjacentis*, and causes " thence arising are determinable by common law, yet when the sea flows over the " low-water-mark, the admiral has also a jurisdiction there over matters done " (while the sea flows) between the low-water-mark and the land.

" To the Lord High Admiral belong all penalties and amercements of all trans- " gressors at sea, on the sea-shore, in ports and havens, and all rivers below the " first bridge from the sea, the goods of pirates, and felons condemned, or out- " lawed, sea-wrecks, goods floating on the sea, or cast away on the shore, not

“ granted to the lords of manors adjoining to the sea, and a share of all lawful prizes. Also all great fishes, commonly called *royal fishes*, except whales and sturgeons. To which add a salary of L. 7000 a-year. In short, this is so great an office, in point of trust, honour, and profit, that it has usually been given to princes of the blood, or the most eminent persons among the nobility.”

The same author tells us, in his *State of North Britain*, “ That the Scots never abounded in naval force, nor seem to have affected it; otherwise a nation of so long standing, having such materials for building of ships, and such harbours for laying them up safe, could scarcely have been without a competency of ships of war. This must be in part ascribed to that same humour which made them neglect walled towns, according to that of our historian and poet.

*Illa pharetratis est propria gloria Scotis, &c.*

And a little lower,

*Non fossa & muris patriam, sed Marte tueri.*

“ Another reason may be, that their wars being for most part defensive, and by land, against the several people who inhabited the south parts of the island, they did not much apprehend the necessity of the naval force. But that they did not altogether neglect it, is plain from their acts of Parliament, and particularly the 140th act of King James I. by which it is ordained, “ That all barons and lords having lands and lordships near the sea, on the west and north parts, and especially against the isles, should have galleys, and maintain them according to their ancient tenor; and all the lands which lie within six miles of the coast should contribute to their maintenance.”

“ With these galleys they defended their coasts, and sometimes invaded their enemies. But that they had other ships of war, with which they were able formerly to look the English and others in the face, is evident from history: For in the reign of King James III. a squadron of the English navy, which infested our coasts, was defeated and taken by Andrew Wood of Largo, a noted sea-captain, in the Frith near Dunbar; and he afterwards defeated Sir Stephen Bull, with another English squadron, near the mouth of the Tay, where he took him and his ships. And in that same reign, Andrew Barton, a Scots merchant, having obtained letters of marque from his own prince to make war with the Portuguese, who had killed his father, and taken his ship, and refused to make satisfaction, though condemned by the Admiralty of Flanders, in whose dominions this piracy happened, the said Barton did in a few months make sufficient reprisals upon them with his own ships; but was treacherously, in time of peace, surprised at the instigation of the Portuguese, by an English squadron, under the conduct of Admiral Howard, against whom, with a much less force, he maintained a gallant fight, but at last was killed, and his ships taken.”

“ The main reason why the Scots neglected improving their naval force, while their neighbours increased and augmented theirs, seems to have been, that their princes, when neighbouring nations increased their naval force, were either minors, or engaged in war with England, or intestine broils at home; as happened in the reigns of King James III. IV. and V. Queen Mary, and King James VI. during whose reign, before and after his succession to the crown of England, the reasons not only for the neglect, but for the decay of the naval force of Scotland, are so obvious, that it is needless to touch them.”

The chief court of admiralty in Scotland sits in Edinburgh, where they determine such causes of piracy, prizes, &c. as are proper to their cognizance. The office of Lord High Admiral in Scotland has, for the most part, since the union of the crowns, been in such persons as had not their residence in the kingdom, particularly in the family of Lennox, and in the late King James when Duke of York. There are particular jurisdictions of admiralty hereditary in some great families, as the Duke of Argyle, who is admiral of the Western Isles, &c. And the Earl of Sutherland, of the County of Sutherland, and some of the neighbouring provinces; and the Earl of Morton is Steward, Justiciary, and Admiral of

Orkney, whose deputies are at his own nomination. In our Court of Admiralty we have a judge, two procurators, a procurator-fiscal, a clerk and his depute, and three macers.

Anciently the Romans represented their offices by figures on their medals before the use of armories. Pompey had on some of his medals the prow of a ship when admiral in the wars against pirates. And Lucius Hostilius, admiral in the Punic wars, used the same mark. Julius Cæsar, upon the reverse of many of his medals, had the augurial staff, the axe, and the fasces. The Septemviri, whose offices were to regulate and oversee the public religious festivals, used for their marks a vessel for holding wine. And the Quindecemviri had a dolphin upon a trident. And it is the imitation of those marks of dignity on medals that hath occasioned the usage of particular badges and symbols in armories as distinguishing marks borne by persons in high offices.

Admirals have been in use many generations past, almost everywhere, to place an anchor pale-ways behind their shields as the badge of their office. The General Admiral of the Galleys in France, according to Monsieur Baron in his Art of Heraldry, carries a double anchor erect in pale behind the middle of the escutcheon of his arms, and two battons *semé* of flower-de-luces disposed in saltier at the back of the shield. As in the arms of Mr Le Duc de Vivonne, General des Galrees.

The Lord High Admiral of England, or *Dominus supremus præfectus classis Anglicanae*, according to Sylvanus Morgan, in his Sphere of Gentry, *lib. 4. cap. 6.* page 85. bears an anchor erect in pale behind the middle of his armorial shield as the badge of his high office. And gives us an example thereof in the arms of James Duke of Albany and York.

In Scotland our admirals carried the same symbol; for though, as Sir George Mackenzie tells us in his Science of Heraldry, page 3. that Wood of Largo carries two ships, to show that his predecessors were Admirals of Scotland, as I mentioned before, yet this was not the badge of that office, but he only added the figures of two ships under sail to his old paternal bearing, the oak tree, to demonstrate to posterity that he was once an admiral, whereas the ensigns of high offices can be borne by none but by those in office, neither are they ordinarily borne within but without the shield as exterior ornaments thereof. I have seen the arms of James Earl of Bothwell, (who was Lord High Admiral of Scotland in the reign of Queen Mary) both on his seal and on other places, particularly on the roof of the Hall of Seaton, called Sampson's Hall, where he carries an anchor erected in pale, behind the middle of the shield of his arms, as the badge of his office; and the family of Lennox used the same symbol when advanced to the office of High Admiral.

As for the ancient practice of placing one anchor behind armorial bearings, as the badge of admiralty, Menestrier, in his Science of Heraldry, tells us, That he has seen in a manuscript in the *Bibliothèque* of the Cardinal Bouillon, the arms of Lewis, a bastard of Bourbon, Count of Rousillon Admiral of France, in the year 1466, being *azure*, *semé* of flower-de-luces *or*, a batton sinister *gules*, and behind the middle of the shield an anchor pale-ways *argent*, with the stock *or*.

But now, both in France and Britain, the High Admirals carry, as the ensign of their high office, two anchors disposed in saltier at the back of the shield of their arms, and the vice or rear admirals carry but one in pale behind their shield. Monsieur Baron, in his Art of Heraldry, gives us the arms of Lewis Alexander de Bourbon, a natural son of France, Count of Toulouse, Grand Admiral, &c. being *azure*, three flower-de-luces *or*, a batton sinister *gules*, timbred with a crown heightened with flower-de-luces, and great leaves alternately, within a *manteau azure*, doubled *ermine*, and behind the shield two anchors saltier-ways.

Olivarus Uredus, amongst the seals of the Earls of Flanders, gives us the seal of Albert Archduke of Austria, who married Isabella Infanta Dutchess of Burgundy. and Countess of Flanders, daughter of Philip II. King of Spain, where both their arms are marshalled in one shield, and behind the same are two anchors placed saltier-ways, which seal they used (says our author) in their high courts of admiralty.

The Masters of the Cross-Bowers in France were in use to place cross-bows at the sides of their escutcheons, as Menestrier observes in his Science of Heraldry, who tells us, that he has seen an instance of it in the year 1419. And the Grand

Masters of the Artillery, who are now come in place of the former, carry two cannons, or great guns, on their carriages, *adossé*, below the shield of arms, with bullets lying beneath them, as in the arms of *Monsieur Le Duc du Lude, Grand Maître d'Artillerie*, as narrated by Monsieur Baron in his Art of Heraldry. And the arms of *Lewis de Crevant de Humiers*, Marshal of France, Marquis of Humiers, &c. Grand Master of the Artillery, are adorned with two battons *gules, semé* of flower-de-luces *or*, disposed in saltier behind the shield as his badge for Marshal; and below, as being also Master of the Artillery, two great guns mounted on three carriages *adossé*, as aforesaid.

These figures have also been used in the armorial bearings of the Great Masters of Artillery in Germany, as the badge of that office, besides ensigns and banners which they have added to adorn their shields of arms, on another account; of which Sylvester Petra Sancta has given several examples in his *Tesseræ Gentilitiæ*, as that of *Torquatus de comitibus*, whose shield of arms is surrounded with eight ensigns, and six standards of foot and horse, marked with the arms of those from whom he had taken them in battle; and below the shield two brass guns or cannons on their carriages *adossé* firing. Our author's words are, "Ad hæc Torquatus de comitibus Dux Belli inclitus ac strenuus ac Ferdinando II. cui diu militavit, in nuperis simulatibus imperii, tesseræ suæ permeruit, præter signa equitum ac peditum, quæ indeptus est fortissime dimicando, etiam aenea bellica tormenta, functus videlicet præfectura rei tormentariæ & donatus etiam a Cæsare ideo tormentis duobus: Quæ ille jussit deportari in Italiam, gloriæ monumentum." And in the same chapter he gives the arms of the family *Bonifacorum* in Spain, adorned with twelve ensigns, and below the shield four anchors, to perpetuate the memory of some notable victory by sea and land obtained by one of this family as High Admiral.

It is to be observed, that badges of offices which adorn the outsides of the shield of arms, show only that the bearers are in possession of such offices; and their issue outed of them cannot use them so, (except by a special warrant for that end) but may be allowed to use them within the shield as an armorial figure, to intimate to posterity that their progenitors have once been honoured by such offices, as I took notice of before, in an example hereof, in the arms of Wood of Largo. Yet the adorning crests and sides of armorial shields with ensigns, banners, and pennons, has been a practice continued hereditary in several families in France, Germany, and Italy, from the first assumer of them, and that upon several accounts, as trophies of valour and victory over their enemies, whose ensigns they place round their shields; and being so adorned, they are transmitted to their issue, representers of their families, of which the said Sylvester Petra Sancta gives us several examples, in his 77th chapter, *de explicatis circa tesseras gentilitias vexillis*, amongst which is the shield of arms of the family of Colonna in Rome, adorned with eight ensigns of the Turks, marked with crescents, since Marcus Antonius of that family defeat the Turkish fleet, who designed to invade Europe, and below the shield are placed two Turks in chains, to perpetuate this notable victory. This family, besides these eight Turkish ensigns, have above them two great banners, marked with the arms of the pope and of the empire, as constables of the church and empire. And Menestrier, in his Science of Heraldry, tells us, That banners adorning arms are in some countries badges of constables, as with the same family of Colonna in Italy, and with the chief house of Clermont in Dauphiné, who outwardly adorn their shields with banners *semé* of dolphins as heritable Constables of Dauphiné.

Those whose office it was to carry the banner of their countries, have been in use to place such at the sides of their shields of arms, as the Cæsarini in Rome carry four banners or ensigns purple displayed, issuing from each side of the shield, marked with the letters *S. P. Q. R.* on account, says Sylvester Petra Sancta, they were *Vexilli feri, Senatus Populi Que Romani*. And the Counts de Vexin, who carried the oriflam of France, have two banners carried by the supporters of their arms, being lions, as Menestrier has observed; as likewise the royal supporters of France, being two angels, holding in each of their hands a banner erect in pale. And Sir George Mackenzie, in his Science of Heraldry, page 95, has given us the figure of the seal of JAMES LORD HAMILTON. And it is presumeable, by the posi-

tion of the shield thereon, that he was the first lord of that name, and married King James II.'s daughter. The blazon or description of which seal that learned author having omitted, I here insert as follows. This noble Lord bears on a shield *couché* three cinquefoils, above the same is placed a helmet, at the back whereof issues a running leaf *or*, two by way of mantling, and on the top thereof is set his torse or wreath, whereout issues his crest, being an antelope's head and neck, supported by two antelopes, with one foot standing on a terrace, with their tails betwixt their hinder feet; one of which feet stands also on a terrace, and with the other feet they support the shield; with one of their fore feet they lay hold of the helmet, and with the other each of them embraces and bears up a banner erect in pale, and round the seal is this legend, *Sigillum Jacobi Domin. de Hamylton*. Again the said judicious author, page last, in his blazon of the achievement of his Majesty of Great Britain, tells us, that his supporter of the unicorn on the dexter embraces and bears up a banner *azure*, charged with a St Andrew's cross *argent*, and the lion on the sinister, and another banner *argent*, charged with a plain cross, (called of St George) *gules*. And before the succession of King James VI. to the crown of England, I find by old books of blazons and paintings, that the supporters of Scotland, being two unicorns, that one on the dexter did embrace and bear up a banner charged with the royal arms of Scotland, and that on the sinister with the said St Andrew's cross. By which examples it is evident, that this practice of supporters bearing up banners is pretty ancient with us. But it is to be observed by these last instances, that the staffs of these banners are not placed saltier-ways behind the shield, as the usage is with the Italians, Spaniards, and Germans. Which method of trimming and adorning their armorial shields, though proper to them, yet is not so usual with the French and us, who commonly carry no more than two banners when they adorn their arms with these badges or symbols, and besides are always erected in pale at the sides of the shield, and the ensigns are displayed on the flags thereof.

Some also, on account of military employments, have placed ensigns round the shield of their armorial bearings, as Ferdinand de Alerson, General of the Spanish army under King Charles V. of Spain, was the first (says Menestrier, in his Science of Heraldry) that placed such symbols about the arms of his family. And the family of Andredas there has eighteen banners round the shield of their arms, disposed in saltier. And the Dukes de Alva carry ten with us upon the same account. JOHN SCOTT of Thirlestane, who came to King James V's. army at Soutra-edge, with three score ten spearmen on horseback, of his friends and followers, being likewise willing to go with the said king into England, when his nobles and others refused already to stake all for his service; the king, as a reward for his loyalty, allowed him adorning his armorial shield, to take, for crest, a mural crown with six spears, which I should have observed before when treating on crowns; as also to use, for supporters, two men in coats of mail with steel caps, holding each in their hands a spear with pennons, having small flags or banners thereat. And ALEXANDER LESLIE, who came to great honour in the wars abroad under Gustavus Adolphus King of Sweden, whom he served in the quality of a field marshal, after his return home. was advanced to be general and chief commander of the Parliament's army, and created Earl of LEVEN by King Charles I. who, in consideration of his military bravery, allowed him to take, for supporters, two warriors in armour, holding in each of their hands a banner.

Yet the Germans, I observe, have more commonly these banners and ensigns issuing from the tops of their shields, and very often from their helmets and crests. As the princes of Anhalt have twelve banners, so displayed, issuing from their crests, the Counts of Mansfelt six banners, and the Counts of Solms two, having the arms of their noble feus displayed upon them.

Menestrier says, in his said Science of Heraldry, that the practice of adorning shields of arms after this method in Flanders is very ancient. And in France several old families have used banners at the sides of their arms in place of supporters, on account that they had right to carry a banner in the field. And the Ricosombres in Spain are dignified by the formality of the delivery of a banner and kettle, being almost the same with knight bannerets, who were also made by the display of banners. As our lord barons and other higher degrees of nobility, who have all right to rear

up a banner in the field. And, in my opinion, may likewise adorn their arms with ensigns and banners. But this practice, as it was not so frequent in France as in other kingdoms, yet it was less in use with the English and us, who both had from France the science and practice of heraldry. And yet some old families here in Scotland, who had right to use supporters, have made them to carry both ensigns and banners, as in the example of the Lord Hamilton foresaid.

Having treated thus far of the ensigns, badges, and symbols of civil and military offices, according to the method and usage I have met with them in armories, and of their different situations and positions in adorning outwardly escutcheons of arms; there are others which some call *politic marks of dignity and chivalry*. The first are these used by the electors of the empire, who use the several figures of the imperial regalia, which they place in quarters of their armorial achievements, to show their dignified offices in the empire. As for example, the House of Bavaria carry the imperial globe, that of Saxony the sword of honour, Brandenburg the sceptre, the House of Palatine the imperial crown, and the family of Hanover the crown of Charlemagne, being the proper badge made use of by that serene house in their shield of arms, as hereditary treasurer of the sacred Roman Empire; and, being all figures of the regalia, they are in use to carry them before the emperor by virtue of their high offices, as Beckmanus says, *Dissert. 8. cap. 5.* "Insignibus suis seculares clinodium istud inserunt cui ratione officii portando destinati sunt." And in other kingdoms, in imitation hereof, the King of Bohemia, as principal cup-bearer to the emperor, charged the breast of the lion in his arms with a cup; and the badge of the carpenters' axes make up the arms of the family of Amberville in France, from their predecessors being anciently honoured with the office of the king's carpenter. The badge of cups have been made use of by an ancient family of the name of BUTLER in England, and by the ancient house of SHAW of Sauchie in Scotland, the predecessors of both which families being of old the king's butlers in both kingdoms, and, as the particular symbol of that office, carried the said figures, though now they are become the only figures that make up the arms peculiar to both these surnames in Britain. As also, I find by old manuscripts of blazons, that the family of CARNEGIE of old, now Earls of SOUTHESK, have been in use to charge the breast of the blue eagle they bear in their arms with a cup of gold, as being anciently cup-bearers to our kings. And Sir George Mackenzie, in his Science of Heraldry, p. 3. tells us, that King Robert the Bruce having carried, as a private badge, three laurel leaves, with this word, *Sub sole, sub umbra virens*, he gave to IRVINE of Drum's predecessor, who had been constantly his armour-bearer, the three holly leaves, which is a kind of laurel, and is at present the armorial bearing of that ancient family. But these badges of dignified offices, being figures that make up their several arms within the shield, and no exterior ornament thereof, which is the subject I am now treating on, I shall not insist to make farther observations upon them.

I proceed next to treat on the politic marks of chivalry, being the collars and badges belonging to knights of sovereign and high orders. It was a constant maxim in all well regulated governments to give a just encouragement to merit, and that by proportioning rewards to the service done. For merit must be supposed to consist in the performance of some virtuous or heroic actions directed for the public good: And as virtue is either military or civil, so the distribution of the rewards is different, either by bestowing degrees and titles of honour, or by donations of wealth, so that, in either construction, virtue may have its proper and suitable reward. But the proper reward of military virtue, is *honour*, (to which distinct head I am now confined) which Aristotle calls the *greatest of exterior goods*: And being an object of a nobler ambition than the accumulation of wealth, is principally the aim of that virtue we understand by valour, which springs from more generous spirits, and hath been the constant foundation of raising men to the highest eminence of glory, and superior dignity.

But that fame might not lose itself in an unbounded notion, it was at length thought fit to reduce honour into form and order, by investing the person meriting with some particular title or appellation of excellence, (the original of all nobility) of which knighthood, as it hath been accounted the most suitable reward to the greatest virtue, so it hath been esteemed the chief and primary honour among many

nations. The Romans held honour and virtue in that esteem, that they deified and dedicated temples to them: They made them so contiguous in their situation, that there was no other passage to that of Honour, but through the Temple of Virtue, mystically admonishing, that honour was not to be attained by any other way. In several Roman coins we see honour and virtue represented together in one reverse; and in one medal the face of honour so shadows that of virtue, that but a little of it appears, honour being the more illustrious of the two; and where we behold any person outwardly adorned with it, we are to judge him inwardly endued with virtue.

In tracing the original of knighthood, we are not so vain as to say with the French, that St Michael was the *premier chevalier*; yet this much we may assert, that it is as ancient as valour and heroic virtue, notwithstanding the ceremonies and circumstances of it have varied, according to several ages and nations: And, therefore, with much probability, we may derive the original of military honour from the Trojans and Greeks; among whom, as knights of great renown, were Hector, Troilus, Æneas, Agamemnon, &c. But, upon a more substantial basis, we shall descend to the Romans; among whom, in the very infancy of their military glory, a society of knights was instituted, immediately after their union with the Sabines. Romulus enrolled three centuries of knights out of the chiefest families, whom he appointed to be his life-guard, and called them *celeræ*, from their activity and dispatch in martial affairs.

Tarquinius Priscus made an addition to these centuries; the like did Servius Tullius, who ordained, that those who should succeed in that body should be elected *ex censu*, viz. from a considerable and certain valuation of their estates, who had the greatest cense, and were of the most noble families, says Dionys. Halicarn. And soon after the equestrian class began to be formed and constituted one of the three orders of the commonwealth, which were ranked, according to Livy, *Senatus, Ordo Equestris, et Plebs*; and, forasmuch as this degree is placed between the patricians or senators, and the plebeians, it answers exactly to the state of our knights between the nobility and commonalty: And from this order to the height of nobility, which resided in the senators, was the way prepared; Junius Brutus being the first who was raised to a senator from the equestrian order.

It was a constitution as old as Tiberius's reign, that none should be admitted into that order unless free-born, or a gentleman for three generations; and indeed for a long time none were elected knights but the best sort of gentlemen, and persons of extraction, as was the illustrious Mæcenæus.

Atavis regibus ortus eques. MART.

Yet, at length, through corruption of times, plebeians and freed men being too frequently received into this degree, occasioned their esteem and authority to grow less and less, till it shrunk to nothing. And when Cicero was consul, *anno ab urbe condita* 690, the equestrian order stood in need of re-establishment, whereupon they were then incorporated into that commonwealth in the third degree, all acts passing in the name of the senate, the people of Rome, and the equestrian order. As a mark of eminence, they had the titles of *splendidi* and *illustres* bestowed upon them, and sometimes they have been called *most sacred knights*. And besides other privileges they had seats with the senators in the *Circus Maximus*; and, by the Roscian law, sat next them in the theatres; they had likewise a college called *Collegium Equitum*; and temples were dedicated to the goddess Fortune, under the title of *Equestri Fortuna*. They were allowed to wear rings to distinguish them. The which honour continued hereditary in their families, which does not with our knights.

The ancientest real knights, it is most likely, were made by the first Christian kings, who appointed many religious ceremonies to be observed at the creation of such, and none were admitted to that honour, but those who had merited it by some extraordinary commendable exploits. We shall now touch upon the degrees of knighthood, which have been personal, and may be comprehended under the modern title of *Equites Aurati*, or *Milites Simplices*, (as distinguished from the several orders of chivalry, instituted in christendom.) In the circumstance of whose

creation, we confess nothing in the Roman *ordo equestris* hath place, though that might be the ground and original of the dignity, and one common end in both, namely, the pursuit of military exploits and service in the wars.

Knights in Latin are called *militēs* or *equites*, because the design was, that none but soldiers should enjoy that dignity. The French distinguish a knight by the name of *chevalier*, the Spaniards by that of *cavallero*, and the Italians by that of *cavagliero*, the Germans call a knight *ritter*; all of them importing no more than one that serves on horseback. The English title Knight is derived from the Saxon *cnicht*, which, in that language, is no more than a servant, and, in all probability, proceeded in serving the king in his wars.

Of the degrees of knighthood. First, That of the *monozons*, *i. e.* knight begirt with the military girdle, a custom devolved to the Germans and Gauls from ancient times: nor do we find, among the various ceremonies of knighthood, any that hath continued so constant in practice, as the endowing with girdle and sword, marks of honour and virtue, with which the statues and portraitures of knights on their grave-stones have been adorned. For, as at this day, knights are stiled *equites aurati*, from the golden spurs heretofore put on at their creation; so were they more anciently *cingulo militari donati*, in respect, that when one was knighted, he was not only struck with the sword, but invested with sword and belt.

2dly, The *Baccalaurei* or Knights-bachelors are to be considered, who are indifferently stiled *chevaliers*, *militēs*, *equites aurati*, and *knights*. This degree is truly accounted the first of all military dignity, and the foundation of all honours in our nation, and is derived from, if not the same with, that immediately preceding. For as the ceremony of a gentle touch on the shoulder with the flat side of the sword hath been since used instead of girding with the sword and belt, (especially in times of war, or in haste) as an initiation into the military order, so, on the contrary, it is not unusual, now-a-days, for the prince, at least, *gladio*, if not *cingulo donare*; for he oftentimes bestows the sword upon the person he knighteth.

The third sort were *Knights-bannerets*, whoso well deserved in the wars, that they were afterwards permitted to use *vexillum quadratum*, a square banner, whence they were called *equites vexillarii*, or *chevaliers a bannière*, from the Dutch *banerbeere*, lord or master of the banner. Camden conceives this title first devised by King Edward III. in recompense of martial prowess; a recital of which dignity is mentioned in a patent, 20th Edward III. to JOHN COPLAND, for his service in taking David King of Scots, prisoner. But it was much more ancient in Britain, as well as in France; and they had particular robes and other ornaments given them from the crown. And there is an evidence of a writ in the said King Edward III. his time for furnishing Thomas Bardolf with the robes of a banneret. This dignity is placed in the middle between the barons and other knights, in which respect, the banneret may be called *vexillarius minor*, as if he were the lesser banner-bearer; to the end he may be so differenced from the greater, namely, the baron; to whom the right of bearing a square banner doth also belong.

Other authors tell us, this order of knighthood was instituted in England in the time of King Edward I. And it is most likely that the Normans were acquainted with this order long before: But I find, by our historians, this order to have been of older standing with us; for Sir ALEXANDER CARRON, Banneret, is said by them to have carried the banner of Scotland before King Alexander I. (who began his reign in the year 1107) in his expedition against the rebels in Mearns and Murray; where, by the said Sir Alexander's conduct and valour, who, in the king's presence, with a crooked sword, fought valiantly, and killed many of the rebels, that king obtained a notable victory over them; for which heroic actions he got many lands, and his name was changed from Carron to SCRYMGEOUR, which signifies a *bardy-fighter*; and his posterity being long afterwards standard-bearers to our kings and constables of Dundee, got, for arms, a rampant lion holding a crooked sword. And BANNERMAN of Elsick, an older family than that of Scrymgeour, being also bannerets, carried anciently for an armorial figure, a banner displayed, as relative to the name, which was from their office as hereditary banner-bearers to our kings, before the reigns of King Malcolm III. And Sir George Mackenzie, in his Manuscript Genealogy of the Families of Scotland, (agreeing also with our

historians) tells us, that the said King Malcolm III. who began his reign in the year 1057, hearing of a new rebellion begun in the north parts of the kingdom, went with his army to the Water of Spey to fight against them, where, perceiving his standard-bearer, Bannerman, to shrink, and not to show a cheerful countenance, he pulled the banner from him, and at the same time having observed the manly courage of Sir ALEXANDER CARRON, (father of the above Sir Alexander) who accompanied him in this expedition, he gave the royal banner to him, and, after the battle, striking him with his sword, created him a knight-banneret; he there behaving himself to the great satisfaction of that king; for which good service he also created him and his posterity heritable standard-bearers to the kings of Scotland; and with this new office many fair lands were bestowed on him.

This order is certainly most honourable, because never conferred but upon some heroic action performed in the field, whereas all other orders are bestowed from favour or meaner motives; for the banneret is never created, unless at a time when the king's standard is erected. In France they are said to have transmitted the degree to posterity, but in England and Scotland it dies with the person that obtained it. Bertrand de Guesclin, Constable of France, after the defeat he gave the English at Cockerel, where he took their General, Sir John Chandos, made knights bannerets, *Messire Jacques le Mercier, Lord of St Quintin des Isles*, and the son-in-law of the same Mercier, called *Bertauld de Gastel, Lord of Vitray le Gastel*. And Sir John Smith was made one after Edgehill fight, for rescuing the standard of King Charles I. from the rebels. The Scots (says an English author) are supposed to call such a knight a *bannerent*, from the rending of his banner. But now these honours of the field have been of long time laid aside. As for the ceremony of their creation, I refer to Mr Segar.

The badges and ensigns of knighthood among the Romans were a ring; and in Genesis we read of Pharaoh's taking off his ring, and putting it upon Joseph's hand. Among the Germans the shield and lance were accounted the grand badges of military honour or knighthood. Much like the ancient Germans was the custom of making knights among the Irish. And Favonius observes, that the shield and lance were the proper arms appertaining to French knights, which esquires, armigers, carried always after their masters. Another ensign of knightly honour is the *cingulum militare*, or *balteus*, which Varro says, is Tuscan, signifying a military girdle, which was garnished with great buckles, studs, and rings of pure gold, to show their dignity and power in military commands. Our knights were no less anciently known by these belts than by their gilt swords, spurs, &c. Howbeit, the use now only appears in knights of the bath. To the belt was also added a sword, not of ordinary use; and therefore termed the *sword of a knight*. Another eminent badge is the golden spurs, wherewith, at the time of their creation, knights were wont to be adorned; and, to these, a little after the conquest, were added far more and greater ornaments. And several families, by the name of knight, bear for their arms the spurs on a canton. In the last place, is the *collar*, an ensign of knightly dignity among the Germans, Gauls, Britons, Danes, and Goths, among whom it was customary to wear them, denoting such as were remarkable for their valour. But, in later times, it was the peculiar fashion of knights among us to wear golden collars, composed of S. S. or other various devices; and such is the honour of knighthood, that several kings of France, England, &c. received this dignity at the time they enjoyed their other titles. And though it is said the sons of the French king are knights as soon as they receive baptism, yet are they not judged worthy of the kingdom, unless first solemnly created; and we elsewhere find that the royal heirs of Arragon were suspended from that crown until they had received the honour of knighthood. And, after the Norman conquest, the young princes of England were sent over to the neighbouring kings to receive this honour. Thus King Henry II. of England was sent to our King David, and knighted by him in Carlisle; and Edward I. of England, at the age of fifteen years, was sent to Alphonsus XI. King of Castile, for the same dignity. In like manner, Malcolm King of Scotland and Alexander, son of William, King thereof, were knighted by John King of England, *anno 1212*. And our King Alexander III. by King Henry III. of England, *anno 1252*. And Magnus, King of the Isle of

Man, by the same king. All which sufficiently demonstrate the honour and esteem which was ever had for that order.

As to the collars and badges belonging to knights of sovereign and high orders, being also figures used in adorning armorial shields, my reader is not here to expect a particular enumeration and description of these many and different orders in Europe, their first rise, what are secular, and what religious, which would be a subject too long here to narrate; but I refer my readers to the respective authors on that subject in the several kingdoms, and, particularly, to William Segar Norroy King at Arms, his book, intitled, Honour, Military and Civil, and to that elaborate book of Mr Ashmole's Institutions of the Order of the Garter, to Andrew Favin's Theatre of Honour and Knighthood, &c. Only that I may omit no exterior figures now used in adorning escutcheons, I shall here mention a few of the most eminent of these high secular orders, their institutions, collars, and badges; and how they are placed about the shield.

And first, I shall begin with France, their order of St Michael, which was instituted by Lewis XI. King of France, in the year 1469. And that which moved the king to call it St Michael (says Mr Segar) was the memory of the apparition of that saint upon the bridge of Orleans, before the delivery of the city besieged then by the English. But because I will not trouble my reader with fabulous accounts about its rise, I shall insert here that king's own letters patent instituting the same, which are as follows.

" Lewis XI. King of France, to all that are, or shall be, greeting. Be it known, that in regard of the perfect and sincere love we bear to the Noble Order of Knighthood, the honour and increase whereof we most ardently desire, that as we heartily wish the Holy Catholic Faith, our Holy Mother Church, and the public prosperity may be maintained, we, to the glory of God our Almighty Creator, and in reverence of the Blessed Virgin Mary, as also in honour of St Michael, the prince and chief of knights, who fought in God's cause against the ancient enemy of mankind, and cast him down from heaven, and who has always secured his place, preserved his oratory, called Mount St Michael, without suffering it at any time to be taken, subdued, or delivered into the hands of the ancient enemies of this kingdom. And to the end that all generous and noble spirits may be excited, and stirred up to virtuous actions.

" The first day of August, in the year of Grace 1469, and the ninth year of our reign, at the castle of Amboise, we constitute, erect, and ordain an order of brotherhood, or loving society, of a certain number of knights, which it is our will shall be called, *The Order of St Michael the Archangel*, in and under the form, conditions, statutes, ordinances, and articles hereafter set down."

Then follow the statutes, which, being in number sixty-one, are too long to be here inserted. This St Michael is the titular angel and protector of France; in reverence of whom their ancient kings were wont to solemnize this festival-day with great magnificence, and keep an open court. Their number at first were to be thirty-six, whereof the king and his successors were chief and sovereign of this order; but it afterwards proceeded to the number of three hundred. Their habit is doublet, hose, shoes, scabbard, cope, band, and feather, all white; the surcoat with sleeves is cloth of silver, over all was a mantle of white damask hanging down to the ground, furred with *ermine*, tied upon the right shoulder, and turned up over the left, having its cap embroidered with gold, and the border of the robe interwoven with escalops and knots of gold; the *chaperon*, or hood, with its long tippet, was made of crimson velvet. But afterwards King Henry II. of France ordered for the future this cloak or mantle to be cloth of silver embroidered with this device on them, viz. three crescents of silver interwoven with trophies, quivers, and Turkish bows, *semé*, and cantoned with tongues of fire; the *chaperon* or hood of crimson velvet adorned with the same embroidery. The same King Henry ordered the Chancellor of the Order should wear a cloak of white velvet, and the hood of crimson velvet. The Provost and Master of the Ceremonies, the Treasurer, Register, and King of Arms, white satin cloaks, and hoods of crimson satin, with a chain of gold at the end, whereof an escalop of gold hangs upon the breast; there is also an herald of arms to attend this order, called *Monsieur St Michael*.

The knights of this order, over all their said habit, wear the collar of St Michael, which is very rich. The great collar is of gold, as it were *tortillé*, and adorned with cockles of the same metal: or, as others say, it consists of double escalop-shells of gold, fastened with round points of black silk, and long tags of gold interwoven after the manner of true lovers knots. At the end of which (hanging on the breast) is annexed an oval of gold, and there is a little rising hill curiously enamelled, on which stands the figure of St Michael combating and trampling down the dragon under his feet. The motto, *Immensi tremor oceani*. Their annual and grand festival was to be celebrated on Michaelmas-day, at the church of Mount Michael in Normandy; but afterwards transferred to Bois de Vincennes near Paris. The great seal of this order has the figure of St Michael engraved on it, in the same manner as that which hangs at the collar. The lesser seal is three flower-de-luces, entoured with the order.

I find several of our nobility to have been of this order in the reign of King James V. and Queen Mary. But after the number of the knights hereof were so much increased, this order lost of its reputation; yet it is said that the collar and robe are bestowed only upon the thirty-six. And the pendant of St Michael given to none but the supernumerary knights. This order is not quite extinct, as some writers would persuade us, but is incorporated into that of the Holy Ghost; upon the institution whereof not only care was taken to preserve this of St Michael and to rectify it, but the knights had the privilege allowed them, that if they thought fit they were capable of receiving that of the Holy Ghost, and no stranger or native could be inrolled therein who had taken upon him any other order. And therefore all the knights of the Holy Ghost first receive the Order of St Michael the evening before they are admitted into the other; and for that reason they now frequently use the collars of both orders above their habit and mantle when they appear in their robes, and also round their armorial shields,

And here it is to be observed, that when the royal arms of France are either painted, cut, or embroidered, with all their exterior ornaments, the collars of these two orders are constantly placed round the royal shield; a figure whereof Monsieur Baron has given us in his Art of Heraldry; where that of St Michael, as being the ancientest order, takes place, and hath its situation next the royal escutcheon; whereas that of the Holy Ghost, though esteemed the most honourable, does but surround the collar of the said saint. Also the knights of both these orders are in use to wear both the collars, after the same manner, round the shield of their arms, and the figure of St Michael on their dexter side, when they only wear that of the dove as the badge of the Order of the Holy Ghost on their sinister. And here I give it as my opinion, though with due respect to my brethren of South Britain, that I think it most conformable to the rules of heraldry, that when the royal arms of Great Britain are set forth to public view, either by painting, sculpture, or otherwise, with exterior trimmings, his Majesty, as sovereign of the orders in both kingdoms, viz. that of the Thistle in North, and that of the Garter in South Britain, ought to have his royal armorial shield adorned with the collars of both these high and most honourable orders of knighthood. And though that of South Britain be termed the most noble, yet that of ours being the more ancient, it seems reasonable to me that the same ought to be preferred, and have its situation next the royal shield, and that of the Garter to surround the other, according to the figure Sir George Mackenzie has given us in his Science of Heraldry, page 99. in a sculpture of the achievement of his then Majesty of Great Britain, agreeable to the foresaid method used in France; where, in justice, we cannot but allow those of the profession of heraldry to be well known in the said science. And all that are competent judges will also allow them to be of all nations the most regular in their marshalling of arms, and trimming of armorial shields. And here I commend the justice South Britain has done us at the union of the two kingdoms, by marshalling the royal banner so as to place our St Andrew's cross immediately on the royal flag on its *azure* field, when that of St George does only surmount the same, our white saltier serving as a field thereto.

The Order of the Knights of St Esprit, or Holy Ghost, in France, has of late years taken place of all others, and been accounted the most honourable Order in that kingdom. It was instituted by King Henry III. of France, in the year 1578,

to unite his nobles more firmly in their obedience, to encourage them to persevere in the Komish religion, and to illustrate the state of his nobility. It was so called by reason he was born on Whitsunday 1550, elected, that day, *anno* 1573, King of Poland, and on that day, *anno* 1574, succeeded to the crown of France. And at the same time to rectify the abuses that were crept into the Order of St Michael, that had been given to unworthy persons, upon which account the two orders were incorporated, as is observed before. The king's letters patent being too long here to insert, I refer to Sir William Segar's book, called Honour Military and Civil. The most material of the statutes are, that there shall be a sovereign of the order, who is to have absolute authority over the brethren thereof, and all things relating to it, and that the same be no other but the King of France, and no king to exercise that authority till crowned, and on the coronation-day to take the oath of the order as follows: "We A, by the grace of God, &c. do solemnly swear and vow on this book in our hands to God the Creator, to live and die in the Holy Catholic and Apostolic Faith and Religion, as to every good and most Christian king it belongeth; and rather to die than fail at any time therein. We swear also to maintain for ever the Order of the Holy Ghost, without suffering it to shrink, fall, or diminish, so long as it remains in our power to help it, to observe the statutes of the said order truly and entirely, and never to alter or change the irrevocable statutes thereof," &c.

The number of persons contained in this order is said to be one hundred knights, besides the Sovereign, or Great Master; which office is inseparable from the crown of France; and in which said number are comprehended four cardinals, five prelates, the chancellor, provost, master of the ceremonies, great treasurer, and scribe, who are called Commanders. Their anniversary grand feast is held on the first day of the new year, or first of January, but the first part of the ceremony begins always on the last day of the old year, when it was instituted; and the place for celebrating thereof is the church of Augustine Friars in Paris; but if the king cannot be there present, then it is to be celebrated where he shall personally be, and in the greatest church, there being divers ceremonies to be observed by them in the celebration thereof, which are set down by Sir William Segar, page 88.

The habit appointed for the knights of this order is a long robe or mantle of black velvet, turned up on the left side, and opened on the right, being at first embroidered round with gold and silver, consisting of flower-de-luces, and knots of gold between three sundry cyphers of silver; and above the flower-de-luces and knots were thickly powdered flames of fire. This great mantle was garnished with a mantle of cloth of silver, covered with embroidery made after the same fashion, excepting only that instead of cyphers there were wrought doves of silver, and both these robes double-lined with a satin of orange tawny. The great collar worn over the mantle was at first composed of flower-de-luces cantoned, or counter-eded, with flames of fire, interwoven with three cyphers and divers monograms of silver; one was the letter H, and a Greek *lambda*, both double, being the initial letters of the king's name, and his queen's, Louisa de Lorraine; the other two were reserved in the king's own mind. But these cyphers were taken off the collar, and the embroidery of the robes, by King Henry IV. and, for a mark of his victories, trophies of arms were interlaced instead thereof with the letter H. crowned, (the initial of his name) whereout arose flames and sparks of fire; and, for the like reason, the H has been changed into L, both by Lewis XIII. and XIV. At this collar hung a cross, richly enamelled in the midst, whereon was figured a dove in a flying posture, as descending from Heaven, with full spread wings: And that an epigraph might not be wanting, some have attributed to it this, *Duce & Auspice*. Besides these ornaments, the knights of this order wear a black velvet cap, with a white plume; their breeches and doublets are of cloth of silver, and their hose and shoes white, tied with roses or knots of black velvet. The badges ordained to be ordinarily worn, are a cross of yellow, or orange colour velvet, like a Malta cross of eight points, fixed on the left side of their breast, except in military expeditions, and then they are permitted to wear them of cloth of silver or white velvet, having on the middle of the cross a silver dove, and at the angles, or corners, rays and flower-de-luces of silver. They have a cross of the order made of gold, of

eight points, (like the Malta cross) with a flower-de-luce in each angle, to be worn about their necks in a blue ribbon, and to be enamelled white about the sides, but not in the middle.

The Great Seal of this order is as large as the Great Seal of France. In it is represented King Henry III. on a chair of state, with the Chancellor of the order on his right hand, holding the Holy Gospels, and on his left the register of the order, reading those oaths which knights are to take. Before the king kneels the knight, holding his hand on the Holy Evangelists, all of them in their robes and collars of the order. On the top of the seal, in a great light, appears the Holy Ghost in the form of a dove, descending over the king, and about it beams of light and fiery tongues. Round the seal are these words, *Henry III. of the name, by the Grace of God, King of France and Poland, Founder and Sovereign of the Knights of the Order of the Holy Ghost*. On the reverse is an escutcheon, charged with three flower-de-luces cantoned with four flames in the same manner as on the great collar of the order, and in the upper part, instead of a crown, is a dove descending, encompassed, as the rest of the escutcheon, with sun-beams of gold and flames of fire.

The Order of Knighthood of the *Toison d'Or*, or of the Golden Fleece, in Spain, was instituted by Philip II. Duke of Burgundy and Earl of Flanders, surnamed the Good, at his marriage with Elizabeth, daughter of Portugal, in the city of Bruges in Flanders, the 10th of January 1429, to perpetuate the memory of his great revenues raised by wools with the low countries; some say in commemoration of Gideon's fleece, or of Jacob's fleece, viz. the party-coloured and streaked fleece, after the example of Jason and his Argonauts, whose expedition to Colchos he intended to make his pattern by a voyage into Syria against the Turks, for the conquest of the Holy Land, albeit it took no effect. The letters patent for the institution are dated the said 10th of January 1429. He founded it to the glory of the Almighty Creator and Redeemer, in reverence of the Virgin Mary, and St Andrew the Apostle, whom he elected for patron hereof, and whose festival was celebrated on that day, but afterwards translated to the first of May, by reason of the shortness of the days, and the fatigue aged knights would find to continue in an intemperate season, and that but once in three years, unless the sovereign otherwise pleaseth. The number of these knights at the first election were twenty-four, all gentlemen unblemished, himself and his successors to be chiefs and sovereigns of the order, which was always to be to him to whom the dukedom of Burgundy did lawfully descend, who hath in himself authority to give and bestow this honour to whom he pleaseth; the said Duke Philip reserved the nomination of six more knights at the next chapter. But Charles V. increased them, *anno* 1516, to fifty. Duke Charles and Maximilian, sons to the founder, annexed many privileges to them, which were confirmed *anno* 1556. And those who were to be admitted into this order were obliged to renounce all other orders of knighthood; nevertheless all emperors, kings, and dukes, are excepted, unto whom it is dispensed that they may wear the ensigns of this order, if they were sovereigns of an order of their own. To this order doth belong four principal officers, viz. the Chancellor, Treasurer, Advocate, and a King at Arms, called *Toison d'Or*.

For their habit three different mantles were ordained them at the grand solemnity: The first day one of scarlet cloth, richly embroidered about the lower end with flints struck into sparks of fire, and fleeces with *chaperons* of the same; and the same day, after dinner, to proceed to vespers in mantles of black, and of the colour of *chaperons*; the day following they were to hear mass, habited as themselves thought fit; but Duke Charles afterwards prescribed them mantles of white damask for that day's ceremony, and changed their cloth mantles into velvet. Logan, in his *Analogia Honorum*, says, for habit they have a cassock of crimson velvet, and over it a mantle of the same, lined with white, which openeth on the right side, and is turned upon the left over the shoulder, embroidered round about with a border of flames, fusils, and fleeces, and a hood of crimson velvet on their heads.

The great collar of this order is of gold, composed of double fusils or steels, placed back to back, two and two together, as if they were double B, representing

it both ways, to signify Burgundy. And these fusils are interwoven with flint stones (in reverence to the arms of the ancient kings of Burgundy of the French race) seeming to strike fire, and sparkles of fire between them, the device of the founder. At the end whereof hung a pendant, being the resemblance of a golden fleece, enamelled proper, which Jason won at Colchos, or as some suppose Gideon's fleece, which signifies fidelity or justice uncorrupted. And this collar or toison they are obliged, upon a penalty, always to wear, and not to make any alterations; and to sell or exchange it is deemed most unlawful. To the flint Paradine ascribes the motto, *Ante ferit quam flamma micet*, it strikes before the fire appears; and to the fleece, *Pretium non vile laboris*. The jewel is commonly worn in a double chainet or mails of gold, linked together at convenient distance, between which runs a small red ribbon, or otherwise it is worn in a red ribbon alone. Charles Duke of Burgundy gave a device to the fusil in the collar, being an instrument to strike fire, called an *ansil*, which, with these words foresaid, *Ante ferit quam flamma micet*, became his device; meaning he had power to kindle great trouble before it was perceived, which he did to King Lewis XI. of France. But afterwards was unlucky in his war against Benato Duke of Lorraine, who defeated his army, and killed himself before Nantz, who seeing Duke Charles' standard brought to him with the fusil and motto upon it, said he was an unfortunate prince, who, when he had most need to warm himself, wanted leisure to strike fire, the earth being then covered with snow.

The emperors of Germany descended from Philip Archduke of Austria, Duke of Burgundy, and Count of Flanders, were the sovereigns of this order, till Charles V. gave the guardianship of it to the kings of Spain, which he performed on the 25th of October 1556, conferring it on his son King Philip at Brussels, who ascended the throne of Spain in right of his wife. When he took the collar from his neck, and with his own hands put it over his son's shoulders, in the presence of divers of the knights, with this form, "Accipe, fili mi, quem e collo meo detraho, tibi præcipuum, aurei velleris torquem, quem Philippus Dux Burgundiæ, cognomine Bonus, atavus noster, monumentum fidei sacræ Romanæ ecclesiæ, esse voluit, & hujusce institutionis ac legum ejus fac semper memineris:" Since which the honour of being chief of this order remains at this day in the crown of Spain.

Duke Charles, son of Philip, (the first institutor of the order) as he was the second sovereign of this order, so he was the first that on his seal surrounded the escutcheon of his arms with the collar thereof, as is to be seen on his seal appended to several diplomas in the year 1470. As Olivarus Uredus, in his Treatise *de Sigillis Comitum Flandriæ*, hath given us a figure thereof; so that, as I observe, this is the oldest practice of surrounding armorial shields with the collars worn by knights of high and sovereign orders of knighthood. But how soon the like was practised in France, I have not as yet discovered. As for our usage of this method in trimming the achievements of the several knights of our high orders of knighthood in North and South Britain, sure I am the former example of Duke Charles in adorning his shield of arms this way, is long prior to the practice thereof with us.

His son-in-law Maximilian Duke of Austria, (son to the Emperor Frederick III.) by marrying his daughter and heiress Mary Dutchess of Burgundy and Countess of Flanders, besides their other seals of arms, used also one called *sigillum secretum*, which is appended to several evidents, upon which was a lion *seiant*, holding by his right paw the shield of Maximilian, and in his left that of Mary Dutchess of Burgundy: and about the neck of the lion supporter of both these shields hung the collar of the golden fleece, with his head in a helmet *grillé* in profile, adorned with volets, and crowned with a crown of one arch; and the legend round the seal, *Sigillum secretum Maximiliani & Mariæ Ducum Austriae, Burgundiæ, Brabantiae, Comitum Flandriæ, Tirolis, &c.* And it is to be observed, their successors, when represented on their seals, enthroned, and in their robes, had the said collar about their necks. And when emperors and kings of Spain they used it round their shields of arms, as sovereigns of the order. So much then concerning the sovereign orders of knighthood abroad, and their manner of placing of collars and badges of royal knighthood round arms. Forbearing to proceed

further to give a description of many others in Europe, as out of my road, I shall next proceed to give a description of the orders of knighthood in Britain, beginning first with those in South Britain.

Where the Knights of the Round Table may, for antiquity, challenge the first place, being an order accounted absolutely military, and founded by the valiant Arthur King of Britain, who reigned about the year of Christ 516, and who lived in such great renown that worthy knights came from all parts to his court as a seminary of discipline, to demonstrate their valour in point of arms. This gave him occasion to select out of these, and his own subjects, some say twenty-four, others a greater number, amongst whom himself was chief of the most valiant, which he united in a fellowship; and, to avoid all controversy about precedence, caused a round table to be made, whence the order had its appellation. He admitted not only Britons, but strangers; and their qualifications were to be persons of nobility, dignity, and renowned for virtue and valour. The place where they were instituted was Windsor, and their time of convening was Whitsuntide. In Winchester Castle was a large round table, called (and affirmed to be) King Arthur's, or at least set up in the room of one more ancient, which was destroyed in the late civil wars, with other reliques there. The articles which these knights vowed to keep, were to be always well armed, both for horse and foot service, either by land or sea, and to be always ready to assail tyrants or oppressors, to protect and defend widows, maidens, and children, to maintain the Christian faith, &c. I forbear to relate more concerning this order, as not answering my design relative to exterior ornaments, of the armorial shields, in regard I find no authentic proof what badge they bore, notwithstanding the report that King Arthur had a shield named *Pridwin*, wherein the Virgin Mary was depicted. His sword and lance had also their names, one being called *Caliburne*, the other *Irone* or *Rone*. Neither is it remembered that this order survived the founder, but rather that it expired with him, most of these knights perishing with him at the battle of Kamclan, now Camelford in Cornwall, where he was killed, anno 542.

The next order of knighthood in South Britain, is the Most Noble Order of the Garter, or St George, which being a royal order, generally so well known, and has been treated of by so many learned writers, particularly so copiously by Elias Ashmole, who has obliged the world with a large folio on the history thereof, a little said will suffice, referring the curious to him, Peter Heylyn and others, who have wrote of it at large. It owes its original, as is confessed on all hands, to Edward III. King of England and France, in the year 1350. The vulgar and more general account thereof is, that the garter of Joan, Countess of Salisbury, dropping casually off as she danced in a solemn ball, King Edward stooping, took it up from the ground, whereupon some of his nobles smiling, as at an amorous action, and he observing their sportive humour, turned it off with a reply in French, *Honi soit qui mal y pense*; but withall added, in disdain of their laughter, "That shortly they should see that garter advanced to so high an honour and renown, as to account themselves happy to wear it." Segar says, that King Edward dancing with the queen and other ladies of his court, happened to take up a blue garter which fell from one of them, which the king wore after about his right leg for a favour; whereat the queen taking offence, it was signified to the king that she was displeas'd; upon which he said, *Honi soit qui mal y pense, i. e.* Shame be to him that evil thinks. I will make of it (continues he) e're it be long, the most honourable garter that ever was worn, and thereupon instituted this order. Yet, in the original statutes of this order, there is not the least ground to countenance the conceit of such a feminine institution, no not so much (says Mr Ashmole) as laying an obligation on the knights companions to defend the quarrel of ladies, as some orders then in being enjoined. But that this may appear, what indeed it is, a mere fable, we shall insert the judgment of Dr Heylyn, who took great pains in this particular. "This, says he, I take to be a vain and idle romance, derogatory both to the founder and the order first published by Pol. Virgil, a stranger to the affairs of England, and by him taken upon no better ground than *fama vulgi*, the tradition of the common people, too trifling a foundation to so great a building."

The true motive was therefore neither the lady's garter, or King Richard's leathern thong, to which it owes its original: But King Edward being a person of consummate virtue, gave himself up to military affairs; and being engaged in war for recovering his right to France, made use of the best martialists of the age; and did thereupon first design (induced by its ancient fame) the restoration of king Arthur's round table foresaid, the better to invite hither the gallant spirits from abroad, and endear them to himself; and adjudging no place more proper than Windsor, upon new year's day, *anno* 1344, he issued out letters of protection for the safe going and returning of foreign knights, to try their valour at the solemn jousts, tilts, and tournaments, to be held there on Monday, after the feast of St Hilary following; and royally entertained them with magnificent feasts and other princely favours, to engage them unto him; and ordained this festival to be annually at Whitsuntide, and immediately after caused erect a building in Windsor Castle, and therein placed a table of two hundred feet diameter, where the knights should have their entertainment of diet at his expence of 100 *lib.* per week, which he called, *The Round Table*.

But Philip de Valois, King of France, in emulation of this seminary at Windsor, set up a round table at his court, and invited knights and valiant men of arms out of Italy and Allernagne thither, lest they should repair to King Edward III. which, meeting with success, proved a counter-mine to his main design. He at length resolved upon a projection, more particular and select, and such as might oblige those whom he thought fit to make his associates in a lasting bond of friendship and honour: And having issued forth his own garter for the signal of battle, that was crowned with success, (which is conceived to be the battle of Cressy, fought three hours after his erecting the Round Table;) upon so remarkable a victory, he thence took occasion to institute this order, and the garter had the pre-eminence among the ensigns of it; whence that select number, whom he incorporated into a fraternity, are stiled *Equites aureæ periscelidis*, and vulgarly, Knights of the Garter. By this symbol he designed to bind the knights and fellows of it mutually unto one another, and all of them jointly to himself, as sovereign of the order; nor was his expectation frustrated, for it served not only as a spur to honour and martial virtue, but also a golden bond of unity; and therefore Mr Camden aptly calls it a badge of unity and concord. The garter was the only part of the whole habit of the order worn at first. And that none might believe (says Mr Miede in his State of South Britain) that the sovereign had any other design but what was just and honourable, the above motto was ordered to be wrought on the garter, *Honi soit qui mal y pense*. The same being put in French, because being then possessed of a great part of France, that tongue was very familiar in England. And Mr Ashmole tells us, that when the said King Edward III. had laid claim by his title to the kingdom of France, in right of his mother, and assuming its arms, from the colour of them, caused the garter to be made blue, and the circumscription gold; and, without straining the said motto, it may be inferred therefrom, that he retorted shame and defiance upon him that should dare to think amiss of so just an enterprize, as he had undertaken for recovering of his lawful right to that crown.

The value of this order is much enhanced by the small number it contains, having at the first institution been appointed for only twenty-six, including the sovereign, and that number never after increased; whereas all other orders (except our own) have been so freely bestowed, that they have lost much of their esteem by it.

The patrons of this order were several, under whose protection (according to the custom of the age) King Edward III. put himself and all the knights companions, that the affairs of the order might be defended, preserved, and governed. The first and chiefest which he elected was the Holy Trinity. *2dly*, The Virgin Mary, accounted then the general mediatrix and protectress of all men. *3dly*, St George of Cappadocia, a choice martyr, soldier, and champion of Christ, in respect of whom the knights had the title of *Equites Georgiani*, St George's Knights: and the order itself came to be called the *Ordo divi Sancti Georgii*, the Order of St George. And, if we may believe Harding, it is recorded that King Arthur paid St George particular honours, for he advanced his picture in one of his bap-

ners. And, *lastly*, The founder added a fourth patron, viz. St Edward the Confessor, King of England; and we find he was invoked by this founder, as well as St George, in any great difficulty and straits. Walsingham gives an instance at the skirmish of Calais, *anno* 1349, when King Edward in great anger and grief drew out his sword, and most passionately cried out, *Ha St Edward, Ha St George*.

This order has been honoured with the companionship of eight Emperors of Germany, three Kings of Spain, five Kings of France, two Kings of Scotland, five Kings of Denmark, five Kings of Portugal, two Kings of Sweden, one King of Poland, one King of Arragon, two Kings of Naples, besides divers foreign dukes and other free princes, by which the knights and noblemen of this order are raised to this pitch of greatness, as to be companions and associates with emperors and kings, a prerogative of an high nature, and a sufficient recompense for the greatest merit. And the learned Selden bestowed an high eulogy on it, in saying, that it exceeds in majesty, honour, and fame, all chivalrous orders of the world.

The habit and ensigns of this most noble order are most eminently distinguishable, and magnificent, and consists of these particulars, viz. the garter, mantle, surcoat, and hood, which were assigned the knights companions by the founder, and the George and collar by King Henry VIII. all which are called the whole habit or ensigns of the order. The royal *garter* challengeth the pre-eminence, for from it this famous order received its denomination; it is the first part of the habit presented to foreign princes and absent knights, and that wherewith they and all other elect knights are first adorned, and of so great honour and grandeur, that by the bare investiture with this noble ensign, the knights are esteemed companions of this order. The materials whereof is an arcanum; as to the ornamental part of it, it was adorned with gold and precious stones, and had a buckle of gold at the end, to fasten it about the leg. This, according to Polydore Virgil. But the garter sent to Emanuel Duke of Savoy, *anno* 1st and 2d Philip and Mary, was set with letters of goldsmith's work, the buckle and pendant of the same, and on the pendant a ruby, and a pearl hanging at the end. But that garter sent to Gustavus Adolphus King of Sweden outvied all others conferred by former sovereigns, each letter of the motto being composed of small diamonds; and for every stop a diamond within a range of diamonds above and below on the sides of the garter, and besides other diamonds on the buckle, and about the same, to the number in all of 411. The garter which King Charles I. wore upon his leg at the time of his martyrdom had the letters of the motto composed likewise of diamonds, which amounted to the number of 412. It came to the hands of Captain Preston (one of the usurper's captains) from whom the trustees for sale of the king's goods received it, and sold it to Ireton, Mayor of London, for 205 *lib*. The motto of King Charles II. was set with diamonds upon blue velvet, and the border wrought with fine gold wire, the hinge of the buckle was pure gold, and on it the sovereign's picture to the breast curiously cut, crowned with laurel, and on the back side was engraven St George on horseback encountering the dragon. At the first erection the garter was appointed to be wore on the left leg a little beneath the knee; which usage still presides. And the placing it thus on the sepulchral portraitures of knights companions was an early custom: For, on the alabaster monument of Sir William Fitzwarin, who was interred in the north side of the chancel at Wantage in *Com. Berks*, 35th Edward III. he lies there with his surcoat of arms upon his breast, and the representation of a garter (but without a motto) carved upon his left leg, and the like on several other monuments. Thenceforward the practice became more frequent, and then the motto began to be cut thereon; in so much that it is now the constant and just practice to do it whensoever the knights companions are exhibited in effigies.

The second ensign is the *mantle*, which is the chief of these vestments which the sovereign and knights companions make use of upon all solemn occasions relating to the order. That this pattern was derived to us from the ancient Greeks and Romans, is not at all to be disputed, since it so little varies in fashion from their *pallium* or *toga*. This upper robe, called the mantle, which was prepared for the founder against the first feast of this order, appears to be fine woollen cloth. And the first time we discover the mantle to be of velvet, is about the beginning

of the reign of King Henry VI. which sort of silk hath thence remained unto this day. The colour of these mantles is appointed by the statutes to be blue, and of this colour was the founder's, by which, as by the ground-work of the garter, it is not improbable he alluded to the colour of the field in the French arms, which a few years before he began to quarter with those of England, and of the same colour were the velvet mantles in the time of Henry VI. who, though he altered the stuff, did not vary the dye. It is apparent that the blue colour was retained to King Edward IV's reign; for when this sovereign transmitted the habit and ensigns of the order to Julian de Medicis, the mantle was of blue velvet. And in the reign of King Henry VIII. the mantle sent by that king to our King James V. was of blue velvet, and in the ancient form of admonition and signification appointed to be spoken at the investiture of foreign princes, it is called the mantle of celestial colour. In Queen Elizabeth's reign, upon what ground history is silent, the colour of foreign princes' mantles was changed from blue to purple; for of that colour was the mantle she sent to the French King, Charles the IX. and to the Emperor and King of Denmark. Thus the purple colour came in request, and continued till about the 12th of King Charles I. restored the colour of the mantle to the primitive institution; and the sovereign and knights to honour the installation of the prince, afterwards King Charles II. made the first essay of these mantles, being of rich blue velvet got from Genoa. But on the 14th of January *anno 12. Car. II.* the mantles and surcoats of the knights companions were to be of sky-colour and crimson velvet; the only difference of the mantles betwixt the sovereign, foreign princes, and knights subjects is, that the two first have theirs more full and extensive with a long train, and the last have theirs more scanty. The left shoulder of each of these mantles have, from the institution, been adorned with a large fair garter containing the said motto, *Honi soit qui mal y pense*. And within this garter was the arms of St George, viz. *argent a cross gules*, first wrought in satin, with gold, silver, and silk, but afterwards it was more richly done on velvet. The garter fixed on the mantle of King Charles II. was done with large Oriental pearl. The lining of this robe was white damask, afterwards white satin, but now it is lined with taffeta: For exemplary ornament the mantle had fixed to its collar a pair of long strings anciently woven of blue silk only (called *cordons*, robe strings or laces) but of later days twisted round, and made of Venice gold, and silk of the colour of the robe, at each end of which hang a great knob or button, wrought over, and raised with a rich caul of gold, and tassels thereunto of like silk and gold: And at the collar was usually fixed an hook and eye of gold for its firmer affixing of it to the shoulders.

The third ensign of the order is the *surcoat*, or *kirtle*; it owes its original to the *tunica* of the Greeks and Romans, which was worn next under the *toga*; it was called at first *roba* and *tunica*. And as the first mantles, so the first surcoats were composed of woollen cloth, and continued so till the reign of King Edward IV. but afterwards became velvet, as they are at this day, though sometimes they were blue, white, and other colours, till the reign of King Henry VIII. that they were ordained to be of crimson velvet, and do so continue. At the institution of this order, and a long time after, the surcoat was powdered all over with little garters, embroidered with silk and gold plate, in each of which was wrought the motto, *Honi soit*, &c.; besides, the buckles and pendant to these small garters were silver gilt; of these garters there were no less than 160 upon the first surcoat and hood made for the founder. But this drapery of their robes became at length quite obsolete, perhaps when cloth was altered to velvet, and the plain surcoat hath to this day continued in use; when they were of cloth they were lined with bellies of pure minever fur, only the sovereign's was purfled with *ermine*. Afterwards the prince, a duke, a marquis, an earl, had each of them five timbre of pure minever allowed to a surcoat; but the viscount, baron, baronet, and bachelor knights, but three timbre a piece. In time these furs were disused, and the surcoat came to be lined with white sarsenet till *temp. Eliz.* white taffeta succeeded, and that still continues.

The *hood* and *cap* comes in the next place to be spoken of, which, in the black book of the order, is called *capucium*, and in the time of King Richard II. it is called after the French *chaperon*; they were anciently wore for defence of the head

against inclemencies of weather. but of later times caps and hats have supplied their place, yet is not the hood quite thrown by, since it is still kept reclining upon the back, almost like a pilgrim's hat. It was heretofore, and now is generally made of the same materials as the surcoat, and was anciently trimmed, and set off with a small proportion of garters, lined with cloth of a different colour, and such as would best strike the sight. But now with taffeta, as is the lining of the surcoat. As to the cap, which was instituted to succeed the hood, it hath been, and yet is, fashioned of black velvet, lined with taffeta; but the figure hath several times varied; for in King Henry VIII. his time, it was flat, in Queen Elizabeth's reign it was a little raised in the head, but in King James's time they were much more high crowned. This cap hath been usually adorned with plumes of white feathers, and sprigs, and bound about with a band set thick with diamonds; so was the cap for the installation of King Charles II. and sometimes the brims have been tacked up with a large and costly jewel.

To these may be added the *cross* of the order, encompassed with a garter, which by the sovereign was ordained the 27th of April, *2do Car. I.* to be worn upon the left side of the cloaks, coats, and riding cassocks, of the sovereigns and knights companions, of the prelate, and chancellor, at all times, when not adorned with their robes. And it was not long after ere the *glory*, or *star*, as it was usually called, having certain beams of silver, that shot out in form of a cross, was introduced, and annexed to it, in imitation of the French, who after the same manner wore the chief ensign of the Order of the Holy Ghost, being the representation of a dove irradiated with such like beams.

There remains now the *collar* and *George*, brought in by King Henry VIII. This collar was ordained to be of gold thirty ounces Troy weight, but not to exceed it; howbeit that collar sent to Gustavus Adolphus King of Sweden weighed thirty-four ounces and a quarter, and that of King Charles I. thirty-five ounces and an half, which, after his sufferings, fell into the hands of Thomas Harrison, one of Oliver's major-generals, and was by him delivered to the trustees for sale of the king's goods, and they in 1649 sent it to the mint, with divers of the regalia, to set the stamp on work for the first gold that the upstart commonwealth coined. It was appointed by King Henry VIII. that this collar should be composed of pieces of gold, in fashion of garters, the ground enamelled blue, and the letters of the motto of gold; in the midst of each garter two roses placed, the innermost enamelled red, and the outermost white; contrarily in the next garter, the innermost white and the outermost red, and so alternately: But of later times these roses are wholly red. And since our King James succeeded to the crown of England, there hath been an intermixture of thistles. The number of these garters were twenty-six, being fastened together with as many knots of gold; nor ought the collar to be adorned or enriched with precious stones, (as the *George* may be) such being prohibited by the law of the order.

At the middle of the collar, before pendent, at the table of one of the garters in the collar is to be fixed the image of St George armed, sitting on horseback, who, having thrown the dragon on his back, encounters him with a tilting spear. This jewel is not encompassed with a garter or row of diamonds as in the lesser *George*, but in a round relief. It is allowed to be beautified and set off with diamonds and other enrichments at the pleasure of the knight companion who possessed it, and upon that score it hath been frequently adorned with variety of costly work, whereon the diamonds and other precious stones were set, to that advantage as might, upon its motion and agitation, dart forth a resplendent lustre. We come now to the lesser *George* of the order, and we do not find that the effigies of St George was at any time worn by the sovereign or knights companions, before the breast, or under the arm, as now used, till the 13th of Henry VIII. But then that king decreed that every knight should wear loosely before his breast the image of St George in a gold chain, or otherwise in a ribbon, the same to be fastened within the ennobled garter, as a manifest distinction between the knights companions and others of the nobility and knights, who, according to the mode of these times, wore large gold chains, or collars, the ordinary signs of knighthood, of which afterwards. And thus the wearing the medal or jewel, usually called the *lesser George*, to distinguish it from the other work at the collar of the order, first received the

injunction, and hath since been frequently used. This George was, for the most part, of pure gold, curiously wrought, but divers of them were exquisitely graven in onyxes and agates, and with such a happy collection of precious stones, that heightened and received their beauty by the skill of the artificer. In contriving the figures and history, the natural tincture of the stones have fitted them with colours for flesh, hair, and every thing else, even to surprise and admiration. In this jewel is St George represented in a riding posture encountering the dragon with his drawn sword. By the last article of King Henry VIII.'s statutes it was allowed to be enriched at the pleasure of the possessor, (as in the great George) which for the most part hath been curiously enamelled, and the garter about it set with diamonds: The weight and bigness of these lesser Georges being an ounce and an half, and half quarter weight. This jewel was hung at a gold chain; afterwards they were worn in silk ribbons as well as gold chains, which were promiscuously used, and *ad libitum*: And so were the symbols of foreign orders, as divers coins and medals declare. The colour of these ribbons when they came first to be wore, was black. And it is reported that Robert Earl of Essex, observing in France the jewels of the Order of St Michael and St Esprit to be worn in blue ribbons, ordered, upon his return, those ribbons whereat the George hung, to be exchanged into that colour. And in a picture of Queen Elizabeth, drawn towards the declension of her reign, her lesser George is represented hanging before her breast on a blue ribbon. And King James I. decreed, that for the future the said ribbon should be always of blue, and no other colour, nor in time of mourning itself should it be changed. The manner of wearing this ribbon in time of peace was pendent about the neck down to the middle of the breast whereat the lesser George hung; but since, for the more conveniency of riding and action, the same is spread over the left shoulder, and brought under the right arm where the jewel hangs; but where the picture of the sovereign and knights companions are drawn in armour, there, even to this day, the George is represented as fixed to a gold chain instead of a blue ribbon, and not brought under the right arm, as exhibited on the three pound pieces of gold stamped at Oxford by King Charles I. 1643, and on a medal of Charles Count Palatine of the Rhine, dated 1645. The George of King Charles II. was set with fair diamonds, and, after the defeat given to the Scots forces at Worcester, was strangely preserved by Colonel Blague, one of that king's attendants, who resigned it for safety to the wife of Mr Barlow of Blarepipe-house in Staffordshire, where he took sanctuary; from whom Robert Milward, Esq. received, and gave it into the hands of Mr Isaac Walton, (all loyalists) and came again to Blague's possession, then prisoner in the Tower; whence making his escape, he restored it to King Charles II. Queen Elizabeth, in the 9th year of her reign, ordained that the knights companions should be bound by oath to take care by their wills, that after their decease all the ornaments which they had received should be restored—the robes to the college, and the jewels to the sovereign that gave them. Thus much as to the original, ensigns, and badges of this noble order. And those that are desirous to have a fuller account thereof may have it at full length in Mr Ashmole's Institution of the Garter.

I proceed next to speak of the arms and seals peculiar to this order, and when the foresaid symbols and badges came in use and practice in armories as an additional ornament in adorning outwardly the armorial shield of the knights companions of this order. The arms of St George is *argent*, a cross *gules*. But though it be the constant practice of the French, and other nations abroad, as also with us in North Britain, that the knights of royal orders encompass the shield of their arms with the collar of their orders, yet the Knights of the Garter in South Britain do not make use of the collar of that order in adorning the escutcheon of their arms, but only the garter, that being by them esteemed its principal ensign, and sometimes having no shield of arms, the void space within the garter exhibits their arms. And very observable is the seal of Charles Count Palatine of the Rhine, wherein is a shield, quarterly, of the Palatinate and Bavaria, obscuring the lion *gardant* its supporter, his four S S's only appearing quadrangularly, and his head a-top, ensigned with an electoral crown. The shield is encircled both within the garter and collar of that order, and is the first and only example I have met with wherein both these ensigns are jointly together, though it is very fre-

quent to express the collars of different orders together. Thus I have seen the arms of Robert Dudley Earl of Leicester entoured within the garter, and a collar of the Order of St Michael, the Garter, being the ancientest order, taking place next the shield, he having been knight of both these orders. And the abridger of Mr Ashmole's History of the Garter, tells us, That the funeral achievement of the late James Duke of Hamilton had the garter, and collar of the thistle about it; but of the irregularity hereof I shall take notice afterwards when I come to the Order of the Thistle.

Although this ensign of the garter was first designed in ornament to the left leg, yet it was not confined so solely thereto, but was anciently used to encircle the escutcheon of St George's arms foresaid, worn by the sovereign and knights companions on their mantles; who within a small space afterwards (says Mr Ashmole) used it to surround their own proper coats of arms, which their successors have retained as their peculiar privilege, permitting it to none but to their principal officer, the prelate of the order. The first example (says the said author) that occurs is that of Sir Francis Burley, who was beheaded *Anno Dom.* 1388, where, on his monument reared in the north wall near the choir of St Paul's, London, on the front towards the head, was depicted his own arms impaled with his first wife's, set within a garter, but another having the same impalement (placed below the feet) is surrounded with a collar of S S. of the same form with that about his neck. Also on the monument of Joan, wife of Ralph Neville Earl of Westmoreland, on the south side of the choir in the Cathedral of Lincoln, bare the arms of Neville, impaled with these of Joan his wife, (who died *Anno Dom.* 1410) encircled within a garter, and fixed on this lady's monument, daughter of John of Gaunt Duke of Lancaster. There is a collar of S S. placed about the square, but the paint being faded, was rendered unintelligible. But though these and other antique instances be advanced by this ingenious author to prove the ancient usage of the garter's surrounding armorial shields, yet are they not so convincing documents as to establish me in the belief, that at the times foresaid the garter really was used as an exterior ornament of the shield; for, being but old pieces of paintings, it is more probable the same has been done on these monuments long after, at least not till after the practice hereof was introduced by King Henry VIII. And besides, the said examples are not good heraldry: For Mr Sandford tells us, that no wife's arms impaled with those of her husband can regularly be surrounded with the garter; as I shall take notice of afterwards.

King Henry VIII. (according to Mr Sandford, in his Genealogical History of the Kings of England, and other learned authors of that kingdom) was the first king of England that introduced into his Great Seal the escutcheon of his arms encircled within the garter, and ensigned with a crown, as may be seen placed on either side his portraiture sitting on his royal throne. Since him all succeeding sovereigns of this kingdom have borne their arms after that manner, not only in their Great and Privy Seals, but those appertaining to their courts of justice, and generally in all matters where their arms were visible, except coins. In imitation of whom the knights companions have done the like. For Mr Sandford, in his said History, tells us, that, towards the latter end of that king's reign, the knights of that order caused their escutcheons on their stalls at Windsor to be encompassed with the garter, and these that were dukes, marquises, and earls, had their coronets placed on their shields, and hath been so practised ever since.

But there were in *anno* 21. *Car.* I. certain half-crowns stamped in the west of England, containing the sovereign's arms, so encompassed, regally crowned and supported, and this was the first money whereon the royal garter appeared. After him King Charles II. having an eye to the advancement of the honour of this order, caused the irradiated cross of St George, encompassed about with the royal garter, to be publicly stamped in the centre of his silver coin, struck upon the recoinage of it. *Anno* 14. *Car.* II. there were other medals heretofore stamped upon several occasions, wherein the garter was designedly expressed, and inclosing shields of their arms; as that in the year 1619, when Frederick Prince Palatine of the Rhine was crowned King of Bohemia, and Robert Cecil Earl of Salisbury created Lord Treasurer, both knights companions of this noble order. Moreover gold rings have been cast in form of garters; the ground on the outside ena-

melled with a deep blue, through which the golden letters of the motto appearing, set them off with an admirable beauty. And it seems such rings were in vogue, since the preface to the Black Book of the Order makes mention of wearing the garter on the leg and shoulder, and sometimes likewise subjoins the thumb, *Interdum pollice gestare.*

It is remarkable, that besides the Sovereign of the Most Noble Order of the Garter, other princes of Christendom have assumed the bearing of St George encountering the dragon in like posture foresaid, though not so anciently, nor upon the same grounds and foundation as do the knights of this order, probably having elected him patron and guardian of their countries and families; such as the emperors of Russia, the dukes of Mantua, and the counts Mansfeld in Germany, as their seals and coins plainly demonstrate. On the Great Seal of Boris, Federowitz, Emperor of Russia, to his letters sent to Queen Elizabeth, dated at Moscow, June 12, 1602, was a double-headed eagle displayed, having each head crowned, and bearing an escutcheon with the representation of St George upon his breast. There is another of this emperor's seals fixed to his letter, dated May 31st 1594, which he also sent to Queen Elizabeth; on the one side is the above-said eagle, having on his breast a shield, charged with a horse *courant*; the reverse the figure of St George encountering the dragon with his spear. The Great Seal of Alexis Michaelowitz Emperor of Russia, affixed to his letters sent to King Charles II. 1660, hath a like eagle with a third crown situate between the two heads, and bearing in a cartouch-compartment upon his breast the figure of St George: which representation of St George and the dragon we find assigned for arms to *Anna de Russie*, daughter to Jarislaus King of Russia and Muscovia, given in espousal to Henry I. King of France, and thus blazoned, *D'un St Marthe de gueules, à un homme à cheval d'argent, tenant une lance en la main, qu'il en la gueule d'un dragon renversé.* The counts of Mansfeld have frequently stamped it on their coin; on one side is St George encountering the dragon with his sword, with this circumscription, *Sanct. Geo. Co. Do. de Man.*; on the reverse his arms circumscribed. *Mon. de Arc. Co. Do. de Man.* Of these of the Dukes of Mantua we may see one of Vincentius Duke of Mantua and Montferrat, a Knight of the Order of the Golden Fleece, wherein is his effigies to the breast, and round the same, *Vinc. D. C. Dux MANT. III. MONTSERU*, on the reverse St George and the dragon; motto, *Pro-rector nostra aspice.* 1591. and *Casal* at the bottom.

As to the seal belonging to this noble order, I find by the statutes of King Edward III. they were to have a common seal. And this is confirmed by the statutes of King Henry V. and since named the Great Seal of the Order. The use of this is not only to seal the original statutes appointed to remain perpetually within the treasury of Windsor College, as also those copies of which each knight companion is obliged to conserve one, but likewise all letters of licence to any of the knights companions desirous of winning honour abroad, and all mandates and certificates relating to the order.

After what order the first seal was composed we have no exact relation. Polydore Virgil tells us, that when the founder of the order had fixed choice of St George for his patron, he represented him armed, and mounted on a horse, bearing a silver shield, and thereon a red cross; but whether St George thus designed was on the real seal, or only a scutcheon of his arms, as in latter times, is uncertain. But this author observes, that the founder habited his soldiers in white jackets or coats, and on their breasts and backs sewed red crosses, parallel to the arms assigned to St George, as well as to the kingdom of England, put under his patronage; which arms the sovereigns of the order have ever since exhibited in their standards. But besides this common seal, King Henry V. in the ninth year of his reign, instituted a privy signet in case the sovereign should be called out of the kingdom upon weighty affairs. The intent thereof was to affix it to all acts passed by the sovereign beyond sea, to distinguish them from those of his deputies to England. King Henry VIII's statutes ordain the making both of a common seal and signet, and direct that the arms of the order shall be engraven on each of them. The common seal used in his reign was a garter, within it a shield having the cross of St George impaling the national arms; the said shield encompassed with two branches hanging from the regal crown, which debruires part of the

garter; the signet being designed after the same manner, but less. In the time of King James I. it suffered no alteration, but only in the national arms, by admitting the quarterings of the arms of Scotland and Ireland, and new fashioning the crown, omitting the suspension of the shield. There was a seal made at the beginning of the reign of King Charles I. which being esteemed too little for the grandeur and honour of the sovereign's commissions, it was afterwards decreed in a chapter held 18th April, 13th Charles I. that a new one should be made of a larger size, with the accustomed arms and motto, and the care thereof committed to Sir Thomas Rowe, Chancellor of the Order: Which command he executed with all due care and regard, as is manifestly evident by the nobleness of the design; one representation being St George in armour, adorned with a waving mantle, his beaver open, his helmet plumed, holding a shield of his arms in his left hand, and striking with a sword in his right; his body mounted on a bold horse trampling a dragon which assails the champion; the whole figure is well contracted and the circus rock, the bones of devoured men, and a mountain in *lointain*. On it is circumscribed, *Magnum Sigillum nobilis ordinis garterii*, having the enrichments of festoons between every word placed pentagonally. The other representation is the royal garter imperially crowned, enclosing a shield of the arms of St George, impaling the sovereign's arms, the same bordered with fret-work and other ornaments in cartouch. In the same degree directions was given also for a new signet, the former being thought too big for letters. And this was an oval shaped, as appears from its impression, which was the garter crowned, wherein was St George and the sovereign's arms impaled. And these seals were appointed to be thenceforth borne before the sovereign in all public assemblies during the celebration of St George's feast, or in other of its solemnities, by the Chancellor of the Order, in a purse of blue velvet; and command was given to the said Sir Thomas Rowe to provide one accordingly. On the foreside of which purse was richly embroidered (by a goldsmith) with Venice gold and silver, gold and silver pearls and plates, and variety of Naples silks, the arms of St George impaling the sovereign's, surrounded with a garter crowned, having a very fair running work or compartment round about it.

I proceed next to the officers of this noble order. The founder constituted a Prelate, Register, and Usher, and some of his successors added the Chancellor and Garter, and all of them sworn to be of the council of the order: Among these, the Prelate and Chancellor are usually nominate the principals, the other three the inferior officers of the order. The Prelate is the first and *premier* officer, called *Prelatus ordinis*. And William de Edington Bishop of Winchester was the first prelate; and his successors, bishops of Winchester, continue prelates of the order to this day. The privilege of this officer is, that, in all proceedings and ceremonies of the order, he is on the right hand of the chancellor, and has the privilege of marshalling his arms within the ennobled garter; and accordingly it hath been customary to surround them, impaling his see, and has allotted him convenient apartments in the castle of Windsor. The Chancellor was, by King Edward IV. the 16th year of his reign, named to be Richard Beauchamp, then Bishop of Salisbury; which office continues yet with his successors bishops of Salisbury, in consideration that the chapel of St George was within their diocese; though this office was for many years after the Reformation by King Edward VI. discontinued, restored again *anno* 1669. By the said King Edward VI.'s statutes it was ordained, that the chancellor should wear about his neck a cross of the order, with a red rose in a white, of gold, all compassed within a garland of red and white roses; and afterwards, by Queen Mary, they were allowed a golden rose inclosed within a garter, which he and his successors, chancellors of the order, have ever since worn daily about their necks. At first it was pendent in a gold chain, but since in a purple ribbon; and by a warrant of King Charles I. dated at Oxford, 16th December 1645, it was ordained, "That the Chancellor, Sir James Palmer, Knight and Baronet, and his successors chancellors of the order, should wear about their necks, at all times, in honour of the said place, a medal or jewel of gold enamelled, with a red rose (or such an one as we, or the rest of the knights of the order, do, or shall hereafter wear in our collars of the said order) within a garter of blue enamelled, with this sentence inscribed, *Honi soit qui mal y pense*."

“ And in the reverse thereof he shall bear the escutcheon of St George, enamelled  
 “ within a garter also, in reverence to the order itself, which he only shall wear  
 “ hanging by a light purple ribbon, or in a gold chain, as hath been accustomed.”  
 The chancellor of the order is seated beneath the prelate, and in all proceedings and  
 sessions goeth and sitteth on his left hand. He hath also an habitation within the  
 castle of Windsor, and the custody of the seals of the order belong to him.

Next follows the Register of this order ; and who was the first we cannot dis-  
 cover : but it may be presumed they were canons of Windsor, because this office  
 was at first assigned to one of that college. Besides, the registers from the reign  
 of King Henry V. to the beginning of King Henry VIII.'s reign, were all canons  
 of this college, among whom was John Cunningham, (and the first found was  
 called so) as the fragments of a glass inscription in Clare Church near Windsor,  
 where he was rector, attests. The first dean of Windsor constituted register of  
 the order, was John Vesey, *anno* 8th Henry VIII. ; many of whose successors in  
 this deanry have since been admitted the rather as they were canons than deans  
 of Windsor.

The fourth officer of the order is Garter : He was ordained by King Henry V.  
 with the consent of all the knights companions, who, for the honour of the order,  
 was pleased he should be the principal officer within the College of Arms, and  
 chief of the heralds : The services enjoined him, relating to the order, were, in  
 preceding time, performed by the Windsor Herald of Arms, an officer created  
 with that title by King Edward III. much about the time of his erecting this or-  
 der. Sir William Bruges was the first created Garter, and called in the institu-  
 tion of his office, *Jartière Roy d'armes des Anglois*. John Smert, his successor, had  
 this office conferred on him by letters patent, under this title, *Rex Armorum de*  
*Garteria* ; and John Wryth was stiled *Principalis Heraldus & Officiaris inelyti or-*  
*dinis Garterii armorumq. Rex Anglicorum*. But Sir Gilbert Dethick leaving out  
*Heraldus*, joined *Principalis Rex*, which still continues. And King Henry V. and  
 VIII. declared, that he shall be a gentleman of blood and arms, and a native of  
 England, and that he shall be chief of all the officers of arms dependent upon the  
 crown of England. This officer is appointed to bear a white rod or sceptre at every  
 feast of St George, the sovereign being present, gilded at both ends, and at the  
 top the arms of the order impaling the sovereign's arms pourtrayed on an oblong  
 cube crowned ; but no directions are given in the constitutions either for this  
 crown or for that ducal one on his head wherewith his effigies has been represented,  
 and yet at all great solemnities is never used that we can discover. There was assign-  
 ed him, by Queen Elizabeth, a badge of gold, to be worn daily by him and his  
 successors before the breast in a gold chain or ribbon, and thereon enamelled the  
 sovereign's arms, crowned with an imperial crown, and both surrounded with the  
 garter. But Sir Edward Walker, when made Garter, obtained the sovereign's  
 leave to impale therein St George's arms with those of the sovereign's ; which  
 badge is alike on both sides. He has a house appointed him within Windsor  
 Castle, called Garter's Tower, and has of salary 100 *lib. per annum*. His duty,  
 in general, is to perform, or cause to be effected, all transactions whatsoever the  
 sovereign, prelate, or chancellor, shall enjoin him, in relation to this most noble  
 order.

The fifth and last officer is the Black Rod, who was instituted by the founder  
 King Edward III. For the said king, in the 35th year of his reign, conferred on  
 Willam Whitehorse, Esq. for life, *Officium hostiarii capellæ Regis infra castrum de*  
*Windsore*, with a fee of 12d. a day out of his exchequer. *Anno* 3d Henry IV.  
 this office is called *Officium virgarii Comitivæ de la Garter infra castrum Regis de*  
*Windsore* : and in *anno* 1st Henry V. it is stiled *Officium virgarii sive ostiarii*,  
 &c. Afterwards it hath the title, *Officium virgæ bajuli coram Rege ad festum*  
*Sancti Georgii infra castrum Regis de Windsore*. And ever since it runs in the  
 patents by the appellation of *Virgæ Bajulus, Virgarius, Nigri-vergifer*. But in  
 the constitutions of his office he hath the title of *Hostiarius*. He is also ordained  
 to be a gentleman of blood and arms, and native within the sovereign's dominions,  
 and if not a knight before, he ought at his admission to be knighted, and, for the  
 honour of the order, the Black Rod is appointed chief Usher of the kingdom, and  
 as he is so, he is called Gentleman-Usher of the Black Rod. In the reign of King

Charles I. James Maxwell, Esq. enjoyed this office, and the said king, at a chapter held at Whitehall 5th of November 1629, decreed that the little park of Windsor should be conferred on the said James Maxwell in right of his office, and so for ever after be annexed thereto. And in the reign of King Charles II. John Ayton was Gentleman-Usher of the Black Rod, being both our countrymen. The ensign and badge of this office at first was ordained, that he or his deputy should carry a black rod (whence he hath his title) before the sovereign or his deputy, at the feast of St George, within the castle of Windsor, and at other solemnities and chapters of the order, on the top of which there ought to be set a lion of England. This rod serves instead of a mace, and has the same authority to apprehend delinquents, and such as have offended against the statutes of this noble order; and where he apprehends any one of the order as guilty of some crime, for which he is to be expelled the order, the manner of it is by touching them with this black rod. He has assigned him a golden badge, to be openly worn in a gold chain or ribbon before his breast, composed of one of the knots, in the collar of the order, which tie the roses together, and encompassed with a garter, being alike on both sides; which was conferred on him and his successors, by decree in chapter, held the 24th of April, 8th Eliz. He has also a house in Windsor Castle. All those officers have particular mantles and pensions belonging to them, which the curious will find at large in Mr Ashmole's Institution of the Garter. And though they are all strictly obliged to give personal attendance to their offices, yet in case of sickness, absence out of the kingdom, or other emergent reasons, the sovereign is pleased to dispense with them, and constitute others to officiate in their stead, who, on such occasions, wear the robe and badge of that officer whom they represent, and such deputies are sworn *durante deputatione & beneplacito Regis*.

By the statutes of the order it is provided, that none shall be elected into the order that have not been dignified with the title of Knight. Thus King Charles I. *anno 6th regni sui*, designing to invest James Marquis of Hamilton with this order, conferred the honour of knighthood upon him immediately before his nomination: And his father James Marquis of Hamilton, when elected into this noble order by King James I. the 21st year of his reign, the said king, as a distinguishing mark of his favour, conferred the mantle of the order upon him, though a knight-subject, which the sovereign very rarely bestows on any but strangers. And when James Duke of York came to be elected on the 20th April, *anno 18th Charles I.* the sovereign conferred knighthood upon him the day before, which he received upon his knees; and in honour whereof four other nobleman received the honour of knighthood at that time; the Earl of Carnarvon, the Lords George d'Aubigny, John Stewart, and Bernard Stewart, each supported by two knights. And thus Prince Edward, Count Palatine of the Rhine, and George Duke of Buckingham, being designed by King Charles II. to be admitted into this noble order, were both first knighted at St Germain in France 1649, and afterwards had the ensigns of the order sent unto them by the hands of Sir Edward Walker, Knight-Garter, who, in right of his office, invested them therewith: But in foreign princes the want of knighthood becomes no impediment. It is also to be observed, in regard that strangers elected into this order are for the most part sovereign princes, whose affairs oblige them to abide in their own dominions, and very rarely permit them to receive personal installation, therefore they are allowed timely notice of their elections, and convenient time of consideration for acceptance, affording investiture in their own countries, and permitting their installations to be performed at Windsor by their proxies or deputies. In pursuance whereof it became customary for the sovereign, when he sent his letters, to send also, by way of solemn embassy, the habit and ensign of the order, with a book of the statutes; and in case the election was accepted, investiture might be received before the return of the persons by whom the habit was sent. So our King James V. who was elected 20th January, *anno 26th Henry VIII.* had notice of his election immediately sent him by the Lord William Howard, who was sent on that embassy. And the last thing to be done in the installation of a knight of this order, is the setting up the helmet, crest, sword, banner, and plate, of the new installed knight, over his stall in the Chapel

of St George. To describe the manner of installing these knights, with the oath they take, and the rules prescribed them, being too long for this place, I therefore again refer those who desire it to the said Mr Ashmole's fore-cited book, where the same may be read at full length.

And here I cannot omit to relate what the ingenious Mr Sandford, in his Genealogical History of the Kings of England, tells us, and gives it for a rule, that no wife's arms, impaled with those of her husband's, can be surrounded with the garter, and so neither with the collar of any other sovereign order; for the following reason, That though a husband may give his wife an equal share of his escutcheon and hereditary honours, by impaling her arms with his own, yet he cannot place them so impaled within the order of royal knighthood, which is but temporal, and which I allow is very reasonable: But the garter or collar may appear on that side of the escutcheon where the husband's arms are; and as for the instance given to the contrary, that the arms of Mary Queen of England, and those of her husband's Philip King of Spain, were impaled in one shield, and surrounded with the garter, is of no force, for he was one of that order himself, and she hereditary sovereign and head of the same; and all sovereign queens have their arms adorned as a king.

Whereas I have spoke above of another kind of collar, called a *collar of SS's*, worn as badges of lower and inferior honour, it will not be amiss to speak a little concerning them. Wicelius informs us, from a book in the library of Fulda, where (in the life of the two brothers Simplicius and Faustinus, both senators, and who suffered martyrdom under Dioclesian) there is a description of the society of St Simplicius, consisting of noble personages in their own families, and describing the collar wore as the badge of it, says thus: "It was the custom of these persons to wear about their necks silver collars composed of double SS's, which denotes the name of St Simplicius; between these double SS's the collar consisted of twelve small plates of silver, in which were engraven the twelve articles of the Creed, together with a single trefoil, the image of St Simplicius hung at the collar, and from it seven plates, representing the seven gifts of the Holy Ghost. As to the manner of their martyrdom, they were bound together by the neck to a stone, and throwu over the bridge into the river Tyber." At what time the collar of SS's came into England is not fully determined; but it will appear at least 300 years since, and worn as an ornament for women, as well as men; for on a monument in the Collegiate Church of Warwick, the figure of Margaret, wife to Sir William Peito, (said to be interred *temp.* Edward III.) hath a collar of SS's drawn about and set close to her neck; and the like collar is about the neck of Sir Simon Burley's statue in St. Paul's, London.

In the ancient creation of an esquire in England part of the ceremony was the king's putting about his neck a collar of SS's. But that the golden one was the undoubted badge of a knight, as may be instanced by many undeniable examples; and by King Henry VIII. it was allowed that knights might publicly wear a gold collar of SS's, though since it is grown obsolete and useless. And Favin tells us, that King Henry the V. of England instituted an order surnamed *Knights of the SS's*, on the day of the martyrs St Crispin and Crispianus; for though the English historians mention nothing hereof, yet from the Chronicle of *Juvenal des Ursins*, where he treats of the battle of Agencourt, the King of England exhorted his men to be at peace and reconciled with one another, to be civil in their march, and do their duty well; and agreed, that those of their company who were not of gentle extraction he would make so from the fountain of honour, and give them warrants, that for the future they should enjoy the privileges the gentlemen of England had; and to the end they might be distinguished from others, he granted them leave to wear a collar powdered with the letter S. And to establish this, and show that the said collar was in much esteem in England, the kings of England since have sometimes been pictured with a collar of SS's about their arms, in like manner as the garter doth now surround them, as appears from an impression of King Henry VIII. his privy signet; whereon his royal arms crowned are encircled with a collar of SS's, to the lower end of which are affixed two portcullisses. And our King James III. is pictured with a gold chain about his neck, which I judge should be

rather a collar of SS's, to the lower end of which hang pendent on his breast the image of St Andrew, embracing his cross with both his arms.

Among the variety of collars of SS's now in vogue, there are these following: The Lord Mayor of London's collar is composed of gold, having a knot (like one of those that tie the garters together in the great collar of the order) inserted between two SS's, and they again situated between two roses, viz. a white rose with-in a red, and in the middle before the breast a large portcullis, whereat hangs a most rich jewel set with large diamonds.

The collars of the Lords Chief Justices of both the Benches, and of the Chief Baron of the Exchequer, are (in memory of the said St Simplicius, a senator, and consequently a gown-man) formed of the letter S, and a knot alternately, having a rose set in that part of it which falls out to be in the middle of their breasts, and another on their backs; the five flowers of those roses are constituted of five large pearls.

Those collars which appertain to the kings and heralds of arms, as well as to serjeants of arms, having been bestowed by former kings, and renewed to them by King Charles II. to be worn upon days of solemn attendance, are composed of SS's linked together; in the middle of the breast is a rose, at each of which hangs three small drops of silver; but the SS's in the collars worn by the Kings of Arms are made somewhat larger than the other, and in that part lying on either shoulder is a portcullis taken in between the SS's, which are wanting in the other.

The general difference of the collars appropriate to the before-named degrees is this: knights have allowed them collars gilt, but esquires only silver; and therefore in the creating of a herald, in part of that ceremony, he is made an esquire, by putting on him a collar of SS's of silver, and so is a serjeant at arms.

I think, and humbly give it as my opinion, that those gentlemen, while in possession of these offices, may adorn exteriorly their armorial shields with the fore-said collars, as the symbols and badges of their said offices; by which after generations may know that they enjoyed such preferments, and that in imitation of the knights companions of royal orders; who, soon after the sovereigns of these orders had introduced the practice of surrounding the escutcheons of their arms with the collars of their different orders, did the like as to their arms: And as collars worn about the neck distinguish to the present generation the high rank or station of the person wearing it, so the placing them round the armorial shield becomes a cognosce to future generations, to certify them, that their predecessors enjoyed such high honour, place or post. And it is certainly the main design of heraldry, by figures and symbols, to convey to after generations distinguishing marks of persons and families, and to demonstrate to posterity the several degrees of honour, posts, and places deserving persons have enjoyed, and were advanced to by sovereign princes.

The next degree of knighthood in South Britain is the Knights of the Bath, so called from the solemn manner of bathing, and other sacred ceremonies used at their creation. They are commonly made at the coronation of a king or queen, or at the creation of a Prince of Wales, or a duke of the blood royal; some allege they are of no less antiquity than the times of the Saxons. And though mention be made by W. of Malmesbury of King Alfred making his grandson Athelstane a knight, he instances no more than the purple robe, with the sword and rich belt; yet it is apparent that when Geoffrey of Anjou, in order to his marriage with Maude the Empress, only daughter to King Henry the First of England, was made a knight at Rome, by the same King Henry on Whitsunday *anno* 1227. It is said by John the monk of Marmonstier, that he with 25 esquires then attending him, were bathed according to the ancient custom. But Froissart says, this order was first erected, *anno* 1399, by King Henry IV. of England, who, to add to the lustre of his coronation, created 46 Knights of the Bath; and Mr Selden thinks them more ancient. But that great antiquary Elias Ashmole is of opinion, that the said king did not constitute, but rather restore the ancient manner of making knights, and judges them to be really no other than knights-bachelors; that is, such as are created with those ceremonies wherewith knights-bachelors were formerly created by ecclesiastics. At first view they look like a distinct order of knighthood, but

cannot be so accounted, because they have no statutes assigned, nor are in case of vacancy supplied, (the essentials of distinct orders) nor do they wear their robes beyond the time of that occasion upon which they were created, as chiefly the coronation of a king or queen, prince, Duke of York, or the like; and besides their number is uncertain, and always at the pleasure of the king. Favin calls them knights of the crown, to distinguish them from esquires, because they wore upon their left shoulder an escutcheon of black silk embroidered with three crowns of gold; but herein he mistakes, for they never used but only a white silk lace, and the jewel they wore was made of gold, containing three crowns, with this motto, *Tria juncta in uno*, hanging down under the left arm at a red or carnation ribbon worn cross the body. Benjamin Smithurst in his *Britain's Glory*, p. 33. calls them Knights of the Holy Trinity, from the medal which they wear, which is three crowns, with an inscription about it which was formerly *Tria numina juncta in uno*: But at our King James VI. his coronation in England, the word *numina* was left out, and so it alluded to the three kingdoms of England, Scotland, and Ireland, which were then joined in one. They are created with much noble ceremony, and have had princes and the prime of the nobility of their fellowship. The particular manner of their creation is mentioned by many authors, but most exactly described and illustrate with figures of all the ceremonies by the learned William Dugdale, Esq. Norroy King at Arms, in his description of Warwickshire; to which laborious piece I refer the curious reader.

These knights are in use to wear the foresaid badge for adorning of their armorial shields. And Sylvanus Morgan, in his *Sphere of Gentry*, lib. 1. page 82. has given us a figure of the practice hereof in the arms of Sir Hugh Ducie, Knight of the Bath, at the coronation of King Charles II. who hath the escutcheon of his arms there trimmed with the said ribbon at the back thereof, tied together with a running knot at the top of the shield, and hanging down, extended so oval-ways, as the same appears to surround not the top, but only the sides and feet of the shield; and to which ribbon, at the bottom is affixed pendent the said medal oval-ways, whereon is a branch slipped with three crowns, issuing therefrom, one at the top and two below, and round the same the foresaid words, *Tria juncta in uno*.

This leads me to the degree of Baronets in South Britain, who seem allied to knighthood, by having granted them the addition of *Sir* before their names: But this gives them not the dignity of knighthood; nor can they properly be stiled knights, until they be actually knighted: It is a modern degree of honour, and next to barons, whence the name is also derived, being hereditary in the male line; it was instituted by King James I. on the 22d day of May 1611, and the 9th year of his reign over Great Britain. The manner of creation is by a patent under the Great Seal, the form of them being all the same, viz. to a man and the heirs-male of his body lawfully begotten, for ever; though sometimes the honour is other-ways entailed for want of issue-male. The proem, or argument of the said patent, being for the propagating a plantation in the province of Ulster in Ireland, for which purpose they were ordained; that is, each of them to maintain thirty soldiers in Ireland for three years, after the rate of eightpence Sterling *per diem*, to each soldier; which whole sum was paid into the Exchequer at once, upon passing the patents under the Great Seal of England. They have precedency before all knights, except those of the garter, bannerets, and privy counsellors, and next to, and immediately after, the younger sons of viscounts and barons. And as the addition of *Sir* is attributed to them, so the title of *Lady* is to their wives; and they take place among themselves according to the priority of the dates of their patents; no honour is to be created between barons and baronets. At the first institution of them King James engaged that they should not exceed two hundred in number; and when the said number was completed, and any came to be extinct for want of heirs-male, there should be never any more created in their room: However, a commission was afterwards ordered to fill up the vacant places with instructions to treat with others that desired to be admitted to the same degree, which is now observed without any limitation; with this provision, that they be of good reputation, and descended of a grandfather, at least, by the father's side that bore arms, and have also a yearly revenue of L. 1000 *per annum*. The ground for erecting

this degree was partly martial; for though themselves were not enjoined personal service in the wars, yet, as foresaid, each baronet was to maintain thirty foot soldiers for three years in Ireland, after the rate of eightpence a-day, for the defence of that kingdom, and chiefly to secure the plantation of Ulster. And, *anno* 1612, King James added some new privileges and ornaments to them, viz. to knight those already made that were no knights, and the heirs hereafter of every baronet should, at the age of one and twenty years, receive knighthood; also in the king's army royal they are to have a place near the king's standard, and they are allowed some particular solemnities at their funeral; likewise, that all baronets might bear in a canton or in an escutcheon, which they please, the arms of Ulster, viz. in a field *argent*, a sinister hand couped at the wrist, *gules*. Since the creation of baronets in England, there have been several made after the same manner in Ireland. There was an intention, *anno* 1627, to move his then majesty, that all baronets and knights-bachelors might wear ribbons of several colours, with some badge or jewel, in such sort as did the Knights of the Bath, to distinguish the one from the other: But that matter dropt. Yet though the same did not succeed in England and Ireland, it was allowed to the knights baronets in Scotland, as shall be proven afterwards. I come next to treat on the orders of knighthood in my own nation of North Britain.

Our high and sovereign order of knighthood is the most ancient and most noble Order of the Thistle, commonly called the *Order of St Andrew*, and so called from the pendant of the order having on a blue roundle the image of St Andrew. It was the custom and policy of puissant princes in all ages to invite and secure to themselves persons of renown; and such heroic spirits were encouraged with marks of honour to distinguish them from the vulgar, and amongst those persons, the more eminent, or excellent of merit were placed in a superior orb, that their glory might be the more splendid to the world; such were King David's mighty men, the Satrapæ of Persia, the orders military among the Romans, and the many institutions of knighthood in Christendom; but of all orders, purely military, now extant, I must prefer this of St Andrew; not only because it is of our own nation, or that none are commonly admitted into this order but peers, but chiefly for the antiquity of it, which gives it a place and precedency to all other orders now in being.

As to the original of this most ancient and noble order, John Lesly, Bishop of Ross, in his History of Scotland, tells us, it took its beginning from a bright cross in Heaven, in fashion of that, whereon St Andrew the Apostle suffered martyrdom, which appeared to Achaius King of Scots, and Hungus King of the Picts, the night before the battle was fought betwixt them and Athelstane King of England, as they were on their knees at prayer; when St Andrew, their tutelary saint or patron, is said also to have appeared, and promised to these kings that they should always be victorious when that sign appeared, and the next day these kings prevailing over King Athelstan in battle, they went in solemn procession, barefooted, in a devout way to the kirk of St Andrew, to return thanks to God and his apostle for their victory, promising and vowing that they and their posterity would ever bear the figure of that cross in their ensigns and banners; the place where this battle was fought retains to this day the name of Athelstan's Ford in East Lothian. But the Picts being afterwards extinguished by the valour of the Scots, they assumed the said badge. Now as to the order of the thistle, Andrew Favin, in his Theatre of Honour and Knighthood, tells us, it was erected by the said Achaius King of Scotland, who began to reign in the year of Christ 787, on account of the famous league, offensive and defensive made between Achaius and Charlemagne King of France. But there are some, says the same author, that refer the Institution of this Order of the Thistle to the reign of Charles VII. King of France, when the amity was renewed between both kingdoms. And lastly, others yet later place its foundation *anno* 1500, which too last assertions, if true, would indeed give precedency to the Garter, the royal order of England, before that of ours of the Thistle, seeing all judicious heralds abroad, and the learned English themselves are of opinion, that the ancientest order of knighthood takes place next the escutcheon, even though other later institutions should after become more ho-

honourable; and this method has always been practised by all civilized nations that esteem regular trimming of armorial shields; as witness the usage in France, from whom we of Britain had the science of heraldry, and where constantly the order of St Michael, as being the eldest, takes place next the shield, when that of the Holy Ghost, though more honourable, yet being of a later date, doth both surround the same, as I observed before. And this I judge has been the only reason why our brethren of South Britain hath hitherto denied our said royal order its due place next the shield in their trimmings of the sovereign's arms, or the arms of knights companions of both the royal orders of Great Britain, as adjudging our order to be of no older standing than the reign of the said King Charles VII. King of France, or of our own King James V. of Scotland; which, if true, would indeed make the Most Noble Order of the Garter to be of a much older date than ours, and so regularly and justly to claim precedency. But that the same is entirely false, and our order long prior to that, I am hopeful to make evident by what follows.

Albeit most of all our historians agree, that the St Andrew's cross, in form of a saltier *argent*, on a field *azure*, was equally used by Hungus King of the Picts, and Achais King of the Scots, in remembrance of the above notable victory obtained by them against Athelstan King of the Saxons, as Menenius likewise observes in his *Delitiæ ordinum equestrium*, page 1646. Yet Modius, in his *Pandects*, (to which Andrew Favin assents) ascribes the full foundation of this order of knighthood to Achais. Menenius describes the collar thereof thus, "Cujus insigne seu collare ex carduis confectum preferunt gentilitia regum arma cunque, hoc addito elogio, Nemo me impune lacesset;" and a little after, "Fuit autem huic militia baltheus aureus ex floribus cardui orbicellis aureis, seu nodisrubeis centibus innexi compositus & infra præferens imaginem Sancti Adræi Martyrii crucem decussatam ante se gestantis." Camerarius, in his *Symbols*, is of the opinion that the motto belonging to the collar was the same, which he proves by his having seen some of the deeds of King Achais amongst the records of France.

Some think that devices are as ancient as Antisthenes, who gave *Cephisolode*, for his device, incense burning, with the words *ἄλλοθεν ἰσχυρῶς*, that is to say, I please whilst I consume. But others think that devices were no older than Paulus Jovius; and yet Petra Sancta, *lib. 9. Symbol. Heroic.* asserts that the thistle taken by Achais King of Scots, when he made his alliance with Charlemagne, with the words, *Nemo me impune lacesset*, is the ancientest device now upon record, and all praise it as very regular and pretty. But Sir George Mackenzie, in his *Science of Heraldry*, page 98. says, some think it ought to be *lacessit*, because the present time shows best the nature of the thing, yet *lacesset* has more of daring and gallantry. In a manuscript under the hand of Sir James Balfour, sometime Lyon King of Arms, it is there said, that the motto or elogium of this order in all seals, impresses and inscriptions, and by all authors, holds to be, *Nemo me impune lacessit*, and that, albeit, Paulus Jovius wrote, that Franciscus Sforza, Duke of Milan, took for his device a greyhound, with this motto, *Quietum nemo impune lacessit*, yet Rucelli the Italian, and Baghliour maintain, that Achais king of Scotland was the deviser of this motto. And Paradine says expressly, that Sforza borrowed this only from the ancient and noble kings of Scotland. And as this eminent Prince King Achais was one of the number of many others who befriended the said Charles the Great of France, in his conquests, for which they and their successors carried in their ensigns the marks of that great monarch's favour, viz. the double tressure in the armorial ensigns of Scotland, to perpetuate that memorable league begun by Achais with Charles the Great, and that order of knighthood called the Crown Royal, which continued for many ages with the Frieslanders, also allies with Charlemagne, who ordained for the state of Friesland that the governor thereof should make knights, by the solemnities of girding with the sword, and striking the persons so created on the ear, that they should wear on their breasts an imperial crown as a badge of that order, as Favin relates. And Selden, in his *Titles of Honour*, says the like, and Hancouius *De rebus Fris.* gives the institution of the order, dated at Rome in the year 802. About which time, and in imitation thereof, our King Achais is said to have instituted this Royal Order of the Thistle.

Another instance of the antiquity of this noble order as prior to that of the garter, is, that the said Sir James Balfour had himself found among the rubbish of the ruined abbey of the monastery of Scoon (once the theatre of our ancient kings' inaugurations) a record of the coronation of King Alexander III. written, as would appear, by the hand of Robert, then abbot of that place, bearing, that in *anno 1249*, the said king, a child about the age of nine years, being about to be crowned on Tuesday the 7th of May in the aforesaid year, and coming to the great church, (the place appointed for the coronation) a great contest arose amongst the nobility and clergy there. The Bishop of Dumblane, Chancellor of Scotland, and John Cuming Great Constable, maintained, that the king could not be crowned that day, in respect that he was not then made knight of the thistle, and therefore could not be head or principle of the said order. And, to avoid further trouble, willed them all that the king's coronation should be delayed till Friday thereafter. And on the morrow after, (says the said record) they brought the king to the Great Hall of Scoon, where they put on him *oblongam togam ex viridi holo serico carduis aureis ornatam*, on the left shoulder of which (continues the record) *in campo ceruleo imago divi Andreae cum cruce sua argentea depingebatur*, which is all I can find ancient the ancient usage of robes peculiar to the knights of this order, our records being either destroyed or carried off through the many disorders that happened in the kingdom. And our histories and annals have made no mention of them. At this time the Chancellor did knight the said king, the Great Constable girt the sword on his left side, the High Marischal put on his spurs, and William Fraser, Bishop of St Andrews, administered the oath of the order to him. And the usual oath administered to these knights, according to Licetus, a Frenchman, in his book *De Ceremoniis*, page 74. was,

*1mo*, I shall fortify and defend the Christian religion, and Christ's most holy evangel to the utmost of my power.

*2do*, I shall be loyal and true to my Sovereign Lord the King, and the brethren of this order.

*3tio*, I shall maintain the honour and dignity of the Noble Order of the Thistle to my last hour, if God let.

*4to*, I shall never bear treason about in my heart against my Lord the King, but shall discover the same to him. So defend me God and the holy church.

And that the number of knights of this order was the same of old as now, is clear from Fordun's History, *lib. 13.* where he tells us, that this king, at his said coronation, did make twelve knights, amongst whom *Walterus Cuming Comes Attholæ*, (Great Constable) *equus quoque creatus est.* And Modius, in his *Pandects*, page 107. says that "Antiqui Scotorum reges solebant ante coronationem duodecim equites ordine cardui creare."

Another instance of the antiquity of this noble order, before that of the garter, I find in Mr Sandford's *Genealogical History of the Kings of England*, page 138, when describing the seal of Edward I. King of England, says, that in a grant of the marriage of Duncan, son and heir of Duncan Earl of Fife, to Gilbert de Clare Earl of Gloucester and Hartford, dated at Berwick, the 25th June, in the 20th year of his reign, which was *Anno Dom. 1291*, he is stiled *Edwardus Dei Gratia Rex Angliæ & Dominus Hiberniæ, & dux Aquitaniæ & superior Dominus Regni Scotiæ, &c. in cujus rei testimonium has literas patentes sigillo regimini Scotiæ deputato fecimus sigillari*; the circumscription of which seal is obliterated, but the figure of the crucifixion of St Andrew, the badge of this royal order on the one side, and the arms of Scotland, viz. a lion rampant within a double tressure, on the reverse, are apparent.

And it was the care of King Robert the Bruce, after he had restored the sovereignty of the kingdom, and the liberties of the subjects from the usurpations and tyrannies of the Kings Edwards I. and II. of England, to revive again this royal order, which had been in disuse for some time, through the wars and disorders happening in the kingdom after the death of the said King Alexander III.; and this clearly appears by that King Robert's charters. And particularly about the 21st year of his reign, which was *Anno Dom. 1327*, (which is still before the Institution of the Garter) when it is to be observed, that some years before that time, the old knights of this order, formerly made by the said King Alexander III. were very

presumably either dead or slain in battle fighting for the relief of the kingdom from slavery. Before this year of King Robert's reign, the most eminent of his subjects are only designed as other common knights, *miles*, or *miles noster*, whereas about this time, and after to distinguish the same men, being of royal knighthood, from the common knights, they are designed *milites patriae*. Amongst many other charters, to prove this, I shall give one of this king's charters, taken out of Haddington's Collection of Charters, now in the Advocates' Library at Edinburgh, which is dated at Berwick the 15th day of November, the 21st year of his reign, confirming the charters of donations of King Edgar and King David, and of Patrick son of Waideve, Earl of March, to the church of Durham. "Testibus venerabilibus in Christo patribus Willicmo & Johanne Sti. Andre & Glas-  
" guensis ecclesiarum Dei gratia episcopis, Thoma Ranulph Comite Moraviae,  
" Domino vallis Annandiae & Manniae, Nepote nostro, Patricio de Dumbar Comite  
" Marchite, Walter Senescallo Scotie, Jacobo Domino de Douglas & Alexander de  
" Seton patriae militibus;" whereas in charters before this, it is said only *militibus*, as other knights, without the addition of (*patriae*) that of their country. And for a further confirmation hereof, there is to be seen among Mr Sutherland's Curious Collection of Old Coins, now the property of the Society of Advocates, and lodged in their said library at Edinburgh, a piece of gold of King Robert the Bruce, whereon is raised on one side the figure of St Andrew, expanded on his saltier cross between two flower-de-luces, and the legend round the same is *Dominus protector meus & liberator meus*, and on the other side are the arms of Scotland within a formal shield timbred with an open crown. And if it had been the custom of these times to adorn escutcheons of arms with the ensigns of royal orders in any kingdom, these of the above-named knights had been trimmed with that of this noble order, as others of that kind of later times do by surrounding the shield of arms; but this method came not in use and practice for 200 years after.

And now having, I humbly think, convincingly proven the antiquity of our Noble Order the Thistle before that of the Garter, which was but only instituted in the year of our redemption 1350, then, generally and regularly, the first in time ought to be preferred, amongst such as are equal in dignity; which is clear by the civil law, not only in kingdoms, but in all the degrees of nobility and promotions. And thus our reason may teach us without law; for if there were not some certain and stated rule whereby precedencies might be known, it were impossible to evite confusion; and all other rules except this are uncertain. And of the same opinion is the learned English themselves. For their great antiquary Elias Ashmole, in his Institution of the Garter, chap. 7. tells us, That the older the order is in the roll of antiquity, whose chief ensign is now represented in armorial bearings, the nearer ought it (says he) to be placed to the escutcheon of arms, being the more honourable post. Now our brethren of England come the length to agree we had this royal order of knight prior to theirs, which I judge they cannot deny from what is above said, yet at the same time will not allow our order the precedency to theirs, in respect, say they, the same was for a long tract of years after disused, and became wholly extinct, and no mention to be found anent it in all our histories, till King James V. instituted or revived, say they, our Order of the Thistle, and therefore their Noble Order of the Garter ought to have precedency, as being a considerably older order. Now that this king was not the institutor of our royal order, I have already demonstrated, and, if he was but only the reviver of it, this saith nothing to the purpose; for in all competitions betwixt kingdoms, states, or orders, we are not to consider their present condition, but what they were formerly; and if they remain the same that they were in their substantial, in that case the former precedency is still continued.

But, in my opinion, this our ancient and Noble Order of the Thistle has never wholly been disused or laid aside by our after succeeding kings since the days of the said King Robert the Bruce, except when the many rebellions and disturbances in the nation might occasion the same to be neglected for some time; which in some measure I shall make appear, so far as I have seen, from charters, coins, seals, and other authentic documents, though not so fully as I could wish, thereby to engage others of my countrymen, that have more time and occasion to see and peruse unquestionable documents on this head, that they would be pleased to

oblige the world with what they have collected thereanent, not only for the honour of our nation in general, but that of this order in particular.

Now as King Robert I. had a special regard for the honour and flourishing of this noble order, and received only the noblest and gallantest of his subjects knights companions thereof, as may appear from such of their names as I had occasion to narrate above, and whose names are all famous in the history of that King's Life, for their renowned acts of chivalry and gallantry, so I find King Robert II. has not been forgetful of the same; for in a gold coin of his, also to be seen among the forecited Mr Sutherland's Collection of Real Coins, kept in a box in the said Advocates' Library, there is on one side the figure of St Andrew expanded on the cross of his martyrdom, and on the reverse the arms of the kingdom; and no doubt but in this king's reign there have been created new knights companions of this royal order, in room of old ones deceased, though the iniquity of the times has deprived us of sufficient records to instruct the same. Yet I find King Robert III. hath had his knights companions of this order, among whom I meet with Archibald, fourth Earl of Douglas, and first Duke of Touraine, Lord Longueville and Marshal of France, called *Tynman*, not for his cowardice, being abundantly gallant and brave, but for his unfortunate success in battle, being killed at the unfortunate battle of Verneuil in France, *anno* 1424, and interred in the church of St Gratians at Tours, the 20th of August this year, according to Sir James Balfour in his Peerage of Scotland. But Andrew Favin, in his Theatre of Honour, describing the arms of this Archibald Earl of Douglas, whom he says was interred in St Germain's de Preze at Paris, calls him Knight of the Most Noble Order of the Thistle. Again I find King James II. retained high regard for this noble order; for on the seal of Mary, daughter of Arnold Duke of Guelderland, queen to this king, appended to several writs and evidents, particularly to a charter in the lower Parliament House, granted by her to Archibald Abbot of Holyroodhouse, of an annual-rent of twenty shillings, payable out of the barony of Balernoek in excambion of two acres of land in the territory of Broughton, belonging to the said abbot and convent, of the date the 16th April *anno* 1459, is her own arms impaled with those of Scotland, and placed in the arms of an angel, whose head and breast is above the shield and crown, and above the head is a cross, and on the breast below is placed a saltier or St Andrew's cross. And King James III. as he commonly wore about his neck, pendent at a gold chain on his breast, the badge of this order, as may be seen on all old paintings of his effigies, so he had his knights companions of this order, among whom Sir James Balfour, in his said Peerage gives us the instance of one, viz. William Sinclair Earl of Orkney, and to prove which, he tells us, he had seen an old charter, about the time of this king's reign, of the lands of Roslin in Lothianshire, given by this Earl William to his second son Oliver Sinclair, wherein he stiles himself "Willielmus de Sancto Claro Dux de Oldenburgh, Comes Orcadiæ & Cathaniensæ, Dominus de Zitland, Newburgh, Sinclair, Dysert, Rosslin, Mussilburgh, &c. limitum orientalium & occidentalium Scotiæ prefectus, Baro de Ecford & Cavertoun, Magnus Camerarius & Admiralus Scotiæ, & nobilissimus morum Cardui, St Michaelis, & Aurei Velleris eques." Neither is it to be doubted but this king's grandfather, King James I. after his releasement from captivity in England, being bred at that court from his infancy, and a very polite and learned prince, took occasion after his restoration to introduce many of the deservedly commendable practices and customs of the English nation. And as their Order of the Garter was in high repute at that time, so it is presumable to think he also, in imitation thereof, did his utmost to raise the reputation of his own Order of Knighthood the Thistle. But however that may be, I shall not determine, having as yet found no document to instruct the same; but I find, and have seen, that in all paintings and sculptures of the effigies of said King James III. and IV. to show that these kings were not forgetful to honour and esteem this his sovereign order of knighthood, that of King James III. is commonly drawn with a large gold chain about his neck, (in the same manner as collars of royal orders of knighthood are now usually worn) to which hang pendent on his breast the image of St Andrew embracing his saltier cross on his breast with both his arms. And that of King James IV. is represented holding in his hand a thistle of the like figure, as the

same is commonly struck on our copper coin, only it is not ensigned with a crown as on the said coin.

And Balen, in his *Maison de Montmorency*, lib. 2. page 3. affirms, that when King James V. went to France, anno 1535, to marry Magdalen, daughter to Francis I. King of France, among the tokens of his love, during his abode there, he bestowed the Order of the Bur, (as he called it) that is to say the Thistle, not only on the French king, who did requite him with his Order of St Michael, but also on the Count de Montmorency, whom he dearly loved. And no sooner was the badge of the garter by King Henry VIII. of England introduced to surround his armorial shield, (being the first King of England that had his arms so trimmed, as may be seen on his Great Seal in Mr Sandford's Genealogical History) but our said King James V. surrounded his royal escutcheon of arms with his collar of the thistle, which I have seen having the pendant at it, being the image of St Andrew, holding before him his saltier cross; and sometimes I have observed the pendant to the collar to be only a blue oval, charged with a saltier or St Andrew's cross *argent*. And the reason why the cross is, white in a blue field is because the cross appeared as a flash of lightning in the blue firmament. And this cross is a badge derived to us from the Picts, as I have observed before; but now the ordinary pendant of the collar of the thistle (which is composed of thistles, interwoven and linked with sprigs of leaves of rue, all of gold) is on a blue roundel, or oval, the image of St Andrew, his vesture of cloth of gold, with the white cross of his martyrdom on his breast, and in a circle environing the figure beautified with pearls, this epigraph written, *Nemo me impune lacesset*. But the ordinary and common sign worn by the knights of this ancient and noble order is a green ribbon, whereat hung a thistle of gold, crowned with an imperial crown, within a circle also of gold bearing the foresaid motto. And besides, the effigies of the said King James V. is always drawn with the said collar about his neck, with the pendant thereat hanging on his breast. Bishop Lesley, in his *History of Scotland*, lib. 9. page 193. writeth that James V. King of Scotland, in anno 1534. received the Order of the Golden Fleece from Charles V. Emperor, as also that of St Michael from Francis I. King of France, anno 1535, and that of the Blue Garter, anno 1536, from Henry VIII. King of England; and in memory of these orders received, keeping open court, he solemnized the several feasts of St Andrew patron of the Golden Fleece, of St Michael of France, and of St George of England, that the several princes might know how much he honoured their orders, and held them in no mean account. And upon the same subject, he set the arms of the princes (circled with their orders) over the gate of his palace at Linlithgow, with the Order of St Andrew, the particular order of the monarchs of Scotland. This author's own words are, "Cujus rei ut luculentius signum toti posteritati eluceret, insignia regia in porta Lithcoensis palatii figenda, singulaque ordinum singulorum, simul ac divi Andree ornamenta (quæ sunt nostræ gentis propria) exquisita artifice laude circumcumplicanda curavit." The author of a *Journey Through Scotland*, printed at London in octavo 1729, tells us, page 197. That it was in the palace of Linlithgow that King James V. in imitation of the Kings of England and France, called a chapter of the worthiest amongst his nobility, and added a collar of thyme and rue to his Order of St Andrew, ordaining the thistle to be worn on their mantles, in the centre of the cross; and changed the motto from *En defence*, to *Nemo me impune lacessit*. But here I take occasion to correct this as a mistake of our author, for *In defence* was never (by what I ever could discover) the motto of this order, but continues to this day the epigraph peculiar to the royal crest of this kingdom; whereas the device or ditton of *Nemo me*, &c. I have shown above to be of old the motto belonging to this Order of the Thistle. The said author of a *Journey Through Scotland* continues to inform us, That the said king also ordered a throne and twelve stalls to be erected in St Michael's church in this town of Linlithgow, for the sovereign and twelve knights of this order, where their banners were to be hung up, as in France and England: But that king's sudden death, after the battle of Solway, anno 1541 and the troubles that followed after (at the time of the reformation, it was laid aside, being by the reformers looked on as popery) which put an end to this king's noble views, and indeed almost to the order itself, till King James VII. revived it in a blue ribbon, and Queen Anne restored it to the

green, as I shall afterwards take notice of; but as yet the knights (says the said author) have no chapel or hall for their banners.

And I am informed, by knowing persons, that the arms of the said King James V. on his said palace of Linlithgow (being never there myself) is placed within the collars of the orders of St Andrew, the Garter, and St Michael, every collar taking place nearest the shield according to the antiquity of its standing, which is perfectly agreeable to the regular rules of heraldry at this day. And Mr Ashmole, in his Institution of the Garter, *cap.* 7. tells us, it was a great mistake committed in the marshalling these collars following, when the Duke of Chevereux affixed it over his stall at Windsor, the collars of St Michael and the Holy Ghost are placed nearer to his escutcheon than that of the Garter; which was certainly wrong, seeing it is demonstratively evident that of the garter is much older than the other two; and agreeable hereto, I say, it was as gross a mistake of the English painters, who, (as narrates the continuator of Mr Ashmole's History of the Garter, page 177.) on the funeral achievement of the late James Duke of Hamilton, placed first the garter next his shield, and without that a collar of the thistle about it, his Grace having been a knight companion of both these high orders, an honour very rarely granted to any subject. Now our order, by what I have before related, being proven by far the oldest in time, certainly it was very irregular to place the later Order of the Garter within, when our Order of the Thistle, being of greater antiquity, is, contrary to the rules of heraldry, placed without, surrounding the same. But I am hopeful the Earl Marshal and College of Heralds of South Britain, as I doubt not but in all their armorial decisions they make it their chief care to do every thing relating to arms agreeable to the regular and just rules of heraldry, and conformable to the opinions of the best and learnedest heralds and professors of this science at home and abroad, so I do not question but they will hereafter do us (their brethren of North Britain) exact justice in allowing our most ancient and noble Order of the Thistle to possess its due place next our sovereign's royal shield, or next the escutcheons of such knights companions as shall hereafter be honoured with both these high sovereign orders of knighthood.

As our said King James V. was the first of our kings that surrounded his royal arms with the collar of the thistle, so, in imitation of him, his knights companions of this noble order surrounded their armorial shields with the same collar, (as these of the garter had done in England, after the example of their King Henry VIII.) An instance whereof I have seen in the arms of George Lord Seaton, who lived in this king's reign, and was created by him a knight companion of this noble order, whose achievement, as carved on the lining of the great hall of Seaton house, yet to be seen, is surrounded with the collar of this order, and thereat hangs in a roundel the image of St Andrew with his cross on his breast, which I, in the year 1715, showed to my Lord Ilay, together with other curiosities in this ancient house, with which his Lordship was very well satisfied, and carried himself very civil to the house of Seaton.

Now though the subjects of this kingdom, after the reformation, became so zealous in their religion that they disregarded this high and honourable order of knighthood, so as to have no better notions of it but that it was a dreg of popery, on which head our after sovereigns, to avoid disturbances in the nation, thought it not convenient to call a chapter thereof; yet to demonstrate their regard for the honour thereof, and that the memory of the same might not quite perish, they always, by propaling the symbols hereof in their arms and coins, kept up the remembrance of this royal order of knighthood, till the nation began to entertain better thoughts of honour, valour, and knighthood, and then King James VII. did not fail to call a chapter of this noble order, as did after him Queen Anne, as I shall hereafter narrate in its due place.

Thus the seal of Mary Queen of Scotland, wife to King Francis II. hath thereon the arms of Scotland impaled with those of France, and surrounded with the collar of the Royal Order of the Thistle, with the pendant of the image of St Andrew with his cross on his breast thereat, and about the same this legend, *Maria Dei Gratia Francorum & Scotorum Regina, anno 1560*; she had also on many of her coins this order's badge of the St Andrew's cross. And the escutcheon of

King James VI of Scotland, and I. of England, is surrounded, first with the collar of the order of St Andrew, as the ancientest order, and then with that of the garter. And likewise, as to King Charles I. the collars both of the thistle and garter were expressed in the coronation-medal he caused strike when he was crowned in Scotland *anno* 1633. And the royal achievement of King Charles II. is also surrounded with the Orders of St Andrew and of the Garter; a fair figure whereof the curious may behold in Sir George Mackenzie's Science of Heraldry, in the Edinburgh edition, 1680, *fol.* 99.

As for King James VII. I shall here narrate a warrant by him for a patent reviving and restoring the Ancient and Most Noble Order of the Thistle.

JAMES *Rex*,

“ Our Sovereign Lord ordains a Letter Patent to be made and past under the Great Seal of his ancient kingdom of Scotland, making mention, that whereas his Majesty's royal predecessor Achaius King of Scots (of glorious memory) did institute the Most Ancient and Most Noble Order of the Thistle, consisting of the Sovereign, and twelve Knights-Brethren, in allusion to our blessed Saviour and his twelve Apostles, and that under the protection of our blessed Lady and his holy apostle St Andrew, patron of Scotland, the said order being instituted for the defence of the Christian religion, and in commemoration of a signal victory obtained by the said Achaius King of Scots, over Athelstan King of the Saxons, after a bloody battle, in the time of which there appeared in the heavens a white cross in form of that upon which the apostle St Andrew suffered martyrdom; by which apparition the Scots being encouraged, put their enemies to flight, killing the said Athelstan, with most of his followers. And it being most certain, by the general consent of ancient and modern historians, and by several other authentic proofs and documents, and records of that kingdom, that the said Most Ancient and Most Noble Order of the Thistle continued in great glory and splendour for many hundreds of years; and that several foreign princes and kings have been knights of the said order, and that the same was always had in great respect and honour in all places wherever Christian valour advanced the glory of the cross, until the unfortunate rebellion against his Majesty's royal great-grandmother Mary Queen of Scots, (of most pious and glorious memory) at which time the splendour both of church and monarchy fell together into contempt, and the Most Noble Order, with all its ornaments, and rites, and ceremonies, was extinguished, some of the brethren of that order laying the ensigns thereof aside, and out of a rebellious contempt to their then sovereign lady, his Majesty's said royal great-grandmother, and others of them forced to fly into foreign countries for safety of their lives; and whereas the succeeding great disorders and dismal rebellions, in the reigns of his Majesty's royal predecessors since that time, hath hindered and diverted them from restoring the said order to its former ancient lustre, his Majesty has now thought fit, as a mark of royal favour and esteem of that his ancient kingdom, and of the desire he hath to restore it to its former splendour and reputation, considering the many and seasonable instances of duty and affection it has shown to his royal person, both since his accession to the crown, and in times of his greatest difficulties, hath, as a lasting mark of his royal favour, and in remembrance of the nation's duty and affection unto him to all succeeding ages, thought fit at this time to revive the said order, of which his Majesty is undoubted and rightful sovereign; and doth hereby revive and restore the same to its full glory, lustre, and magnificency, as it heretofore was, with such change and additions as are already made, or shall hereafter be declared by his Majesty; hereby giving it to twelve knights, of which (with his Majesty as sovereign) the order above named is to consist in all time coming, all honours, dignities, titles, privileges, additions, and others, which either have in time past belonged to the Most Noble Order of the Thistle, or which his Majesty shall declare to belong thereunto in time coming, as an evident proof that no dutiful or faithful service done by his people shall be past over without suitable return of bounty, honour,

“ and favour from him. And his Majesty ordains the said letter patent to be past  
 “ under the Great Seal aforesaid, *per saltum*, without passing any other register or  
 “ seal; in order whereunto these presents shall be to the Director of his Majesty’s  
 “ Chancery, and their deputies for writing of the same, and to the Lord High  
 “ Chancellor, for causing the Great Seal to be appended thereunto, a sufficient  
 “ warrant. Given at the Court of Windsor, the 29th day of May 1687, and of  
 “ his Majesty’s reign the third year.

*May it please your Majesty.*

“ These contain your Majesty’s warrant for a letter patent to be made and  
 “ past *per saltum*, under the Great Seal of your ancient kingdom of Scotland,  
 “ (for the causes above specified) reviving and restoring the Most Ancient and  
 “ Most Noble Order of the Thistle, in manner above mentioned.

“ MELFORT.”

Which Patent or Diploma, *Pro restitutione antiqui cardui ordinis nobilissimi*, is dated at Windsor, the 29th May 1687; but the same being never expedited under the Great Seal, I forbear here to narrate it.

JAMES Rex,

“ Statutes and Ordinances of the Most Ancient and Most Noble Order of  
 “ the Thistle, revived and restored by his Majesty James VII. by the grace  
 “ of God, King of Scotland, England, France, and Ireland, Defender of the  
 “ Faith, Sovereign of the said Most Noble Order, for the better regulating the  
 “ proceedings and solemnities thereof, in all the circumstances thereunto be-  
 “ longing.

“ In the first place, We think fit to continue the ancient number of knights,  
 “ to wit, twelve brethren with ourself, the Sovereign of the said Most Noble Order,  
 “ in all time coming.”

“ That the habits of the sovereign and brethren be a doublet and trunk-hose of  
 “ a cloth of silver, stockings of pearl-coloured silk, with white leather shoes, gar-  
 “ ters and shoe-strings of blue and silver, the breeches and sleeves of the doublet  
 “ decently garnished with silver and blue ribbons, and surcoat of purple velvet,  
 “ lined with white taffeta, girt about the middle with a purple sword-belt, edged  
 “ with gold, and a buckle of gold, at which a sword with a gilt hilt, whereof  
 “ the shell is to be in form of the badge of the order, and the pommel in the form  
 “ of a thistle in a scabbard of purple velvet, over which a mantle or robe of green  
 “ velvet, lined with white taffeta, with tassels of gold and green, the whole robe  
 “ *parsemée*, or powdered over with thistles of gold embroidered; upon the left  
 “ shoulder of which, in a field of blue, St Andrew the apostle his image, bearing  
 “ before him the cross of his martyrdom of silver embroidery. About the  
 “ shoulders is to be borne the collar of the order, consisting of thistles and sprigs  
 “ of rue going betwixt, at the middle of which, before, is to hang the St Andrew  
 “ in gold enamelled, with his gown green, and the surcoat purple, having before him  
 “ the cross of his martyrdom enamelled white; or if of diamonds, consisting of the  
 “ number of thirteen, just the cross and feet of St Andrew resting upon a ground  
 “ of green, the collar to be tied to the shoulders of the robe, with a white ribbon.  
 “ Upon their heads, in days of solemn procession or feasting, where the sovereign  
 “ himself is present, or his commissioner for that effect, they are to wear at these  
 “ times of permission a cap of black velvet, faced up with a border of the same,  
 “ a little divided before, wide and loose in the crown, having a large plume of  
 “ white feathers, with a black egret or heron’s top in the middle of it, the border  
 “ of the cap adorned with jewels; the sovereign’s cap, for difference, to have two  
 “ rows of diamonds cross the crown thereof, in form of a royal crown: the sove-  
 “ reign’s robes to be of a length proportionable to his royal dignity, and the badge

“ on the shoulder to be adorned with pearl, besides with other distinctions he shall think fit to appoint.

“ And we having considered that it was the ancient custom for the sovereign and knights-brethren, on their daily apparel, to wear the jewel of the order in a chain of gold or precious stones; and that the use of ribbons has been brought in since the Most Noble Order of the Thistle was left off, and that chains are not now in use, we have therefore thought fit to appoint the jewel of the said order to be worn with a purple blue ribbon, watered or tabicd. The jewel to have on the one side the image of St Andrew, with the cross of his martyrdom before him, enamelled as above said, or enriched with precious stones on the cross and round about. On the back of which shall be enamelled a thistle of gold and green, the flower reddish, with a motto written round it, *Nemo me impune* *lucisset*. The ground upon which the thistle is to be done shall be enamelled blue.

“ Upon the left breast of the coat and cloak shall be embroidered a badge of proportionable bigness, being St Andrew's cross, of silver embroidery, on the middle of which a circle of gold, having the motto of the order in letters of blue, in the middle whereof a thistle of gold upon a field in blue.

“ The order is to have a Great Seal in the custody of the chancellor thereof, on the dexter side of the shield St Andrew's cross, and on the sinister thereof the arms of Great Britain, as they are carried by us in Scotland, encircled with the collar of the order, with the image of St Andrew hanging at it, with the motto of the order going round the seal; on the other side the image of St Andrew, bearing the cross before him, with a glory round his head, written round, *Magnum sigillum antiquissimi et nobilissimi ordinis cardui*.

“ The Secretary shall have a mantle of blue satin lined with white, on the left shoulder of which the badge of St Andrew's cross; and upon days of solemnity his ordinary badge is to be hung in a chain of gold, being a thistle of gold, and green upon pens saltier-ways, with the motto round about, and an imperial crown upon the top.

“ The Lyon shall have robes and badges upon the shoulder, conform to the secretary, in his hand his staff of office, and about his neck his badge with St Andrew's turned outward.

“ The Usher, conform to the secretary in all things, except his badge, which is to be two sprigs of rue in form of St Andrew's cross *vert*, upon a ground white, upon which a thistle of gold, and round the motto, upon which an imperial crown, and in his hand the batton of his office.

“ Before any can be admitted to be of the Most Noble Order of the Thistle he must be a knight-bachelor. Here follows the form of the oath to be taken by all such as shall be admitted into the order of brethren.

“ *First*, I shall fortify and defend the Christian religion, and Christ's most holy evangel, to the utmost of my power.

“ *Secondly*, I shall be loyal and true to my Sovereign Lord the King, and the brethren of this order.

“ *Thirdly*, I shall maintain the honour and dignity of the Most Noble Order of the Thistle to my best power, if God let.

“ *Fourthly*, I shall never bear treason about in my heart against my Lord the King, but shall discover the same. So defend me God and the holy church.

“ The oath being taken by the elect knights, before any whom the sovereign shall appoint, they may actually wear the badges and other ornaments for the first time; and we refer it to three or more of the knights first made to draw the forms, offices, and ranks of the officers, their fees, and all other things that may any way concern the said order; and humbly to offer the same to our royal consideration, to the end we may signify our pleasure therein; and in regard we have not as yet named a person to be chancellor of the said order, and that there is no Great Seal or Signet thereunto belonging, we do order that our Signet, now in the custody of our Secretaries of State for our ancient kingdom of Scotland, shall serve for any warrants or orders that we shall think fit to grant or emit, for nominating any of the knights-brethren or officers, or any other thing relating to the said order, until it shall be fully settled. The royal chapel

“ of our Palace of Holyroodhouse to be the chapel of the order in time coming,  
 “ and the sub-prior, or dean or prior there, to be reader of our orders, whose badge  
 “ and ornaments shall be hereafter appointed. Given under our royal hand and  
 “ signet at our Court of Windsor the 29th May 1687, and of our reign the  
 “ third year.

“ *By His Majesty's Command,*

“ MELFORT.”

*Statutes of the Most Ancient and Most Noble Order of the Thistle.*

“ It is statuted and ordained by the King's Most Excellent Majesty, Sovereign  
 “ of the Most Ancient and Most Noble Order of the Thistle, that his Majesty, and  
 “ his royal successors sovereigns thereof, shall in all time coming wear the said order  
 “ on the ribbon of the Order of the Thistle, or other way in any manner his  
 “ Majesty shall think fit. That in honour to the holy apostle St Andrew, protector  
 “ of the Most Noble Order of the Thistle, his Majesty shall wear the collar of that  
 “ order on the day of the feast of St Andrew, being the thirty day of November  
 “ yearly; that the knights-brethren shall wear their collars in all collar days  
 “ wherever the sovereign is, and within Scotland by obligation, whether the so-  
 “ vereign be there or not; that the collar days be the same ordinary collar days  
 “ now observed by his Majesty; that there be a secretary of the order to transmit  
 “ the sovereign's orders to the knights his brethren, and that he attend his royal  
 “ person for that effect. Given under his Majesty's royal hand and signet at the  
 “ Court of Windsor the 29th of May 1687, and of his Majesty's reign the third  
 “ year.

“ *By his Majesty's Command,*

“ MELFORT.”

*The Sovereign's Warrant concerning the Ribbon which is to be carried. The same  
 whereon is to hang the Medal of the Order.*

“ It is our will and pleasure that the ribbon on which is to be hung the medal  
 “ of the Most Ancient and Most noble Order of the Thistle, be of the colour and  
 “ watering of the pattern hereunto annexed, as well when the same shall be carri-  
 “ ed by us the sovereign, as it is to be daily by the knights-brethren of the said  
 “ order. Given under our royal hand and Signet at our Court of Windsor the  
 “ 31st day of May 1687, and of our reign the third year.

“ *By his Majesty's special Command,*

“ MELFORT.”

*Commission to Sir ANDREW FORRESTER to be his Majesty's Secretary of the Most An-  
 cient and Most Noble Order of the Thistle.*

JAMES Rex,

“ James VII. by the grace of God, King of Scotland, England, France, and  
 “ Ireland, Defender of the Faith, &c. Sovereign of the Most Ancient and Most  
 “ Noble Order of the Thistle. To our trusty and well beloved Sir Andrew Forrester,  
 “ Greeting. Whereas we have thought fit to revive and restore the said Most An-  
 “ cient and Most Noble Order of the Thistle to its ancient splendour and magnifi-  
 “ cence, to the end it may remain as a lasting mark and testimony of our royal  
 “ favour to our ancient kingdom of Scotland; and whereas several officers are need-  
 “ ful for attending the service of the same, especially a secretary for giving an ac-  
 “ count of our intention and pleasure from time to time to the knights-brethren of  
 “ the said order, we have therefore thought fit to nominate, constitute, and ap-  
 “ point you the said Sir Andrew Forrester to be our secretary of that Most Ancient  
 “ and Most Noble Order, giving, granting, and disposing unto you the place and

“ office of our secretary of the order aforesaid, with all power and authority to you  
 “ to receive all fees, profits, and perquisites, and to enjoy all privileges and immu-  
 “ nities belonging, or that hereafter shall be by us declared to pertain and belong  
 “ to the same, and generally with full power to do and perform all things per-  
 “ taining to the place, office, and duty of secretary of that order, and after you  
 “ have taken your oath *de fidelit administratione* in the said office, you are hereby  
 “ authorised to carry a badge, and to wear and use all habits and distinctions, and  
 “ others which to our secretary of the said order do rightly belong; for all which  
 “ this shall be your warrant. Given under our royal hand at our Court at Wind-  
 “ sor, the 31st day of May 1687, and of our reign the third year.

“ *By his Majesty's Command,*

“ MELFORT.”

JAMES REV,

*The form of the Oath taken by his Majesty's Secretary of the Most Ancient and Most Noble Order of the Thistle.*

“ I shall bear faith and true allegiance to my Sovereign Lord the King's most  
 “ excellent Majesty, Sovereign of the Most Ancient and Most Noble Order of the  
 “ Thistle, I shall faithfully perform the duty of secretary to the said most noble  
 “ order, and will never reveal the secrets of the same. I will be true and faithful  
 “ to the knights-brethren of the said order. I will (to the utmost of my power)  
 “ maintain the honours, rights and privileges of the said most ancient and most  
 “ noble order. So help me God.”

*Windsor, 31st May 1687.*

“ *Nota,* That hereafter there are no papers relating to the order to be recorded  
 “ in the Principal Secretaries of State their office, in regard his Majesty's  
 “ Secretary of the order is to keep a register apart in which they are to be re-  
 “ corded.”

*Follows the List of the Knights Companions of the Noble Order of the Thistle revived  
 in the Reign of King JAMES VII. and created so by him.*

James Earl of Perth, then Lord High Chancellor of Scotland, George Duke of Gordon, John Marquis of Athol Lord Privy Seal, James Earl of Arran, after Duke of Hamilton, Alexander Earl of Murray, John Earl of Melfort, then Principal Secretary of State, Kenneth Earl of Seaforth, George Earl of Dumbarton, Sir Andrew Forrester, Secretary to the Order,———Usher of the Thistle.

Thus this Most Ancient and Most Noble Order of the Thistle continued to flourish during the remainder of this king's reign. But the Revolution afterwards succeeding, which occasioned the said King James to retire to France, and the Prince of Orange being in his place crowned king of these realms by the revolutioners, they laid again aside the usage of this noble order, and their zeal for the Protestant religion occasioned them to have no juster sentiments of it than our old reformers had, who esteemed no better of this high order of knighthood than that it was a popish institution. For as the said Prince of Orange was a hero of unquestionable bravery, so he had a great esteem of knighthood and valour, as may appear from his creating as many Knights of the Garter as has been done in any succeeding reign since; neither is it to be doubted but he would have given as much encouragement to the honour, splendour, and reputation of our said royal order of knighthood during his reign as any of our preceding kings had done, had he found the humour of our nation to have laid aside all their prejudices thereto, and agreed with his just sentiments of honour: And therefore to give our said nation no occasion of discontent during his government, he thought it proper to lay

aside the usage of this most ancient and most noble order; so that no creation of any new knights thereof happened during his reign.

But his successor, Queen Anne, finding this kingdom begin to have better conceptions of the great honour of royal knighthood, she was pleased, in the second year of her reign, to sign a patent to be passed the Great Seal of Scotland, for again reviving and restoring our Most Ancient and Most Noble Order of the Thistle, whereof the tenor follows :

“ Anna, Dei Gratia, Scotiæ, Angliæ, Franciæ & Hiberniæ Regina, fideique defensor, omnibus probis hominibus; quandoquidem serenissimus noster progenitor “ Scotorum Rex Achaus gloriosæ memoriæ, ordinem cardui antiquum, ac longe “ nobilissimum, ex summo principe & duodecim equitibus constantem instituisse; “ idque ad Christianæ religionis tutelam, & in memoriam insignis victoriæ per “ eundem adversus Athelstanum Saxonum regem, post prælium cruentum parte “ ubi dum pugnaretur, in æthere apparuit crux alba decussata ad formam illius qua “ Sanctus Andreas Apostolus martyrium passus est, qui quidem antiquissimus & “ nobilissimus ordo, non solum in archivis nostris, & hujus regni nostri Scotiæ his- “ toriis, sed etiam ab exteris historiarum scriptoribus, honorifice commemoratur; “ quæ sunt authentica documenta prælustris estimationis ejus nobilissimi ordinis “ generatim susceptæ, sed ob continuata bella & tumultus intestinos quæ post obi- “ tum Jacobi Quinti Regis successivas minoritates regiæ coronæ splendor, huic “ multis in rebus diversique modus obumbratus fuit & inter alia honos huic nobilis- “ simæ institutioni debitus, quæque sic præstitit, usque ad tertium annum regni “ regis nostri patris Jacobi Septimi, qui consideratione multiplicium officii, & affec- “ tionis judiciorum ipsi exhibitorum, per hoc, antiquum regnum nostrum, eundem “ nobilissimum ordinem redintegravit & restituit, & ob ejusdem restitutionem, nos “ inter multa alia testimonia curæ nostræ regiæ antiqui hujus regni nostri, tam “ pro ejusdem honore quam aliis quæ ad idem spectant, & predicti nobilissimi or- “ dinis ad justum splendorem & existimationem erectione, eo ut presens hoc nos- “ trum seculum atque ætates futuræ ad emulationem nobilem talia gratiæ regiæ “ signa discriminantia merendi, in suorum nobilium antecessorum imitationem ex- “ citentur ac moventur, congruum nos nunc putamus tanquam princeps suprema “ dicti nobilissimi ordinis indubitatum nostrum jus exequi. Noveritis igitur nos “ redintegrasse & restituisse, sicuti per presentes has literas nostras patentes redin- “ tegramus & restituimus, eundem dictum ordinem, ad omnes honores, dignitates, “ titulos & privilegia, quæ olim aut nunc ad eundem pertinentem, cum omnibus “ aliis additamentis, quæ nos aut nostri regii successores supremi principes dicti “ nobilissimi ordinis, in posterum declaravimus, vel in eos conferemus, atque per “ presentes has literas nostras patentes duodecim equitibus nobiscum supremo “ principe ex quibus prædictus nobilissimus ordo tempore elapso constitit, atque “ in posterum constabit, & successoribus suis in dicto ordine damus & concedi- “ mus omnes honores, dignitates, titulos & privilegia ad plenum suum vigorem, “ gloriam, & magnificentiam, prout hactenus obtinuit, vel quæ in futurum ad “ eundem pertinere declaravimus. In cujus rei testimonium magnum sigillum “ nostrum appendi præcepimus. Datum apud aulam nostram de St James, tri- “ gesimo primo die mensis Decembris, Anno Domini millesimo septingentesimo “ quarto, & anno regni nostri secundo.

“ ANNE R.”

*Statutes and Orders of the Most Ancient and Most Noble Order of the Thistle, revived by her Majesty ANNE, by the Grace of God, Queen*  
 LOCUS SIGILLI. *of Scotland, England, France and Ireland, Defender of the Faith, Sovereign of the said Most Noble Order, for the better regulating the proceedings and solemnities thereof in all the circumstances thereunto belonging.*

“ In the first place, We think fit to continue the ancient number of knights, to wit, twelve brethren with ourself the sovereign of the said most noble order, to be the precise number of that order in all time coming.

“ That the sovereign’s habit be such as they shall think fit at any time here-

“ after to appoint. That the habit of brethren of this order be a doublet and trunk-hose of cloth of silver, stockings of pearl-coloured silk, with white leather shoes, garters and shoe-strings of green and silver, the breeches and sleeves of the doublet decently garnished with silver and green ribbons, a surcoat of purple velvet lined with white taffeta, girt about the middle with a purple sword-belt edged with gold, and a buckle of gold, at which a sword with a gilded hilt, whereof the shell is to be in the form of the badge of the order, and the pommel in the form of a thistle, in a scabbard of purple velvet, over all which a mantle or robe of green velvet, lined with white taffeta, with tassels of gold and green: upon the left shoulder of which, in a field of green, St Andrew the apostle his image, bearing before him the cross of his martyrdom of silver embroidery, with a circle of gold round it, upon which the motto, *Nemo me impune lacesset*, in letters of green; and at the lower part of it a thistle of gold and green, the flower reddish; about the shoulder is to be worn the collar of the order, consisting of thistles and sprigs of rue going betwixt; at the middle of which before is to be hung the St Andrew of gold enamelled white, or if of diamonds, consisting of the number of thirteen just, the cross and feet of St Andrew resting upon a ground of green, the collar to be tied to the shoulders of the robe, and white ribbons upon their heads, on days of solemn procession or feasting, where the sovereign is present, or has a commissioner for that effect. They are to wear at the times of permission a cap of black velvet faced up with a border of the same, a little divided before, wide and loose in the crown, having a large plume of white feathers, with a black egret or heron's top in the middle of it, the borders of the cap adorned with jewels.

“ That the jewel of the said order is to be worn at a green ribbon over the left shoulder, cross the body and tied under the right arm. The jewel to have on the one side the image of St Andrew, with the cross before enamelled, as is above said, or cut on stone, enriched with precious stones round it, on the back of which shall be enamelled a thistle gold and green, the flower reddish, with the before-mentioned motto round it. The ground upon which the thistle is to be done shall be enamelled green.

“ That the medal of the order be all of gold, being the St Andrew, bearing before him the cross of his martyrdom, with a circle round, on which to be the motto of the order, and at the lower part of the circle between the joining of the words a thistle, and to be worn in a green ribbon as the jewel, at times when the jewel is not worn.

“ That upon the left breast of the coat and cloak shall be embroidered a badge of a proportionable bigness, being a St Andrew's cross of silver embroidery, with rays going out betwixt the points of the cross, on the middle of which a thistle of gold and green upon a field of green, and round the thistle and field a circle of gold, having on it the motto of the order in letters of green.

“ That her Majesty, and her royal successors, sovereigns of the said Most Ancient and Most Noble Order of the Thistle, shall in all time coming wear the said order on the ribbon of the Order of the Garter, or otherwise in any manner that her Majesty shall think fit, and shall wear the collar of the said order on the day of the feast of St Andrew, being the thirtieth of November yearly.

“ That the knights-brethren of the said order shall wear their collars on all collar days, wherever the sovereign is, and within Scotland, by obligation, upon all days of public solemnities, whether the sovereign be there or not.

“ That the collar days be the same ordinary collar days now observed by her Majesty. That the collar with the St Andrew belonging to it, and the medal of the order given by her Majesty and successors, sovereigns of the said most noble order, to the knights-brethren thereof at their admission, be returned at their deaths to the sovereign.

“ The order is to have a Great Seal in the custody of the Chancellor thereof, having on the dexter side St Andrew's cross, and on the sinister the arms of Great Britain, as they are carried by us in Scotland, encircled with the collar of the order, with the image of St Andrew hanging at it, with the motto of the order going round the seal. On the other side, the image of St Andrew, bearing

“ a cross before him, with a glory round his head, written round *Magnum sigillum antiquissimi & nobilissimi ordinis cardui.*”

“ That there be a Secretary of the order to transmit the sovereign's orders to the knights-brethren, and that he attend her royal person for that effect. He shall have, on days of solemnity, a mantle of green satin, lined with white on the left shoulder, of which the badge of St Andrew's cross, his ordinary badge, is to be hung in a chain of gold, being a thistle of gold and green, upon two pens crossed saltier-ways, with the motto round about it, and an imperial crown upon the top.”

“ The Lyon shall have robes and badges upon the shoulder, conform to the secretary, in his hand his staff of office, and about his neck his badge, with the St Andrew turned outward.

“ The Usher conform to the secretary in all things, except his badge, which is to be two sprigs of rue in form of St Andrew's cross *vert*, upon a ground white, upon which a thistle of gold, and round the motto, upon which an imperial crown, and in his hand the batton of his office.

“ Before any can be admitted to the Most Noble Order of the Thistle, he must be a knight-bachelor.”

*Here follows the Form of the Oath to be taken by all such as shall be admitted into this Order as Brethren.*

“ I \_\_\_\_\_ shall fortify and defend the true reformed Protestant religion, and Christ's most holy evangel, to the utmost of my power.

“ I shall be loyal and true to my Sovereign Lady the Queen, Sovereign of this Most Ancient and Most Noble Order of the Thistle.

“ I shall maintain and defend the statutes, privileges, and honours of the said order.

“ I shall never bear any treason about in my heart against our Sovereign Lady the Queen, but shall discover the same to her. So help me God.

“ The oath being taken by the elect knights, before any whom the sovereign shall appoint, they may actually wear the badge and other ornaments belonging to the order; and in regard we have not as yet named a person to be chancellor of the said order, and that there is no Great Seal belonging thereto, we do therefore ordain that our signet of the said order, which is to be in the custody of our secretary to the said order, shall serve for any warrant or order that we shall think fit to grant or emit for the nominating any of the knights-brethren or officers, or any other thing relating to the said order.

“ The royal chapel of our palace of Holyroodhouse to be the chapel of the order in time coming.

“ That no alteration of the habit, jewel, collar, badge, or other ornaments belonging to the said order, or of the using or wearing of them, be offered to her majesty by any of the brethren, without a concurrence of the major part of them. Given under our royal hand and signet at our Court at St James's the 31st day of December 1703 years, and of our reign the second year.

“ A. R.

“ By Her Majesty's Command,

“ CROMARTIE.”

*The Fees appointed by Her Sacred Majesty Queen ANNE, Sovereign of the Most Ancient and Most Noble Order of the Thistle, to be paid by those who shall be admitted as Knights-Brethren of the said Order at their Admission thereto.*

	Sterling Money.
“ <i>Impr.</i> To the secretary of the order, - - -	L. 55 11 1½
“ To the commissioner’s servants, - - -	8 6 7½
“ To the church fees, viz. ringer of bells, - - -	5 11 1½
“ To the usher of the order, - - -	8 6 7½
“ To the Lyon’s Office, heralds, pursuivants, trumpets, &c.	27 15 0½
“ It is said their present fees on this head is now L. 72 Sterling.	
“ To the queen’s ushers, - - -	5 11 1½
<i>Summa</i>	L. 111 2 2

*A. R.*

“ We do hereby order and require all who are or shall be admitted as Knights-Brethren of the Most Ancient and Most Noble Order of the Thistle, to pay the fees according to the above distribution, upon their being admitted to the said order. Given under our royal hand and signet of the said order at our Court of St James’s the 29th day of October 1705, and of our reign the fourth year.

“ This is a true copy of the statutes and orders signed by her majesty, examined and compared with the originals, by me

“ DAVID NAIRN, *Sec. nob. ord. cardui.*”

The History of Europe, for the year 1704, tells us, that, on the 31st of January, the queen was pleased to sign the foresaid patent to be passed the Great Seal of Scotland, for reviving and restoring there the Most Ancient and Most Noble Order of the Thistle. In pursuance of which patent, John Duke of Argyle was received into that order the 4th of February by her Majesty the Sovereign thereof, so were three days after John Duke of Athol, William Marquis of Annandale, James Earl of Dalkeith, George Earl of Orkney, and James Earl of Seafield. Her Majesty dispensed, during her royal pleasure, with the ceremonies and solemnities of their instalment, as well as of all the rest of the knights-brethren; and was pleased to give a commission to David Nairn, Esq. to be secretary of the said order, and to confer upon him the honour of knighthood.

Mr Miede, in his State of North Britain, gives us a list of the knights companions of the Noble Order of the Thistle in the reign of Queen Anne, to the year 1711, whose names are as follows, John Duke of Argyle, John Duke of Athol, William Marquis of Annandale, George Earl of Orkney, James Earl of Seafield, William Marquis of Lothian, Charles Earl of Orrery English, John Earl of Marr, Hugh Earl of Loudon, and John Earl of Stair, Sir David Nairn, Bart. Secretary to the Order. ——— Usher of the Thistle.

And not only during the reign of the said Queen Anne the Most Ancient and Noble Order of the Thistle continued to flourish in great splendour and esteem, but her successor, King George, highly honoured the same: For Sir Thomas Brand was created by him Gentleman-Usher of the Green Rod, of the Most Ancient Order of the Thistle, or St Andrew, and Gentleman-Usher, Daily Waiter to his Majesty King George, and by patent carries, quarterly, first and fourth two battons, or rods, *or*, ensigned on the top with the unicorn of Scotland, as the badge of his office, and the second and third quarter of his arms is his paternal coat; crest, a vol, with the batton of the office erected in pale: motto, *Advance*; and places round his arms the chain of gold, with the badge of the order pendant, viz. on an oval *argent* a St Andrew’s cross surmounted of a thistle, and round the same the motto, *Nemo me impune lacessit*, which he commonly wears, and behind the shield he carries two battons in saltier, to show he is actually in post, a figure whereof I have caused cut in the Plates of Achievements subjoined to the First

Volume of my System of Heraldry. And I see no reason but the rest of the officers of this most ancient order, viz. the Secretary, Lyon, &c. may outwardly adorn and trim their armorial shields with the collars and badges of their several offices after the like manner. King George did also create new knights companions of this noble order in the room of old ones deceased, viz. John Earl of Sutherland, as does also his son, who, now reigns, who, on St Andrew's day yearly, November 30th, goeth with the royal family to his royal chapel, and wears St Andrew's crosses in honour of that day: So that this royal order of knighthood continues still its honour and reputation at this very day, though above eight hundred and twenty years standing since its first institution by King Achaius.

And besides, (which adds very much to the honour of this high order) according to the ancient and primitive institution, this order is to consist of no more than of thirteen persons, viz. the sovereign and twelve knights, in memory of our Saviour and his twelve apostles; whereas the great increase of knights companions of many other orders has been the occasion of their ruin and disesteem.

The solemn meeting of these knights of old was annually on St Andrew's day, in the church of the town dedicate to his name; during the festivity the knights were richly habited, and wore their Parliament robes, having fixed on their left shoulders an *azure* roundel, charged with a saltier *argent*, or St Andrew's cross enfiled in centre, with a crown composed of flower-de-luces *or*; for the ordinary and common ensigns the knights used a green ribbon, whereat hung a thistle of gold crowned with an imperial crown, within a circle of gold containing the epigraph *Nemo me impune lacessit*. But now they have sewed to their left breast an irradiation (like that of the Knights of the Garter) over a saltier silver, the irradiation charged with a blue roundel of St Andrew's cross. As also the said St Andrew's church, the ancient chapel of the order being ruined at the Reformation, which happened in the reign of Queen Mary, and besides, this noble order was laid aside, and continued so (as I observed before) till his late Majesty King James VII. restored it again by a patent, dated at Windsor the 29th May 1687, appointing also his chapel royal in his palace at Holyroodhouse to be hereafter the chapel of the order, instead of the said St Andrew's church which was ruined; which chapel he caused beautifully to be repaired, and fitted up by the hands of many exquisite workmen foreign and domestic, who adorned the same with the effigies of our Saviour, his twelve apostles, and other admirable pieces of sculpture, for the greater honour and conveniency of the said royal knights. But, in December 1688, the city of Edinburgh having overpowered Captain Wallace, who was posted to defend the said royal palace of Holyroodhouse, they without opposition went first to the said royal chapel, and broke and destroyed to pieces all the curious workmanship therein, which had cost the said King James a considerable sum to perform, and carried several parcels of these pieces of work up to the cross of Edinburgh, and burnt them there. The author of a Journey Through Scotland, October, London 1729, page 61. tells us, "That this church, or chapel, is very neat, with the highest roof (says he) I have seen, and the pillars as exquisite as St George's Chapel at Windsor, with two rows of stone galleries above. King James VII. (continues he) erected a magnificent throne here for the sovereign, and twelve stalls for the twelve knights companions of the Order of the Thistle, or St Andrew, all of oak, and the finest masters in carved work all over Europe employed in it. The floor was finely paved with marble, a fine organ was also erected; but the mob, at the Revolution, pulled it all to pieces, thinking it that smelled too rank of popery, not leaving so much as a stone of the pavement, but what they pulled up and carried away." Yet notwithstanding hereof, her late Majesty Queen Anne, upon her again restoring this noble order of knighthood, by a warrant under her royal hand and signet, dated at St James's 31st of December 1703, did again ordain and confirm her royal father's order, in appointing the royal chapel of her palace of Holyroodhouse to be the chapel of this order in time coming, and which continues so at this day.

Andrew Favin, in his Theatre of Honour, *lib. 5. cap. 3.* page 96. tells us, That the foresaid Achaius King of Scotland having won the love and alliance of the King Charlemagne, and the Most Christian Kings of France his successors, found himself to be so strong and mighty, that he took for his device the thistle and the

rue, and, for a motto thereto, *Pour ma defence*; because (says he) the thistle is not tractable, or easily handled without good gloves made of the hart's skin, whereby all his pricking is avoided. As giving acknowledgment thereby, that he feared no foreign princes his neighbours, (continues he) seeing he leaned on the succour and alliance of the French. But herein this author is mistaken, for it is of verity that France has been more obliged to the valour of the men of our nation than any assistance they ever gave to us; yea we have suffered almost our kingdom to be over-run by the English in their quarrel, and had it not been the valour of our heroes, who always of old assisted them, England, long ere now, had made a conquest of that kingdom; and the said author, Favin, confesses no less, as he ingeniously makes it appear in his said fifth book, by giving us a list of the many thousands of Scotsmen sent by our king from Scotland to the assistance of the kings of France, all led by gallant commanders; for which good service our nation received from them many valuable privileges, and our nobility and captains sent thither were highly rewarded with the greatest honours and preferments that kingdom could give. Again, as to the motto, *In defence*, which this author appropriates to the thistle, as I observed before, I still judge it to be the motto of the royal arms, or crest assumed by King Achaius, when Charles the Great honoured the said king with the double tressure to surround the rampant lion in his arms, upon the alliance of the two crowns of Scotland and France, as a symbol, to show that the lilies of France should always defend the lion of Scotland. The old motto of the Order of the Thistle, viz. *Nemo me impune lacesset*, being by far more proper and agreeable thereto, and Menenius also tells us, that this was the old and only motto peculiar to the Order of the Thistle.

As for the collar of this noble order, which consists of thistles and sprigs of rue. The thistle, says Pliny, in his Natural History, tom. 2. page 79. have their leaves beset with prickles, they bear heads, pointed with sharp prickles round about in manner of caltrops, and the artichoke-thistle puts forth a purple flower amidst these sharp-pointed prickles, and when sodden is a great strengthener of the stomach, and if applied to the matrix of women, it disposeth and prepareth it to conceive men-children; and Chæveas the Athenian, and Glaucias especially, says the same; as likewise these thistles causeth a sweet breath. As for the rue, although it be an herb and plant very mean, yet it is nevertheless full of admirable virtues, so that men and beasts likewise having eaten thereof, their breath only serveth to expel, and drive serpents to flight: for the said Pliny, and all the naturalists do hold, thatt he woodmartin, the weasel, and other small beasts dare be bold to grapple with serpents, yea, the viper himself, after their stomachs are filled with rue. Paulus Ægineta, and all the herbalists, are of opinion, that there is not a more sovereign remedy, for such as are poisoned, to vomit up the poison, than to drink it in warm wine, and present cure has instantly ensued by this herb. And for this reason, King Achaius, to demonstrate to his enemies that he had power to make all their practices unprofitable, took these two herbs for his device, and composed them in a collar of this order, which has continued to this day.

The manner of wearing the ribbon of this most noble order in time of peace, was of later times pendent about the neck, down to the middle of the breast, where hung the jewel of the order, having on the one side the image of St Andrew, holding his cross before him, and on the reverse a thistle, *or* and *vert*, the flower reddish, with the foresaid motto round it. But since, for the more conveniency of riding or action, the same is spread over the left shoulder, and brought under the right arm, where the jewel now hangs. But where the pictures of the sovereign and knights companions are drawn in armour, there, even to this day, the said jewel is represented as fixed to a gold chain instead of a ribbon, and worn about the neck, and not brought under the right-arm.

And there is a standard of honour provided for the sovereign to measure the extraction, quality, and merit of the person proposed to be elected of this order, lest it might chance, through the indulgence of the sovereign, this fountain of honour might be mudded by the choice of inferior and undeserving persons: for Benjamin Smithurst, in his Britain's Glory, page 43. tells us, that the knights of this order are appointed to be of the most noble men of Scotland; and if of another nation, they are never chosen below nobility, as witness Charles Boyle Earl

of Orrery, an Irish peer, who was elected by Queen Anne, a knight companion of this order; and no doubt the sovereign's design herein was, that none should be elected of this order, unless he be worthy, upon the account of birth and arms. For it is certain gentility does not receive its perfection in the person it was first devolved on, but is rather completed by succession: for among the Romans, though the father was free-born, and of the equestrian cense; yet it was farther requisite that the grandfather should be the same, or else they could not obtain the ring, one of the symbols of the Equestrian Order, as Pliny informs us. Gentility, therefore, hath its beginning in the grandfather, its increase in the father, and full ripeness in the son; and consequently in the constitution of gentility, the father and grandfather conveying a lustre to the son, make it entire and complete; for it is incongruous to suppose a ripeness in the son, unless there had been a former increase in the father.

As to the objections made by some English authors, and others misled by them, against the antiquity of this noble order, seeing they carry more of prejudice than reason, I shall pass them over with silence, and the rather, that since the union these prejudices are now laid aside by them, hoping I have advanced above what will be sufficient to convince my impartial reader of the antiquity of this most ancient and noble order of knighthood; and if our nation had been so fortunate as to have had our ancient records and old monuments of antiquity preserved to this day, which the calamity of war and other accidents has deprived us of, we might have had fuller accounts and clearer documents to have obliged the present generation with concerning the same. As for the story about the commencement of this Royal Order of St Andrew, by the appearance of the cross of his martyrdom in the sky, though it may, to polite wits of this age, look like a legend, yet I believe it is much of a piece with what we are told by the following famous authors, viz. Eusebius *de Vit. Constant. lib. 1. cap. 29.* Socrates *Hist. Eccl. lib. 1. cap. 2.* Sozomen, *lib. 1. cap. 3.* and others, concerning the first Christian Emperor Constantine: they say, that while this Prince was (at the intreaty of the senate and people of Rome) on his march, in order to suppress the tyranny of Maxentius, and being doubtful of the success, and therefore afraid of the danger of such an expedition, he perceived a burning cross in the heavens, with three Greek words, which signified that this should be a sign of his victory; and they add, that upon this assurance he caused the figure of the cross, just as he had seen it, to be set in gold upon the imperial standard, and then set forward and prospered. Now whether either or both of these miracles have been wrought by designing Providence, or if they ought to be ranked among the pious cheats of the old priests and monks, I leave it to the more curious to examine. This is certain, Constantine overthrew Maxentius, and Achaius defeated Athelstan.

The next old order of knighthood with us was the Banrents or Bannerets, created so under the royal banner for gallant actions in the field, and seldom or never conferred but upon persons of extraordinary merit, many of whom were able, by their arms and numerous vassals, to raise, maintain, command, and lead gallantly a company of soldiers to field in time of war, under their own particular banners of their arms; and very many of the predecessors of our old families here in Scotland have been advanced to this truly honourable degree of knighthood on the consideration of their courage and valorous exploits in times of war and battles; so that our nation, of old, having produced so many of these gallant heroes, it would take up the subject of a volume by itself to narrate their names and heroic deeds; Sir Robert the Bruce, Sir William Wallace, and many hundreds more of our nation being all advanced to this military order of knighthood, on account of their valour, and the same being but only a temporary dignity, it was bestowed on none but those, who, by their valour in chivalry, deserved it; and the son could not succeed the father in this dignity till he had performed some valorous action to merit the same, in order to fit him for being a leader of a company of men of war.

Sir George Mackenzie in his Precedency, p. 55. says, "That he finds of old a bannerent (or a ban-rent) has been with us a title higher than a baron, for, by act 102, Parliament 7th, James I. anno 1427, barons may choose their own commissioners, but bishops, dukes, earls, lords, and ban-rents are to be summoned to

“parliament by the king’s special precept; and it is probable (continues he) that these baronets were knights of extraordinary reputation who were allowed to raise a company of men under their own banners; but now it is commonly taken for such as are knighted by the king or prince under the royal standard in time of war.” But I conceive that those could not now sit in Parliament upon the king’s precept, the former act of Parliament being in desuetude: They have the precedency from baronets, though their wives have not, this being but a temporary dignity, and the other an heritable. The undoubted badge of these knights was a golden collar of SS’s; though the usage thereof is now grown obsolete, yet I see no reason why those of this degree of knighthood may not, at this time, exteriorly adorn their armorial shields with such a collar, the same being both regular and agreeable to the practice of all knights who are honoured with the cognosce or symbol of a collar as the badge of their dignity.

The next degree of knighthood with us is the Order of Baronet in Scotland, which was erected for advancing the plantation of Nova Scotia in America, and for settling a colony there, to which the aid of these knights was designed. The order was only intended by King James VI. before his death; for in his first charter of Nova Scotia, in favour of Sir William Alexander, dated 10th of September 1621, and in another charter granted to Sir Robert Dunbar of Lochnivar, of a part of Nova Scotia, designed the barony of Galloway, dated 5th November 1621, there is no mention made of this order; so that the same was only erected by King Charles I. *anno* 1625. In the several patents granted to baronets, his majesty did dispose to each of these knights a certain portion of land in Nova Scotia, erecting the same into a free barony, with great and ample privileges unnecessary to be inserted here. And moreover, for their encouragement, did erect, create, make, constitute, and ordain that heritable state, degree, dignity, name, order, title, and stile of baronet, to be enjoyed by every of these gentlemen who did hazard for the good and increase of that plantation: and so preferred them to that order and title, creating them and their heirs-male heritable baronets in all time coming, with the place, pre-eminency, priority, and precedency in all commissions, briefs, letters patent, namings, and writs, and in all sessions, conventions, congregations, and places, at all times and occasions whatsoever, before all knights called *equites aurati*, all lesser barons commonly called Lairds, and before all other gentlemen: excepting the above Sir William Alexander, his Majesty’s Lieutenant of Nova Scotia, who (with his heir, their wives and children conform) is not only excepted in each of these letters patent granted to the knights his consorts, but likewise the charter granted to himself by King Charles I. *anno* 1625, did bear expressly this exception and provision; as also excepting knights bannerets who should be created under the royal standard in his majesty’s army and in open war, the king himself being present, and that during the banneret’s lifetime only: and with precedency before all of the same order whose patents are of a posterior date. His majesty did moreover declare and ordain, that the wives of these knights, and of their heirs-male should have the precedency, as well after as before the deaths of their husbands, if they should happen to survive, before the wives of all those of whom the knights baronets and their heirs-male had the precedency, and even before the wives of knights bannerets before excepted, (the degree of baronet being heritable;) and also that the children, male and female of the baronet, should take place before the children male and female respectively, of all persons of whom the baronets and their heirs-male had the priority: and likewise before the children of the bannerets; and that the wives of the sons of the baronets, and of their heirs-male should precede the wives of all persons whom their husbands might precede, and that as well their husbands being dead as living. And further, his majesty did declare and promise, that whensoever the eldest sons and apparent heirs-male of the baronets should attain to the age of twenty-one years, they should be by his majesty and his successors created *equites aurati*, or knights-bachelors, without payment of any fees or dues for the same, providing they should desire it. But here it is to be observed, that some of the eldest sons of baronets pretend to the title of knight at their majority, by virtue of this clause, without any previous desire or dubbing, which certainly is an error; for if they will not be at the pains to desire of his majesty or his commis-

sioner, they should not assume it: likeas, his majesty did declare and ordain, that the baronets and their heirs-male should, as an additament of honour to their armorial ensigns, bear either on a canton or inescutcheon, in their option, the ensigr of Nova Scotia, being *argent*, a cross of St Andrew *azure*, (the badge of Scotland counter-changed) charged with an escutcheon of the royal arms of Scotland, supported on the dexter by the royal unicorn, and, on the sinister, by a savage or wild man, proper; and, for the crest, a branch of laurel, and a thistle issuing from two hands conjoined, the one being armed, the other naked, with this ditto, *Munit hæc & altera vincit*. And that they and their heirs-male should, in all times coming, have place in all his majesty's and his successors' armies in the middle battle, near and about the royal standard, for defence thereof. And that they and their heirs-male may have two attenders of the body for bearing up the pall, one principal mourner, and four assistants at their funerals; and that they should be always called, intitled, and designed by the name and title of Baronet; and that in all Scottish speeches and writings, the addition of Sir, and in all other discourses and writings, a word signifying the same should be proponed to their names and other titles, and that the stile and title of Baronet should be postponed and subjoined thereto in all letters patent and other writs whatsoever, as a necessary addition of dignity, and that each of them shall be intitled, Sir A. B. Baronet, and his and his sons' wives should enjoy the stile, title, and appellation of Lady, Madam, and Dame, respectively, according to the usual phrase in speaking and writing. And also his majesty did thereby promise, that the number of the baronets, as well in Scotland, as the new colony of Nova Scotia, should never exceed the number of 150, (albeit this number is at present somewhat augmented;) and did likewise declare, that he nor his successors should never create nor erect in time coming any other dignity, degree, stile, name, order, title, or state, nor should give the priority or precedency to any person or persons, under the stile, degree, and dignity of a Lord of Parliament of Scotland, which should be, or should be presumed to be, higher, superior, or equal to that of baronet: and that the baronet should have liberty to take place before any such who should happen to be created of any such degree or order, and that their wives, sons, daughters, and sons' wives should have their places accordingly: and that if any question or doubt should arise anent their places and prerogatives, the same should be decided and judged according to these laws and customs by which other degrees of heritable dignities have their privileges cognosced and determined. And finally, that none should be created baronet either of Scotland or Nova Scotia, till he had first fulfilled the conditions designed by his majesty, for the good and increase of that plantation, and until he had certified the same to the king by his majesty's lieutenant there.

These patents were ratified in Parliament, and were always of this form till the selling of Nova Scotia to the French; after which they were made much shorter, and granted in general terms, with all the privileges, precedencies, &c. of the former baronets. Mr Miege, in his State of North Britain, tells us, That knights baronets in Scotland are allowed to wear about their necks an orange-tawny silk ribbon, to which is appended, in a scutcheon *argent*, a saltier *azure*, surcharged with an inescutcheon of the arms of Scotland, and an imperial crown above the last scutcheon, encircled with this motto, *Fax mentis honestæ gloria*; and the learned and judicious Elias Ashmole, in his Institution of the Garter, says the same: And, to confirm this, in the year 1629 his Majesty did allow these baronets a particular cognizance, which will be best known by the copy of the following letter, directed by his Majesty King Charles I. to the Lords of his Privy Council of this kingdom, a copy whereof, as inserted by Sir George Mackenzie in his Precedency, page 54, I here narrate as follows.

“ Right Trusty, and Right Well-Beloved Cousin and Counsellor, Right Trusty  
 “ and Well-Beloved Cousins and Counsellors, and Right Trusty and Well-  
 “ Beloved Counsellors, we Greet you well. Whereas, upon good considera-  
 “ tion, and for the better advancement of the plantation of New Scotland,  
 “ which may much import the good of our service, and the honour and benefit  
 “ of that our ancient kingdom, our royal father did intend, and we since have  
 “ erected the order and title of Baronet in our said ancient kingdom, which we  
 “ have since established, and conferred the same on divers gentlemen of good

" quality : And seeing our Trusty and Well-Beloved Counsellor Sir William  
 " Alexander, Knight, our principal Secretary of that our ancient kingdom of  
 " Scotland, and our Lieutenant of New Scotland, who these many years bygone  
 " hath been at great charges for the discovery thereof, hath now in end a colony  
 " there, where his son Sir William is now resident ; and we being most willing to  
 " afford all the possible means of encouragement that conveniently we can to the  
 " baronets of that our ancient kingdom, for the furtherance of so good a work,  
 " and to the effect they may be honoured, and have place in all respects, accord-  
 " ing to their patents from us, we have been pleased to authorize and allow, as  
 " by these presents, for us and our successors, we authorise and allow the said  
 " lieutenant and baronets, and every one of them, and their heirs-male, to wear  
 " and carry about their necks in all time coming an orange-tawny silk ribbon,  
 " whereon shall be pendent in a scutcheon *argent* a saltier *azure*, thereon an in-  
 " escutcheon of the arms of Scotland, with an imperial crown above the scutcheon,  
 " and encircled with this motto, *Fax mentis honestæ gloria*; which cognizance our  
 " said present lieutenant shall deliver now to them from us, that they may be the  
 " better known and distinguished from other persons. And that none pretend  
 " ignorance of the respect due unto them, our pleasure therefore is, that by open  
 " proclamation at the market cross of Edinburgh, and of all other head burghs  
 " of our kingdom, and such other places as you shall think necessary, you cause  
 " intimate our royal pleasure and intention herein to all our subjects. And if any  
 " person, out of neglect or contempt, shall presume to take place and precedence  
 " of the said baronets, their wives or children, which is due unto them by their  
 " patents, or to wear their cognizance, we will that, upon notice thereof given to  
 " you, you cause punish such offenders, by fining or imprisoning them as you  
 " shall think fitting, that others may be terrified from attempting the like. And  
 " we ordain that from time to time, as occasion of granting or renewing their  
 " patents, or their heirs succeeding to the dignity, shall offer, that the said power  
 " to them to carry the said ribbon, and cognizance, shall be therein particularly  
 " granted and inserted. And we likewise ordain thir presents to be insert and  
 " registrate in the books of our Council and Exchequer, and that you cause regi-  
 " strate the same in the books of the Lyon King at Arms, and heralds, there to  
 " remain *ad futuram rei memoriam*; and that all parties having interest may have  
 " authentic copies and extracts thereof. And for your so doing, these our letters  
 " shall be unto you, and every one of you from time to time your sufficient war-  
 " rant and discharge in that behalf. Given at our Court at Whitehall the 17th of  
 " November 1629 years."

From hence I observe, that after so plain and positive a letter from his then  
 Royal Majesty King Charles I. whose will and pleasure therein is also expressly  
 ordained by him to be openly proclaimed, that none might pretend ignorance  
 (and which unquestionably was done, and performed at the places needful within  
 this kingdom) of the honourable privilege and allowance granted by his said ma-  
 jesty to all knight baronets within this realm, allowing each of them and their  
 heirs-male to wear about their necks a ribbon or collar for the greater honour of  
 this degree of knighthood, with a pendant hanging thereto, as is fully and clearly  
 narrated in the said letter, which his majesty authorises and allows not only for  
 himself, but ordains his successors in the government of this kingdom to authorise  
 and allow of the same to the said baronets and their said heirs-male, and also that  
 succeeding generations might be certified of his positive will and order herein, or-  
 daining likewise his said letter to be registrate not only in the books of his Secret  
 Council and Exchequer, but also of those of the Lyon King at Arms, and heralds;  
 and there being no other order or deed since granted (that I know of) in preju-  
 dice hereof by any of our succeeding kings, it has certainly been wrong in our  
 several Lord Lyons since to have granted warrants under their seals of office to  
 these knights baronets, for carrying their arms with no other distinction for the de-  
 gree of baronet than the bare ensign or arms of Nova Scotia, in a canton or in-  
 escutcheon within their armorial shield. As also, it hath been no less irregular in  
 his brethren herald-painters to have drawn and illuminate such coats of arms en-  
 tirely contrary to the said express royal order and command; for in so doing, as  
 they have no royal warrant to authorise the same, so thereby they very much de-

prive the knights of this degree of the honour and privilege his said majesty was pleased to confer upon them, in relation to their armorial bearings, and as a distinguishing cognosce particularly allowed by him to this order of knighthood. Yet though these practices have been continued by the Lord Lyon and his said brethren even to this time, to the great diminishing the honour allowed these collared knights by royal authority, so I am hopeful, on the considerations following, they will in time coming be pleased to rectify their mistake herein, and, in trimming for the future the armorial shields of all those gentlemen of this degree of knighthood, allow them this honour that our said royal sovereign has so expressly granted unto them, to wear and carry about their necks in all time coming a ribbon and pendant, as aforesaid; and so likewise, according to the custom and practice of all other collared knights, they may as regularly have the shield of their arms exteriorly surrounded and adorned with an orange-tawny silk ribbon, with an oval pendant hanging thereat, charged with a shield, containing the arms of Nova Scotia, viz. *argent*, a saltier *azure*, surmounted of another shield *or*, charged with a lion *rampant* within a double tressure, counter-flowered with flower-de-luces *gules*, being the royal arms of Scotland; and which last shield is ensigned on the top with an imperial crown, proper, and, within a circle, going round the said oval this motto, *Fax mentis bonestæ gloria*.

Now as this method of trimming these knights' arms is more honourable, so it is certainly more regular; for hereby the armorial shield within is freed of the incumbrances of a canton or inescutcheon of the said arms of Nova Scotia; by which usage very often some of the principal figures in the charge are suppressed, and not visible in order and equity to give place hereto. And when the arms of any of these knights happen to be a quarterly quartered coat, then commonly this badge of Nova Scotia is placed in surtout, by which some of the figures in four quarters of such bearings are hid and not discernible. And moreover in all minute figures and drawings of such arms, as many of the principal figures, within the shield are thereby suppressed, so the badge itself being (for proportion sake) obliged to be formed so very small, the same is very often hardly perceptible.

Yet though these incumbrances do not prove so convincing and satisfactory a reason, as to cause our Lord Lyon and present herald-painters alter their former and present practice hereant, my next consideration, to prove the irregularity hereof, is this, that though King Charles I. by his first royal patents to these knights baronets, in the year 1625, as an additament of honour allowed by him to be borne by them in their armorial ensigns, granted them to carry within their shields of arms, either on a canton or shield, in their option, the said ensign of Nova Scotia, yet it is to be further observed, that at the same time, and on the same head, they are also allowed to trim the said badge or ensign with particular exterior ornaments, viz. the supporters, crest and motto belonging thereto, which are as expressly therein named by the said king as the badge itself. Now, if the Lyon and his said brethren, notwithstanding of this royal allowance, shall hereafter continue their old practice, in only allowing these knights to carry within their armorial shields the bare ensign of Nova Scotia, as a cognosce of that degree of knighthood, then certainly, in my opinion, these knights are hereby very much wronged, and the armorial distinction granted to them by his said majesty is at the same time greatly diminished, by abstracting therefrom the proper exterior ornaments granted by the said king for adorning of the said badge or ensign; and that the said badge was ever trimmed with these exterior ornaments, according to the tenor of the said patents, is what I never saw done or performed in any of these knights' arms.

My last and chief reason for altering and rectifying the foresaid practice is, that the allowance granted by his said majesty, in his first patents to the said knights, anent the ensign or cognosce allowed by him to be worn by them within the escutcheon of their arms, was at the same time disallowed, and unquestionably annulled by a posterior letter or proclamation granted by the said King Charles in the year 1629, by which, for the greater honour of these knights, and to free their armorial shields of the foresaid incumbrances, allowed them (as a distinguishing badge of this degree of knighthood) to carry hereafter a ribbon and pendant as aforesaid: For, to continue the cognosce allowed by his said majesty to these

knights within their shield of arms, and to make the same anywise perceptible, the field undoubtedly would require to be very large, so as to admit of a canton or shield (which according to the regular rules of heraldry are allowed but a suitable bounds in the field) to trim the said ensign or badge, which contains so many figures within and without the shield thereof, that the same is a sufficient coat of arms by itself, and too narrow to be wholly trimmed in a canton or shield, and in a minute figure it is almost impossible to be performed; and our said royal sovereign, very probably on this consideration, being afterwards more rightly informed of the impracticableness hereof, presumably by the truly ingenious, curious, and learned antiquary Sir James Balfour of Denmiln, then Lord Lyon, (to whom our nation is much obliged for his valuable collections, many of which are now lodged in the Lawyers' Library at Edinburgh) wisely thought fit to alter his former grant, and by his said letter to his council, in place of the said canton, expressly grants to these knights, as the badge of that knighthood, to wear a collar with a pendant as aforesaid.

But if here it shall be objected, that notwithstanding of the above particular order, yet now the stile of the new patents, granted by succeeding kings to such gentlemen as they have been pleased to advance to this degree of knighthood, are narrated otherwise, and the badge or symbol, fit and convenient for them to carry in their arms, as being a baronet, is now left to the Lord Lyon to grant as he thinks most proper. As in the patent or diploma granted by King James VII. to Sir Robert Mylne of Barnton, of the stile and dignity of Knight Baronet, dated at Whitehall 19th March 1686, which runs thus, "Leoni porro armorum regi ejus- que fratribus facialibus prænominato Roberto Mylne ejusque hæredibus ante dictum masculis insignia armoræ, seu prioribus insigniis additamenta quæ apta & convenientia hac occasione videbuntur dare & prescribere imperamus." To this I answer, That though the said King James, and his successors since, may have granted their patents to these knights after this method and stile, yet it is very presumable the same has been done by them through misinformation, and the ignorance of those who composed the form and stile of these patents that they have been pleased to sign: For it is not to be doubted but the said King James had more regard for his father than to pass any deed under his hand contrary to his said father's so express will and pleasure in the above royal letter, if he had been rightly informed thereanent; so that I cannot think this to be the real will and intention of our said sovereign, but the mistake of the formalists, when it is so expressly narrated in the above-mentioned royal letter granted by King Charles I. in favour of knights baronets, in manner following, viz. "And we ordain, that from time to time, as occasion of granting or renewing their patents, or their heirs succeeding to the dignity, shall offer, that the said power to them to carry the said ribbon and cognizance shall be therein particularly granted and inserted." And, in my opinion, as no authority that I yet know of is more express and positive, so no badge that has as yet been made use of is more honourable, fit, and convenient, to be hereafter granted by the Lord Lyon, and his said brethren, to these knights, than the above-mentioned ribbon and pendant.

The next and last degree of knighthood with us, is that of *knight-bachelors*. These of this degree are the same sort with those that were formerly made such by holding a certain proportion of land by knight's service, and therefore were obliged to serve the king in his wars, at their own expence, for the space of forty days, well and completely arrayed for the war. About the quantity of a knight's fee there have been various opinions, or rather it has varied according to the times, being first reckoned at L.20 *per annum*, and afterwards at L.40. In Latin a knight is commonly called *miles*, a soldier, because they ought to be the prime of soldiers, though now very few know any thing of it. For as our kings of old did order their lands and tenements, so as one part they kept and detained in their own hands, and in them stately houses and castles were erected and made for their habitation and defence of their persons and of the realm, also forests and parks were there made for their majesty's recreation; and another part thereof was given to the nobles, and others of their chivalry, reserving tenure by knights' service. And in this manner the nobles also dissipated a great part of their lands to the gentlemen their followers to hold of them by knights' service; and because this

tenure doth concern service in war, the tenants are therefore called *militēs militiæ*: For though the word doth properly signify a soldier, and yet antiquity hath appropriated that name to the chiefest of military profession, and in all our old charters they are stiled *militēs*, and never *equites*, yet so that *miles* is taken for the self same that chivalry is. And they also in other places are stiled *equites*, horsemen, because they were wont to serve a-horseback; but that is now the general denomination of all knights, whereas these we are speaking of are stiled *equites aurati*, or knights of the gilt spurs, because they had such given them at their creation. For this reason, when a knight had committed a capital offence, it was usual publicly to arm him *cap-a-pee*, and placed on a high scaffold in the church, where the priest sung some funeral psalms as though he were dead, and then degrade and deprive him of his honour of knighthood, which was done by taking off his helmet, ungirding his military belt, taking off his sword, and breaking it over his head, and hewing off his spurs with a hatchet, his gauntlets being also plucked from him, and the escutcheon of his arms was also reversed. Sir George Mackenzie, in his *Science of Heraldry*, page 78. tells us, That these who write as lawyers upon the subject of abatements of arms, do remark, that arms are diminished or lost, for murder, falsehood, oppression, false witness, and a profligate life, and that they are many several ways defaced or diminished, such as abrasion, perforation. But the most ordinary way for treason is by reversing and riving, and which Far. also observes to be ordinary in case of treason, *De crim. les. maj. cap. 16.* which punishment is still in observance by the laws and customs of North Britain; for when any person is forfeited in parliament, the Lyon, and his brethren heralds, come in with their coats and formalities, and the Lyon does publicly tear the arms of the person forfeited; and if he be a cadet of a family, he says, that the tearing of these arms openly shall be without prejudice to the nobleman or chief whose arms these are; after which he and his brethren go to the cross, and there he hangs up the shield reversed, turning the base or lowest point upwards; which Decian, *tract. crim. lib. 7. cap. 31.* asserts to be used in imitation of the old form of hanging traitors by the feet.

And although this dignity of knighthood had its original, and was given to men of war and prowess, yet in all successions of ages, and in all nations, the same also is bestowed on men of peace by the sovereign power to deserving persons, whereby the service of the commonwealth at home is made equal with that abroad. For as Tully saith truly, “*Parvi sunt arma foris nisi est concilium domi.*” But experience, the faithfullest counsellor, and best mistress, hath made it manifest both in this modern age, as well as in that of Tully, that the camp hath bred more eminent statesmen, and happily as good politicians, as the long robe; perhaps for this reason, one aims chiefly at glory and honour, which easily attracts admirers and favourers, the other at riches and indirect negotiations, which begets envy and private enemies.

He that is to receive this dignity of knighthood kneeleth down before the king of his commissioner, who slightly smiteth or toucheth him upon the shoulder with his naked sword flatwise, and saith unto him these words in French, *Sais Chevalier au nom de Dieu, or Sis Eques in nomine Dei*, Be a knight in the name of God; and then adds, “Advance Chevalier, rise Sir A. B. ;” the which honour does not descend to the posterity. For a knight is not made by letters patent, or by the king’s writ, as those of higher dignity, but by the sword; for this honour is supposed to be given on the sudden; and therefore is commonly done by the sword, (although the king may by his letters patent create a knight as he doth the knights baronets) which we commonly call dubbing, the old English word used for creating (consecrating) a knight, from *doopen*, to dip, by bathing. There is also mention (by Mr Selden) of consecrating the sword, offering it at the altar, and receiving it again from thence, as an implicit kind of taking an oath. But as in peace and great leisure these tedious ceremonies were of old used, yet it was otherwise in times of war, or in a day of battle, where hurry and throng of affairs would not permit; and therefore, as well before the joining of battle, as after victory obtained, it was usual for the prince or general in the field, in sight of the army, to give those whom he thought fit to advance to that honour, (they humbly kneeling be-

fore him,) a light stroke with a naked sword on the head or shoulder, saying as above narrated.

Earls in ancient times had a power of knighting; but now neither may the prince, or any other of the nobility (except those who are advanced to the high degree of commissioner to parliament) make a knight, but only the king or his said commissioner, who, during the sederunt of our Parliaments, represented his majesty's person when absent therefrom in England, or the king's lieutenant-general by his commission. No man is born a knight with us, as he may be to titles of honour by patent; and even the eldest sons and apparent heirs-male of all our baronets are ordained at the age of twenty-one years, to be by his majesty first created or dubbed *equites aurati*, or knights-bachelors, before they take on the title of baronet: yet this they now very often neglect to do, which certainly is an error. Of old, if a villain was made a knight, he was immediately enfranchised, and if a man of base birth and condition did strike a knight, he was to lose his hand. And knights in all foreign countries, says the author of *Analogia honorum*, subjoined to the new edition of Mr Guillim's Heraldry, have ever place and precedency according to their seniority of being knighted, which privilege is denied to noblemen, for be they never so ancient in foreign countries, they shall go below as *puisnes*. The degree of knighthood is not only a dignity and honour to the party, but an honour to the kingdom: And therefore it hath been an ancient prerogative of the kings of this realm, at their pleasure, to compel men of worth to take upon them that degree, upon payment of a fine. But now we see by experience in these days, that none are compelled thereto, and there is so little belongs to knights now, that more need not be said of them; for to search out what was, and has now ceased to be, is little to the purpose.

By the statute made in England the twenty-fourth year of the reign of King Henry VIII. cap. 13. entitled, *An Act for Reformation of Apparel*, it was permitted for knights to wear a collar of gold, named the collar of SS, which no doubt became also customable here. And in regard whereof I judge it no irregularity, but rather very fit and convenient for all knights-bachelors, as a cognosce and badge in their armorial bearings, to trim and outwardly adorn their shields of arms with the said collar.

So much then for placing of collars and badges of knighthood round the escutcheon of arms, forbearing to give a description of these many other orders of knighthood in Europe, as out of my road, since the situation and position of them in armories is after the same method as those that I have above described, except a few, which I shall hereafter mention; yet before I close with the collar, it is not amiss I give my reader the following observe, that in pristine times none but kings and princes wore collars; and therefore their use seems to be of dignity and power, as is evident from Daniel, where the Assyrian kings used this ornament. Afterwards men famous for wisdom and counsel had them as a distinguishing badge, as in the example of Joseph, Gen. xli. 42. and from the proclamation of Belshazzar King of Babylon, who proposed it as a premium to him that would interpret the hand-writing upon the wall, Daniel, v. 7. And men famous for military achievements had it conferred upon them, in recompense of their merits; thus collars were of the number of the *dona et præmia militaria* among the Romans, and the honour of receiving them thought worthy to be consigned to posterity in marble inscriptions. From them the latter emperors received it, and we read of investing a Knight of the Holy Sepulchre with a collar at his creation; where, as soon as the ceremony of his ordination is over, the Padre guardian kisses the new made knight, and puts about his neck (according to the mode of the ancients) a golden collar, with a cross hanging at it. Most aptly therefore have the sovereigns of military orders annexed this ornament of the collar to their habit, and conferred it on the fellows and companions who have meritoriously deserved it, in respect of their wisdom or valour. There were other ensigns of knighthood that could not go round the shield, which shall be taken notice of afterwards.

I shall next a little insist on other figures made use of in adorning arms exteriorly, by surrounding the armorial shield, which by the by were never esteemed to be particular marks of dignity, but only ornaments of the escutcheon, such as the *cordelier*, *laqs a' amour*, and *garlands*.

And first, As to the *cordelier*, it is a cord of many running knots, which Monsieur Baron says is an adornment only proper for wives or married women to use round their arms; and again the said author, in his Art of Heraldry, p. 194. describes the same thus, *Cordeillère, qui entoure l'ecusson des femmes, or scutum funiculo variis implicato nodis cinctum, in varios funiculo implexum modos.*

It hath its rise from that cord used by St Francis about his body; and Francis Duke of Bretagne, for the devotion and reverence he had to this saint, placed such a cord of that fashion round the escutcheon of his arms. And upon the same respect, Francis I. King of France placed such another round the diadem of that saint for his device, with this motto, *Plus qu' autre*, that is, more than any. By which it seems he would have said, that he revered St Francis, whose name he carried, more than any saint. And without doubt this was (says Menestrier) the chief reason which moved him to change the old form of the collar of St Michael to a twisted one like the cordelier. And at this day several prelates of the Order of St Francis make use of the cordelier to surround their arms.

That which brought it in use chiefly amongst women was the great affection Anne of Bretagne, Queen to Charles VIII. King of France had to it, in imitation of her father Francis Duke of Bretagne; she used always a cordelier round her arms, devices, and crown; and her daughter Madam Claudia of France, who was married to Francis I. King of France, did the same; and Louisa of Savoy, and other great ladies, did so far imitate them therein, that the practice of placing the cordelier round arms became frequent with all ladies of quality; and being a pretty device or rebus for widows, made it more generally frequent, to show that they have *corps délié*, that is, their body free and untied; the rebus proceeding from the pronunciation of *corps délié*, or cordelier.

Secondly, As to the love-knot, or *laqs d'amour*, as it is in figure very like the cordelier, so it is only made use of by women, in surrounding or adorning outwardly their arms, for Monsieur Baron, in his Art of Heraldry, page 204. narrates, that "Laqs d'amour, qui entourent les armoiries des veuves & des filles;" or, "Nodi amatorii scuta circumdantes."

Before the use of the cordelier, the most part of arms, as well of women as men, were surrounded with garlands of leaves and flowers, as the Grecians and Romans adorned their statues with; and they were these garlands (says Menestrier) which they called *stemma*. In many old illuminate books of arms that I have perused are to be seen sundry armorial bearings so trimmed as to have garlands surrounding the escutcheon: And in old pieces of painting, in many places with us, I have observed the like practice. The last instance hereof that I met with were these of the arms of the surname of Laing, which I saw surrounded with a garland in the mansion-house of Redhouse in East Lothian.

In imitation of these garlands and chaplets, those in religious orders, as well men as women, placed round their arms crowns or wreaths of thorns, to show that their profession was a state of austerities and mortification, and sometimes placed chaplets of *pater noster*, to manifest their devotion.

Anciently there was another ornament, which I observe environed shields of arms, particularly to be met with on seals formed by three semi-circles, like a trefoil, or by four, and many times a great many more, like to a rose united together by their points. This ornament had its rise from the reverse of old seals or private seals, where the shield of arms was placed as it were upon a rose, the emblem of secrecy, being most beautiful, when least opened or spread, for which to keep any saying secret, they say, *sub rosa*. And in foreign books of heraldry, I have seen several figures of the whole achievements of sundry princes and dukes abroad, trimmed all within an ornament of eight semi-circles.

And afterwards, and in imitation of these semi-circles joined together like to a rose round the shield, came (in succeeding ages) the custom and practice of placing the collars of knighthood about the escutcheon, and other badges of honour that could surround it, as chains of gold, ribbons, &c. Of which before.

As for the other ensigns of knighthood that could not go round the shield, and which I promised to speak to, they were either placed below the shield, as that of the order of the crescent or half-moon, instituted by Rene of Anjou, brother and heir to Lewis III. King of Naples, in the year 1464, who settled the sovereignty.

thereof upon himself and his heirs, Dukes of Anjou and Kings of Sicily. The badge or device of the order was a crescent of gold, on which this word *los* was enamelled in red letters: It imported, *los en croissant*, that is, praise by increasing; this the knights wore on the right side of their cloaks or upper garments, and in their armories placed the same below their escutcheons; and to this crescent were fastened as many tags of gold enamelled with red, as the knight that wore it had been present at battles, sieges of towns, and such like memorable actions. But this order is now extinct; for princes of small power cannot fix these honours so strongly as those of greater might; besides, the House of Anjou never had quiet possession of Naples or Sicily, but were still expelled as fast as they came in; so that the order could not subsist, when the crown failed upon which it was founded.

Others again place the badge within the shield, as those of the Order of St John of Jerusalem, Knights of Malta, or Knights Hospitallers of St John of Jerusalem. Before the taking of Jerusalem from the Saracens, certain Christian merchants of Naples obtained leave from the Calph of Egypt to erect a small and convenient house for entertainment of themselves and countrymen, which they built before the church of the Holy Sepulchre, together with a small oratory; to them repaired certain canons of the Order of St Augustine, who built another oratory, and to distinguish them from the Knights of the Holy Sepulchre, they took the black habit of the Hermits of St Augustine. Jerusalem being afterwards taken by the Christians, Baldwin I. of the name, King of Jerusalem, created them Knights of St John of Jerusalem, to entertain and lodge pilgrims to defend the Holy Land; as also for that they took St John Baptist for their patron they obtained that title. It was instituted, says Ashmole, *anno 1092*, others say, *anno 1099*, by Gerard a native of Thoulouse, who came to Jerusalem in the time of Godfrey of Boulogne, and built this hospital, which became the first seat of this order, and dedicated it to St John of Cyprus, Bishop of Alexandria, commonly called *Joannes Elemosynarius*, and the said King Baldwin I. conferred on them large privileges, permitting them arms, and instituting them to be knights, *anno 1104*, their duty being to fight against the infidels, being first obedient to the Patriarch of Jerusalem. Pope Gelasius II. or Calixtus II. *anno 1120*, confirmed their rule of living; and after popes received them under the protection of the papal see, and endowed them with ample privileges, exempting them from payment of tithes, &c.: on the breast of their habit (being black) they wore at first a plain cross of white cloth, which afterwards was changed to one with eight points, to represent the eight beatitudes; but in war they used a red cassock, bearing the white cross upon it: and in their banners or ensigns they wore a crimson or red coat of arms with the said white cross upon it; but in their monasteries they wore the black garment only. To Gerard succeeded Raymond, who enlarged their laws and institutions, and was stiled *Raimundus Dei gratia servus pauperum Jesu Christi et custos hospitalis Jerusalemitanus*; but afterwards he and his successors had the title of Great Master of the Order given them, to denote their power and authority. When they were driven out of Palestine they removed into Cyprus, and *anno 1309*, to the Isle of Rhodes; out of which being expelled by Solyman the Magnificent, Emperor of the Turks, *anno 1522*, they removed from one place to another, till at last by the munificence of Charles V. *anno 1530*, they were settled in Malta. At this day their Great Master has the title of Prince of Malta and Goza; Tripoli and Goza were granted to them in fee by the Emperor Charles V. *anno 1530*, under the tender of one falcon yearly to the Viceroy of Sicily. Among his privileges he seals in lead, as does the Pope and Doge of Venice; he acknowledges the Pope for his head, and the King of Spain and Sicily for his patron, or for their protectors. In this isle they continue a bulwark to those parts, and from this their settlement are called Knights of Malta. None are admitted to this order but such as can bring a testimony of their gentility for six descents; when the Great Master dies, they suffer no vessel to go out of the island till another is chosen, lest the Pope should interfere in their election, who being chosen, is stiled the Most Illustrious and Most Reverend Prince, the Lord Frier N. N. Great Master of the Hospital of St John of Jerusalem, Prince of Malta, Gaules, and Goza. These knights are in number one thousand, of whom five hundred are always to be resident in the island, the other

five hundred are dispersed through Christendom at their several seminaries in Spain; Germany, Italy, and France, and at any summons are to make their personal appearance; these seminaries (called by them *Alberges*) are seven in number, one of Castile, one of Arragon, one of Germany, one of Italy, one of France in general; one of Auvergne, one of Provence, over every one of which they have a Grand Prior, who in the country where he liveth is of great reputation; an eighth seminary they had in England, till the suppression of it by King Henry VIII. yet they have some one or other to whom they give still the title of Grand Prior of England; they had at one time in several parts of Christendom no fewer than 20,000 manors. The knights of this order bear *gules*, a cross *argent*.

The Lord Prior of this Order in England was accounted the prime baron in the realm, and some here had also the addition of Great, and was stiled *Prior Hospitalis Sti Johannis Jerusalem in Anglia*, and by that title was he summoned to the Parliament as a baron of that kingdom, and at length, for place and precedence, was ranked the first baron; the Knights Templars were suppressed by Pope Clement V. about the year 1310, and their lands were (by a general council held at Vienna) conferred on the knights of the Order of St John of Jerusalem, called *Johannites*, after knights of Rhodes, and now knights of Malta. These Knights Templars and their successors, the said knights of St John, they had only one house or manor here in Scotland, which was the Hospital of St Germain in Lothian; but this house was dissolved *anno* 1494, and the greatest part of its revenues was, by King James IV. conferred upon the King's College of Aberdeen, then newly founded by William Elphingston, Bishop of Aberdeen. Torphichen, in the shire of Mid-Lothian, did also belong to the knights of this Order of St John; and Mr Crawford, in his Peerage of Scotland, page 86. tells us, that Sir Walter Lindsay, (a son of the Lord Lindsay) Preceptor of Torphichen, was Lord St John in the reign of King James V. And again, *ibid.* page 479, Sir James Sandilands, the first Lord Torphichen, being a young man of good parts, and bred a scholar, was, by the said Sir Walter Lindsay Lord St John recommended to the Great Master of the Order of the Knights of Malta, as a person well qualified to be his successor in the preceptory of Torphichen. And Mr Sandiland's travelling into those parts, and having resided for some years at the Isle of Malta, he gave such proofs of his learning and sufficiency for the discharge of that function, that he was with all the necessary forms received by the Grand Prior of the Hospital and his chapter, to be one of the knights of that ancient military order, and inaugurated future successor to the said Sir Walter Lindsay, by whose death, in the year 1543, he was fully invested in the title, power, and jurisdiction of Lord St John of Jerusalem in Scotland, and succeeded in the possession of the revenue thereof, which was very great, and spread through the whole kingdom; so that it is hereby apparent we had our *Prior Hospitalis Sti. Johannis Jerusalem in Scotia*, as well as they had in England, and by that title sat he in our Parliaments as a lord or baron of the kingdom. But at the Reformation here in Scotland, the said Lord St John renounced popery, and embraced the protestant religion; and having resigned the lordship of St John in the hands of Queen Mary, her highness was graciously pleased, in consideration of Sir James's great merit and services, to grant and dispone heritably to him, his heirs and assignees, the foresaid lordship and preceptory of Torphichen, for the sum of ten thousand crowns of the sun, which he presently paid down, besides an yearly annuity of five hundred merks, which was then erected into the lordship of Torphichen, by a charter under the Great Seal, dated the 24th of January 1563.

The third and last way of placing badges of knighthood in armories is behind the shield; a practice used by the Knights of the Order of Avis in Portugal. Don Alphonso Henriquez, first King of Portugal, took from the Moors, *Anno Dom.* 1147, the city of Evora, and, to strengthen it, sent thither several gallant commanders, who assumed the title of Knights of St Mary of Evora, putting themselves under the protection of our blessed lady; and not long after they were called *d'Avis*, from a castle upon the Portuguese frontiers conquered from the Moors, whither they transplanted themselves. It was confirmed by Pope Innocent III. *A. D.* 1204, under the rule of St Benedict, and therefore in some papal rules called of St Benedict *d'Avis*. The knights profess conjugal chastity and obedience; *anno* 1213,

they submitted themselves to the rule, statutes, and visitation of the Order of Calatrava. But in the time of John of Portugal (natural son to Pedro King of Portugal) VII. Great Master d'Avis, they cast off their acknowledgment to Calatrava, and never after submitted to them; and afterwards when the crown of Portugal fell into the hands of Philip II. King of Spain, this order was governed according to the statutes of Portugal. They must be gentlemen by extraction, both of the father's and mother's side. This order still subsists, and carry for their badge a green cross fleury, such as the knights of Alcantara used to wear. And in their arms, place the said cross pale-ways behind the middle of their armorial shields.

But to come to a close of this chapter, I shall only observe, that at present it is ordinary for persons of quality, especially women, to place two branches of palm-tree at the sides of their arms, and this ornament is the symbol of conjugal love, which the ancients did represent by the male and female palm-tree.

## C H A P. XII.

### OF THE COMPARTMENT.

**T**HE compartment is that figure upon which the shield and supporters usually stand or rest, and very frequently therein is inserted the name and designation of the bearer, and when the person carries more mottoes or epigraphs than one, if any of them relate to the supporters or arms, then they are commonly and most properly placed on the compartment below; but if the same is entirely relative to the crest, the same most regularly ought always to be placed in an escrol above it.

The compartment is of no fixed form in heraldry, neither by our practice at home, nor yet abroad; for sometimes, and that very frequently, it is formed like an escrol in order to contain more aptly a second motto; and at other times it is formed like an oblong oval, wherein either to insert the motto or designation of the person to whom the arms belong: and seeing there is no stated rule hereabout in the Science of Heraldry, it is now customarily drawn after whatever form the painters or engravers of armorial achievements think best and fittest, and which they commonly embellish with various flourishes, foldshes, and running leaves, in order to adorn their work and performance. But as the compartment is neither a proper nor regular piece of armory, so neither can I say that it is very ancient; for upon old seals there is no such thing to be seen. And in those ages when shields of arms were represented *couché*, there was no compartment needful; for they hung always by the left corner, and the supporters belonging thereto commonly stood on the sides of the shield, and it is to be observed did not support the same as the practice now is, but only supported the casque or helmet placed on the top thereof.

In later times, when shields of arms were erect and supported, then there was subjoined a compartment for them to stand and rest upon, which, in old paintings, were ordinarily formed like to terraces or pieces of green land with hills and turrets appearing, with flowers and trees growing out of them for the greater ornament of the figure, as may be yet seen in some of our old illuminated books of arms; and the like practice is also to be seen on some ancient seals. And here-upon our learned countryman, Sir George Mackenzie, in his Science of Heraldry, page 95. took occasion to say, that though none have offered to conjecture what gave the first occasion to compartments in heraldry, yet I conceive (says he) that the compartment represents the bearers' lands and territories, though sometimes they are bestowed in recompense of some honourable action. And for an example to prove this assertion, he gives us an instance of the earls of Douglas who got the privilege of having their supporters to stand within a pale of wood wreathed, because the Lord Douglas, in the reign of King Robert the Bruce, did defeat the English in Jedburgh Forest, and that they might not escape, caused wreath and

impale in the night that part of the wood by which he conjectured they might make their escape.

I am much of the opinion with this great man, that such compartments represented the bearer's lands and territories, and that the said wreathed pale of wood is still used by that noble family to perpetuate that memorable action of the Douglas above mentioned; and which opinion will be the more confirmed by the practice of this ancient house who were proprietors of Jedburgh Forest, as by their charters with their seals appended to two of them, which I shall here mention, (though I narrated the same before in my blazon of the arms of the family) and describe according as I saw them in the custody of our late curious antiquary Mr David Simpson.

William, the first Earl of Douglas and Earl of Marr, by marrying the heiress thereof, grants a charter of the lands of Easter Foulis in the earldom of Marr and shire of Aberdeen, to James Montealto, *i. e.* Mowat, dated at the Castle of Kildrummy, the 12th of July 1377, to which was appended his seal, whereon is the arms of Douglas and Marr, quarterly, within a shield *couché*, supported by one lion, with his head in the helmet, sitting on a compartment like to a rising ground, with a tree growing out of it, and *semé* of hearts, mollets, and cross croslets, the armorial figures of this earl's arms, to show, very probably, that this compartment represented his lands and territories.

The other was the charter of his grandson, James Douglas, the second Earl of Angus, of the lands of Stukerland in the sheriffdom of Perth, granted by him to Robert Imrie or Ymbrie, dated at Tamtalan the 8th of May 1434; on this earl's seal hereto appended on a shield *couché*, is quarterly, first, a lion rampant; second, the arms of Douglas; third, the arms of Stewart of Bonkill and Angus; and, the fourth, the arms of Abernethy timbred with an helmet and capeline; and, for crest, a plume of feathers, supported on the right side by a deer, and, on the left, by a woman in a rich habit, both standing on the shield and holding the helmet, which the woman does by the capeline; and the whole achievement is surrounded with a pale of wood wreathed, such as that now used by his successor the Duke of Douglas, as a compartment under his armorial bearing, and on the outer circle of this seal are these words, *Sig. Jacobi Comitis Anguisæ Dom. de Abernethie & Jedworth forest.*

It is probable these compartments of the Douglasses do represent and perpetuate the one their feus, and the other a noble action of one of their family; yet I have not met with any other arms of our ancient and noble families with such special compartments, though some do represent pieces of ground for their noble feus, as on the seals of the Earls of Crawford, and the Lords of Hamilton, now dukes, as in Sir George Mackenzie's Science of Heraldry, page 95. where he hath given us two figures cut on copper, one of the seal of James Lord Hamilton, the other that of David de Lindsay, Earl of Crawford, both of whose shields of arms are *couché*, their supporters bearing up the helmet according to the custom of that age, and both standing on a terrace as a compartment thereto; and several other old seals I have seen trimmed after this method; and especially this practice is to be met with in many illuminated books of blazons; but I have observed none of them strewed with any armorial figures (which certainly is the best method to be used for appropriating them to particular families) like that of William, first Earl of Douglas, I just now mentioned. And, except these instances, I meet with no other examples with us, save that of the noble family of Drummond Earls of Perth, whose compartment, as the former, is represented by a green hill, *semé* of caltrapes, which, with the motto of the family, *viz. gang warily*, is a pretty device. And the ancient family of M'Farlane, the chief of that name, carrieth in their armorial achievements a particular compartment, wavy (whereon their supporters stand) in representation of Lochsloy, being a place in the Arrochar where this clan generally rendezvous themselves before a battle, and on the said compartment have also the word *Lochsloy*, which is the M'Farlane's *cri de guerre* or slughorn; as also Ogilvie of Innerquharly hath his arms trimmed and cut (in the Plates of Achievements subjoined to the First Volume of this my System of Heraldry) with another particular compartment, to wit, the representation of a green hill or rising terrace, on which is placed two serpents nowed, spouting out fire, proper, and thereon his sup-

porters doth stand, and below the same, within the said terrace, is this motto, *Terræna pericula sperno*, which is a very good device. In the English books of heraldry I meet with no nobleman or gentleman that carry in their armorial bearing particular compartments.

And yet I am still of opinion that compartments, of whatsoever form they be, are none of the proper parts of the achievement accounted for by any herald that I have met with, foreign or domestic; yet I see nothing against the usage of them, but that they may for a decorament be used by all those families who have right to carry arms, and particularly families who have for a long time possessed ancient baronies may place them on compartments to represent their feus, and may also have the same *semé* of their armorial figures, if they be agreeable to such a disposition.

As for the figures of creatures placed under the achievements, they cannot properly be called compartments, but rather devices, as I have shown before. And their position in armories is ordinarily by placing them sometimes at the sides of the shield, or below the same, and may be used by any noble or ancient family that hath right to adorn and support their arms. As for the salamander in flames, proper, which the ancient family of Dundas of that ilk carry below their arms, and the hart's head cabossed, which Sir George Mackenzie, in his *Science of Heraldry*, page 88. places below the shield of the coat of Denham of old, which he there hath caused to be cut so, no doubt from an ancient seal or piece of painting he hath seen; and the blazing star which Captain Robert Seaton places also below his shield, with the motto *Luceo boreale*, I esteem them only but devices, and are very far from the use and nature of a compartment in my opinion. And the wild man lying in chains under the escutcheon of Robertson of Struan, which has been carried by this ancient family for a long time, to perpetuate a dutiful and loyal action performed by one of their predecessors in apprehending one of the murderers of King James I. cannot be rightly called a compartment, but more properly an honourable supporter. For as I have shown before that the achievements of the greatest families in Europe have had but one supporter of old, and particularly amongst ourselves, which I could demonstrate by many examples from old seals, so I have also seen the royal arms of Scotland itself represented in several places with only one supporter; and, to confirm this, upon the Nether-Bow steeple in Edinburgh, they may be yet perceived cut in stone, just standing upon the back of an unicorn, in like manner as Struan's armorial shield do upon the said wild man.

Neither have I met with any special compartments upon which the achievements of sovereign princes do stand, at home or abroad, taken notice of by any herald. And even these of the kings of Scotland and England are commonly formed much after the common ones used by their nobles, except only that they have frequently this difference, that out from them there issueth the badges of their dominions, viz. the thistle for Scotland, and the rose for England. The royal achievement of France is placed by some upon such a compartment, and by others on that of different forms as they think most fit and proper. And Monsieur Baron, in his *L'Art Heraldique*, places it upon a plain *chequé* of square pieces of marble, *azure* and *argent*, on the first a flower-de-luce, and on the second the letter L, ensigned with an imperial crown. And the same author places the achievements of Philippe de France Duc d'Orleans, and Monsieur Le Duc de Roquelaure, upon a plain piece of ground, as it were, without any figure upon it, like unto these compartments which I have called terraces with us. And the other achievements he gives us figures of in his said book have no compartments at all, because they have no supporters to stand upon the same; which, in my opinion, is the only fit method I can think on for the usage of compartments in armories, and in the best foreign herald books that I have perused: when the figures of armorial achievements therein are cut with supporters, they are generally placed standing on a terrace, and when they have no supporters, I observe they have no compartments at all.

Which naturally leads me to suggest, that another probable reason anent the original of the usage of terrace compartments in armories, hath presumably taken its rise from which tournaments and joustings, to which none were admitted but those

who were truly noble, or gentle by father's and mother's side, and who were obliged to expose their armorial bearings, as proofs of their noble and gentle extraction, which they at first adorned with helmet, crest, motto, mantling, and wreath, before the exercise began; so afterwards, according to Menestrier and other French writers, began from thence the rise and progressive use of supporters. The knights nobles, qualified for such exercises, had their arms hung up on the barrier-trees, commonly in the open fields, near to the place of jousting, which were attended by their armour-bearer and esquires, to the end they might acquaint their masters what knight gave them a challenge to fight, which was done by touching the shield. And the said Menestrier further tells us, that these knights put their armour-bearers, pages, and servants, in such dresses as they fancied, making them sometimes appear like Savages, Saracens, Moors, &c. and sometimes under disguise, clothed with the skins of lions, bears, &c. to guard their shields of arms, and to give an account of the names and arms of those who give the challenge by touching the shields of their masters. And the fields whereon these servants stood for guarding of their masters' arms, thus hung up, might induce limners and painters, that had occasion to see the same, to form from the life such figures and representations thereof, with a view of the adjacent ground and field whereon these supporters stood, and arms hung, so as to introduce the practice of trimming, supported shields of arms with terrace compartments. And John Slezer, in his *Theatrum Scotiae*, hath caused cut several of our nobility's arms that he hath made dedications to therein, trimmed with rising terrace compartments, for their supporters to stand upon; yet the book, *Jeu d'armories des souverains & estats d'Europe*, in which are the prints and figures of all the achievements of the princes of Europe, hath none of them upon compartments, but two or three, and these upon very ordinary ones; so that, as I have said before, compartments depend much upon the fancy of the workman, as to their form and figure, for supporters to stand and rest upon, as will evidently appear from the great variety of compartments in the sculptures to be met with in the several treatises of heraldry, both at home and abroad.

I have added this chapter of compartments, which some may think might have been omitted, in respect no herald before me hath taken notice of them as any part of this science; yet from what I have narrated and seen thereanent from seals and old paintings, the usage of compartments I have made appear to be an ancient practice, especially with us and the French, which frees me from an objection of having omitted to speak and treat on some part and figure now in use for adorning of armorial achievements, which I think I have now almost completed. And shall next proceed to put the whole armorial trimmings, that make up a complete coat of arms, particularly of the highest ranks of nobility, under a manteaux and canopy, and the arms of the inferior ranks under cloaks or mantles; and then come to a close of the exterior ornaments now and of old made use of in adorning and beautifying the armorial shield.

### C H A P. XIII.

#### OF MANTEAUXES AND PAVILIONS.

**H**AVING now fully already treated of all the sorts of figures and symbols made use of exteriorly in armories, to accomplish and complete the armorial achievements of those of the inferior and high ranks of nobility, I shall here leave those of the first degree, under cloaks and mantles, and these of the last degree, under manteauxes and pavilions, which being the utmost embellishments of armories I now treat on, I shall conclude this my System on the Exterior Ornaments in the Science of Heraldry therewith.

The rise and original of the usage of *manteauxes* and *pavilions* in armories, as the other exterior ornaments of the shield, are supposed by the most judicious heralds to have their beginning from the ceremonials of tournaments and joustings. Where it is to be observed, that it was customary for the arms of the combatants to be exposed to the public view of all beholders for some time before the said exercise began, and as the conveniency of the place allowed, they were exposed and

set forth upon military cloaks, carpets, mantles, tents, and pavilions. Which, Meneſtrier ſays, in old manuſcripts of ſuch exerciſes, were called enſigns, blazons, and covers of arms. And from a manuſcript which he had from Monsieur d'Orange, they were alſo called by theſe names. And he further adds, that the heralds did cry and advertise the knights to ſet out their banners, blazons, and houſes *d'écu*, or enſigns of arms, that the tournaments might be orderly. And, as I obſerved before, (when treating on ſupporters) of the piece of a formula of a challenge to a tournament, (out of Segar) given by the French to the English, it is there inſerted, that their ſhields of arms were to be hung up ſome days before the accompliſhment of the ſaid exerciſe upon their pavilions.

It is probable then, that in the places and nations where arms were moſt in requeſt, that there the embellishments of them had their riſe, and came to be placed on the moſt glorious ornaments, both of men and women, the ſame being enſigns, not only of acquired, but alſo of hereditary honour, as is evident by the practice of all civilized nations, in repreſenting the greateſt perſons, men or women, dead or alive, in their moſt noble habits with their arms. As for inſtance, the ingenious Mr Sandford, in his Genealogical Hiſtory of the Kings of England, gives us the effigies of Eleanor, wife to Edward Duke of Somereſet, who was ſlain in the battle of St Alban's, in the year 1455, as repreſented in the window of the Collegiate Church of Warwick on painted glaſs, with her mantle embroidered with the arms of her huſband the duke, and on her kirtle, or under-habit, theſe of her own family, from which he makes an obſerve, from a general practice, that wherever a woman is carved, cut out, or painted with a mantle or kirtle of arms, that theſe on the mantle are the arms of the huſband, and theſe on the kirtle are the wife's paternal ones, and backs or ſupports it with this reaſon, that the huſband's arms on the upper garment are as a cloak and mantle to ſhroud the wife from all violence, and theſe of her own, on her kirtle, or under garment, as being under covert.

The ſaid author likewiſe gives us another inſtance, which ſeems to contradict his former obſerve, yet more agreeable to the preſent forms of manteauxes with armorial arms on the foldings, and which is an ancient example of this practice, viz. in the 322d page of his ſaid Hiſtory, he gives us a figure of Anne Neville, the wife of Humphrey Earl of Stafford, which he has there cauſed cut as it ſtood painted on the window of the Cathedral Church of Litchfield, having on her upper garment, or mantle, the arms of her paternal family, being that of Neville, and no arms on her kirtle; but the arms of her huſband Humphrey Earl of Stafford is placed on the lining of her mantle, which, being turned back, repreſents (ſays he) an exact impalement of the arms of Stafford and Neville.

He gives us another inſtance on the tomb which Charles Somereſet Earl of Worcester cauſed erect for himſelf, (who lived in the reign of King Henry VIII. of England) and his firſt wife Elizabeth Herbert, daughter and heir of William Herbert Earl of Huntingdon, and Lord Herbert of Gower, in the Royal Chapel of Windſor, where his portraiture is repreſented apparelled in the habit of a Knight of the Order of St George, and his wife's in that of a counteſs, having her kirtle embroidered with her paternal arms, and on the mantle the arms of her huſband. In ſeveral of our old illuminate books of arms here in Scotland I have ſeen figures of the portraitures of ſeveral of our kings and queens, and ſome of the ladies of our higher nobility, before the reign of Queen Mary, depicted thereon, the men having their armorial bearings placed in a ſhield over their head, and the women having on their kirtles the arms of their huſbands impaled with their own, by which it would appear that we had the like practice of old here in Scotland, as well as in England; and preſumably, through the ignorance of our then herald-painters in drawing theſe effigies in their books, without upper garments or mantles, where their huſband's paternal arms ought to have been placed, they have impaled them together on their kirtles to make up this eſcape.

Monsieur Hoſier, in his Genealogy of the Signieurs of Labour, ſpeaking of Lewis de Combauld, who had followed the Conſtable of Bourbon in his wars, and being cloſe at his ſide when he was killed in the ſcaling of Rome, in the year 1527, covered the body of that prince with his coat of armour, which he threw off to hide the body of the prince from the ſoldiers, leſt the prince's death ſhould diſ-

courage them from the attack, which afterwards they accomplished with victory, by the prudence of the said Lewis, who, to perpetuate his presence of mind in that juncture, and his brave conduct, had after this his shield of arms enveloped with his surcoat, and, for motto, above it, these words, *Ubi mel ibi fel*. And Menestrier doth also narrate the same passage.

Let these instances I have given be sufficient for the ancient practice of placing shields of arms on cloaks, mantles, or manteauxes, and surcoats. I next proceed to consider these with their form used in latter times, as practised and represented by our modern heralds in their books of blazons, of which I met with three fashions of manteauxes or mantles, as they are pleased to call them; the first are these that are trussed up on both sides square like a curtain, such as these figures Richard Blome hath given us in his *Analogia Honorum* subjoined to Mr Guillim's fifth edition of his *Display of Heraldry*, viz. in the arms of Edward Viscount of Conway, and in several of the achievements of the barons of England, which is placed above their supporters in place of the ordinary practice of running leaves; and in arms without supporters, gives us figures of such mantles that surround the whole shield and helmet, except the crest and wreath, which stand without the same, several examples whereof he gives us, to wit, in the arms of Sir Wolstan Dixie of Bosworth, Sir Philip Matthews of Edmonton, Sir John Osborne of Chicksands, and divers others, both knights and esquires.

The second fashion or form of mantles are figured, hanging down around the shield and helmet in many plaits and foldings, like to a cloak or gown, when hanging about one's shoulders, which Sylvester Petra Sancta calls *chlamys*, *umbrella*, or *palliotum*. Several examples hereof the said Mr Blome hath given us in his said *Treatise of Honour and Nobility*, particularly in his cuts of the arms of Sir Edmond Bacon of Redgrave, Sir John Wittewronge of Rothamsted, Sir Robert Jason of Broad-Somerford, Sir John Shaw of Eltham, Sir Stephen White of Hackney, Francis Dives of Brumham, Anthony Rowe of St Martin's, and a great many more, both knights and esquires. And our learned countryman Sir George Mackenzie, in his *Science of Heraldry*, page 88. hath given us a figure of such a like mantle surrounding the arms of the surname of Denham of old, which he calls an *antique mantling*.

Now, as these two fashions of mantles are chiefly given by the British heralds to those of the inferior rank of nobility, though the said Mr Blome hath also more irregularly trimmed several of the noble peers of England with such mantles about their helmets, (as may be seen by the many figures he hath given us cut in copper in his forecited book) so it will appear, that the French practice seems to be the same; for Menestrier tells us, that these mantles serve as an ornament to such families, who have no title of dignity, and that their first rise was from tournaments, and were anciently used by persons of quality, especially ladies, (as I observed before) who, as is yet to be seen on several ancient tombs or funeral monuments, are represented in cloaks or mantles, with their husbands' arms upon them, and on their under-garments or kirtles, with these of their own families; which practice is frequent in the German armorial bearings, and in those of Naples, as saith Menestrier.

The tinctures of these cloaks or mantles are with foreigners the same with the tinctures of their arms; but with us in Britain they are red, doubled with white. Sylvester Petra Sancta, in the 80th chapter of his book *de Pallio et Tentorio in umbrante gentilitias tesseris*, gives us two cloaks, (such as that I last narrated from the cuts in Mr Blome's *Treatise*) one of them with a ducal escutcheon placed upon it, which he calls *Chlamydem seu umbellam, qua circumvolvitur icon gentilitia duntaxat ducum et principum*. And this mantle is doubled with *ermine*, and is fit for those (says he) of the high degree of nobility. The other mantle he gives us is without *ermine*, and tells us the same is fit for commanders and captains of soldiers to use.

The third and most honourable sort of manteauxes, now used both in France and Britain, are more round in their figure than the former I have mentioned, and are doubled with *ermine*, which envelope or go round the escutcheon: and upon the foldings or skirts of these mantles are frequently embroidered the arms of the own-

ers, that when they are brought over the escutcheon and meet, the embroidered arms are entire as on the escutcheon within.

Menestrier says, that the first use of this mantle, or *manteaux*, is not above 150 years since; and the first of them he met with was that one which surrounds the arms of the Duke of Lorraine in the *Allemagne armorial*, and he calls such ones *deux manteauxes*, because none but princes, dukes, and peers of France used them, as also cardinal princes and cardinal dukes; and tells us, that Cardinal George Duke de Armagnac, Legate of Avignon, had his arms placed on such a *manteaux* in the year 1583. And Cardinal Richelieu and Cardinal Mazarine had their arms so adorned.

The use of these *manteauxes* or mantles is but late in England; and the first figures of them I have met with in the herald books of that kingdom, are to be found in the said Mr Blome's *analogia Honorum*, subjoined to Mr Guillim's fifth edition of his *Display of Heraldry*, folio, London 1679, an example whereof he therein gives us, done on copperplate, surrounding the armorial achievements of Henry Pierrepont Marquis of Dorchester. And in other English herald books I have seen figures of the achievements of Henry Somerset Marquis of Worcester, Heneage Finch Earl of Winchelsea, and John Lord Bellaysse Baron of Worlaby trimmed with the like mantles. But the first practice of these mantles I met with in Scotland, was that of the armorial bearing of Charles Earl of Lauderdale, which was trimmed so at London, and cut on a copperplate, in imitation of these I have before mentioned, which in figure are all done in the like method and form as I caused cut on copper the achievements of James Duke of Hamilton, which is placed before my dedication to him of my First Volume of this System of Heraldry. But though the English, by the above examples, allow this mantle to be assumed, and carried by all degrees of their high nobility, yet this custom being not so practised by other nations, in my opinion none but dukes, marquises and earls ought to have their arms trimmed with such mantles, and none under these degrees of nobility ought to assume the same, till at least the practice hereof be more universally used abroad. For this mantle is ordinarily named a *comital mantle*, and therefore it is irregular for lower nobility, that have not advanced to the degree of Earl, to trim their achievements with comital mantles. As also it is to be observed, that anciently the coronets of earls were after the same shape and form with those of the degree of dukes, as was also their other ensigns of honour; and besides, this form of mantle is particularly allowed by a general practice to all of the degree of earl.

The first appearance of this *manteaux*, or mantle, on funeral escutcheons with us in North Britain, was on that of the Right Honourable John Dalziel Earl of Carnwath, who died at Edinburgh, and was interred at the Abbey of Holyroodhouse in the year 1702, a nobleman of good learning, and well known in this science of heraldry. And the next I observed was on the funeral escutcheon of the last George Earl of Winton Lord Seaton, the blazon whereof I subjoin as follows.

Quarterly first and fourth *or*, three crescents within a double tressure, flowered and counter-flowered with flower-de-luces *gules*, for the surname or Seaton; second and third *azure*, three garbs *or*, for the earldom of Buchan, over all an escutcheon parted per pale, first *gules*, a sword in pale proper, hilted and pommelled *or*, supporting an imperial crown within a double tressure flowered and counter-flowered with flower-de-luces of the last as a coat of concession, second, *azure* a blazing star *argent*, within a double tressure, flowered and counter-flowered with flower-de-luces *or*, as a coat of augmentation assumed by Robert, first Earl of Winton: which escutcheon is timbred with crown, helmet, and volets befitting his quality; and on the helmet, in place of a wreath, is set a ducal coronet, and thereupon, for crest, is placed a dragon *vert*, spouting out fire before and behind, proper, charged on the wing thereof with a blazing star *argent*, and on the fire, out of the mouth of the dragon, are the words *Sett-on*, and above, on an escrol, for motto, these words, *Hazard zit forward*: supporters two martins proper collared, *or*, and charged with crescents *gules*, and to the collar are chains affixed passing between their fore legs, and reflexing over their backs, and on an escrol (coming from behind the sides of the shield, and over the middle of the supporters) this epigraph, *In via virtuti vitia nulla*, and below, on the compartment, is inscribed this motto, *Intaminatis ful-*

get honoribus. Behind the shield are placed two battons saltier-ways *gules*, *semé* of thistles, ensigned with imperial crowns *or*, and topped with the same crown, as the particular badge of the king's master-household; all which are placed upon a comital manteaux *gules*, doubled *ermine*, fringed *or*, and upon the upper laps of the manteaux the foresaid arms. At the four corners of the achievement are placed as many devices of the family in roundels, the uppermost on the right side, being *or*, a crescent, increscent, and decrescent interlaced *gules*, and out of the crescent issueth a sword, proper, hilted and pommel'd *or*, supporting an imperial crown proper, and on the circle going round this device these words, *In adversity patience, in prosperity benevolence*. The second upper device on the left is almost the same with the former, only hath a garb in place of the sword ensigned also with an imperial crown, and the third as the second, and the fourth as the first, and round the foresaid achievement and devices were placed sixteen escutcheons of noble families, with their respective coronets, as the proofs of the said Earl's nobility paternal and maternal.

But to return, Menestrier tells us, that the presidents of the several parliaments in France, in imitation of the peers of that kingdom, are in use to place their arms also on their mantles, which they wear with their other robes in parliaments, and all solemnities, being scarlet doubled with a grey fur. But then it is to be observed, that the skirts or foldings of these mantles of theirs are not embroidered with their particular arms, in like manner as these of the dukes and peers in France, and with us, are now accustomed to trim their achievements, yet they have placed down on the left side of their mantles a gold galloon as a mark of knighthood, which is always affixed to the office.

I shall next proceed to speak anent the pavilion or canopy, and then have done. *Pavilion* is in the nature of a tent or tabernacle, being three different names for the same thing, as derived from several languages; they were the chief habitations of the ancient patriarchs in the first ages of the world, as may be seen in Gen. xii. 8. And such is the manner of the Tartars at this day; some of them have no towns or villages to inhabit, but the open and champaign fields, after the manner of the Scythians. And Mr Guillim tells us, that since tents have been laid aside for habitation, they have been made use of for armies during the campaign, and came afterwards to be used in heraldry. And the family of TENTON in England bears *sable* a chevron between three tents *argent*. But the word *pavilion* is borrowed from the French, and pavilions, as we generally represent them, are round at the top, and sometimes borne in coat-armour, as may be seen in the bearing of the Company of Merchant-Taylors of London, whose arms are *argent*, a tent-royal between two parliament-robes *gules*, lined *ermine*, on a chief *azure*, a lion *passant gardant*, *or*. Yet the noblest instance of a pavilion is, that sometimes the achievement stands within a royal pavilion, as that of the Emperor and King of France; this Sylvester Petra Sancta calls *tentorium*, and is, as he observes, competent only to princes, though all princes use them not. But I admire why the Kings of England did not assume as well the pavilion as the arms of France, seeing that is one of the special honours of that kingdom. And Monsieur Baron, in his Art of Heraldry, calls this royal pavilion *Augustale Tabernaculum Regium scuti Tentorium*. The figure of this pavilion or canopy has two principal parts, the *combel* and *curtains*; the first is the hat or cover, with rays going along the top, and at the bottom thereof tassels hanging down; the second are the tapestry of curtains, which are lined with *ermine*, and these hang down from the combel, and which last, being the curtains without the combel, may be allowed to environ or envelope the achievements of elective and feuditary kings and princes, according to the opinion of some heralds; and none but sovereign princes can place their achievements under a pavilion, covered with a combel. That of the King of France is ordinarily given us under a royal pavilion, whose blazon thereof, according to Monsieur Baron in his *l'Art Heraldique*, page 120, I shall here subjoin as follows in his own words:

“ D'azur à trois fleurs-de-lis d'or deux, en chef & un en pointe; l'écu timbré d'un casque d'or, ouvert, placé de front, assorté de ses lambrequins des émaux, son blason, & surmonté de la couronne imperiale Françoisé; environné des colliers des Ordres du Saint Esprit et de Saint Michel; tenu par deux anges vêtus en

“ Levites, tenans chacun une bannier & ayant leurs dalmatiques, chargés du  
 “ mesme blason ; le tout placé sous un grand pavillon semé de France & double  
 “ d’hermines, son comble rayonné d’or & sommé de la couronne imperiale Française,  
 “ garni d’un fleur-de-lis à quatre angles, qui est le cimier de France. Le cri de  
 “ guerre est Montjoye S. Dennis: ce saint estant le patron & l’apostre de la  
 “ France ; le susdit pavillon attache à l’oriflame du royaume, qui est surmonté de  
 “ la devise ; *lilia non laborant neque nent*, laquelle est tirce de l’éloge que le Fils de  
 “ Dieu donne aux lis dans l’Ecriture, lui faisant faire allusion à la loi Salique, qui  
 “ exclude le filles de la Royauté.”

The blazon in English thus ; *azure*, three flower-de-luces *or*, 2 and 1 ; the shield is timbred with a golden helmet, standing direct forward, and open in the face, adorned with lambrequins of the tinctures of the arms, and ensigned with the imperial crown of France ; the shield is environed with the collars of the Orders of the Holy Ghost and St Michael ; supporters two angels, proper, in dalmatic habits, charged with the same figures, each holding a banner, all under a pavilion *semé* of France, doubled *ermine* ; the combel being of rays of gold, is ensigned with the imperial crown of France, and it again topped with four flower-de-luces, the crest of that nation ; on an escrol the cry of war, *Montjoie St Dennis* ; behind the pavilion is placed the royal banner or oriflame of France, and over all, on an escrol, the device of France, *Lilia non laborant neque nent* ; which is drawn from the words of the Son of God, spoken in the Scripture of the lilies, making an allusion to the Salique law, which excludes women from succeeding to the sovereignty of France. The foresaid Monsieur Baron and others place the royal arms of France on a compartment, which they mention not in their blazons as we do ; they make it represent a pavement *chequé*, of four tracts, *argent* and *azure* on the first, the letter L ensigned with an imperial crown, and on the second a flower-de-luce *or*.

As for the antiquity of the pavilion of France, Menestrier tells us, That Philip de Valois had it on his seals and coins of gold, for which they were called pavilions ; and that Philip Moreau was the first contriver of the royal pavilion ; he likewise tells us, That he has seen the arms of Cardinal Charles of Bourbon, which were supported with lions, and a crosier of an archbishop behind the shield (which was not crowned) under a pavilion *semé* of the cyphers of his name, surmounted of a cardinal’s hat, and the curtains of the pavilion are drawn by, to let the arms be seen, by two arms, with manuples over them, holding flaming swords.

The kings of Denmark, Portugal, and the Duke of Savoy, as King of Cyprus, have had their achievements under pavilions. It is thought strange that the kings of England did not assume the pavilion of France as well as their arms, nor used another of their own. Our sovereigns, equal in dignity with the greatest in Europe, have never been in use to place their arms under a pavilion, so far as I can learn, who, for their antiquity and long succession of 112 kings, and for their ancient use of their fixed armorial ensigns, may justly claim precedency of all the crowned heads in Europe and their armorial bearings, which have been altered and changed by others conquering them, and succession of strangers, to which abatements and mutations our sovereign ensigns were never subject, but always hereditary and entire, ; which from age to age have been adorned with all the marks of greatness then in use and since, do justly merit all the embellishments of honour that can be invented to adorn arms ; therefore, if placed under a pavilion, may be blazoned thus.

The royal achievement or sovereign ensign armorial of the kingdom of SCOTLAND, *or*, a lion rampant *gules*, armed and langued *azure*, within a double tressure, counter-flowered with flower-de-luces of the second, timbred with a helmet standing direct forward with bars *or*, adorned with lambrequins *or*, doubled *ermine*, and ensigned with the imperial crown of Scotland, and thereon, for crest, a lion *seiant*, full-faced *gules*, crowned *or*, holding in his right paw a naked sword, proper, and in the sinister a sceptre *or*, both erected, and above, on an escrol, for motto, *In defence*. The shield is encircled with the colour of the Most Ancient and Most Noble Order of the Thistle, with the badge thereto appended, of gold enamelled *azure*, having the image of St Andrew surmounted of his cross *argent*, and sup

ported by two unicorns *argent*, crowned with imperial and gorged with open crowns; to the last chains affixed, passing betwixt their fore legs, and reflected over their backs *or*; he on the dexter embracing and bearing up a banner of cloth of gold, charged with the royal arms of Scotland; he on the sinister another banner *azure*, charged with a St Andrew's cross *argent*, standing on a compartment like a pavement, *chequé or* and *azure*; on the first, the armorial figures of Scotland; and on the second, the cross of St Andrew, all within a royal pavilion of cloth of gold, *semé* of thistles slipped proper, doubled *ermine*, the combel *rayonné*, and adorned with precious stones, and topped with the imperial crown of Scotland, over all, on an escrol, the device of Scotland, *Nemo me impune lacesset*.

Sylvester Petra Sancta has placed the arms of the Archduke of Austria within a pavilion.

The Doge of Venice placed above his arms an ombel, like to the gonfannon of the church of Rome, which was granted to these in that office by Pope Alexander III. when he fled to Venice from the persecution of the Emperor Frederick.

How the several monarchs of Great Britain, since the union of the two crowns, have compounded and diversified their royal achievements may be seen cut on copperplate, Volume the First of this Book.

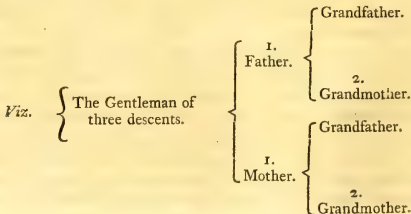
#### C H A P. XIV.

OF NOBILITY WITH ITS PROOFS, REGULARLY COUNTED AS THEY ARE PLACED ON FUNERAL ESCUTCHEONS, AND OTHER MONUMENTS OF HONOUR, WITH THE FORMS AND CEREMONIES OF FUNERALS AMONG US.

**U**NDER the name of *Nobles* are comprehended the *Prince, Dukes, Marquisses, Earls, Viscounts, and Barons*. And though our law doth not call any man noble under the degree of a Baron, yet some distinguish between *nobiles majores*, which is from the prince to the baron, and *nobiles minores*, which includes all under a baron to the gentleman.

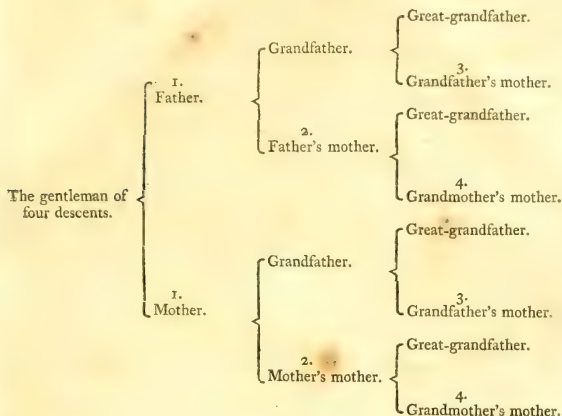
A gentleman of blood is one descended of three descents of nobles, viz. of name and arms, both by his father and mother; for gentility is not perfect in the person on whom it first devolved, but must be continued and completed by succession. Thus, among the Romans, though the father was free born, and of the equestrian cense, yet it was requisite that the grandfather should be the same, otherwise he could not obtain the ring, which is one of the symbols of the equestrian order, as Pliny informs us. Gentility then begins in the grandfather, increases in the father, and is completed in the son.

The proofs of nobility therefore, of three descents, are reckoned the armorial ensigns or tesseras of gentility, viz. the grandfather and grandmother on the father's side, and the grandfather and grandmother on the mother's side, which are counted thus: The grandson is first set down, and above him his father and mother, and above them their fathers and mothers, being the grandfathers and grandmothers of the first mentioned, who is the gentleman of three descents, as in the following Table.

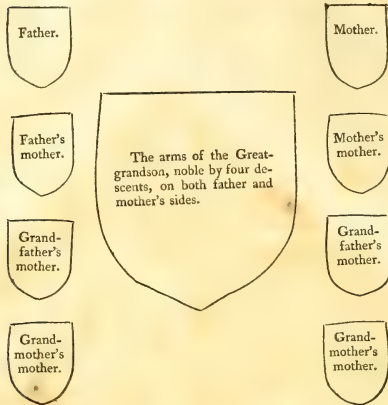


These four quarters are marshalled and disposed on the sides of the grandson's escutcheon, or other monuments of honour, as proofs of his nobility, and are called by the Latins, *Quarteria, Tessera, vel argumenta nobilitatis*; but the Germans and Dutch call them *The four Lineages*, on account that the son proceeds from them by four lines; and we on the same account, though somewhat improperly, call them *Brambes*, for the son is rather a branch of the grandfather's, than they of him.

Proofs of nobility by four descents make eight quarters, which is counted by adding a father and mother to every one of the four former; and the number of eight quarters is ordinarily used by our heralds in funeral escutcheons and other monuments of honour, in manner following, viz.



These eight quarters, or proofs of nobility are placed round the escutcheon or arms of the great-grandson to show his nobility by four descents; the paternal quarters on the right side, and the maternal on the left, which appears more plain by the following figure.



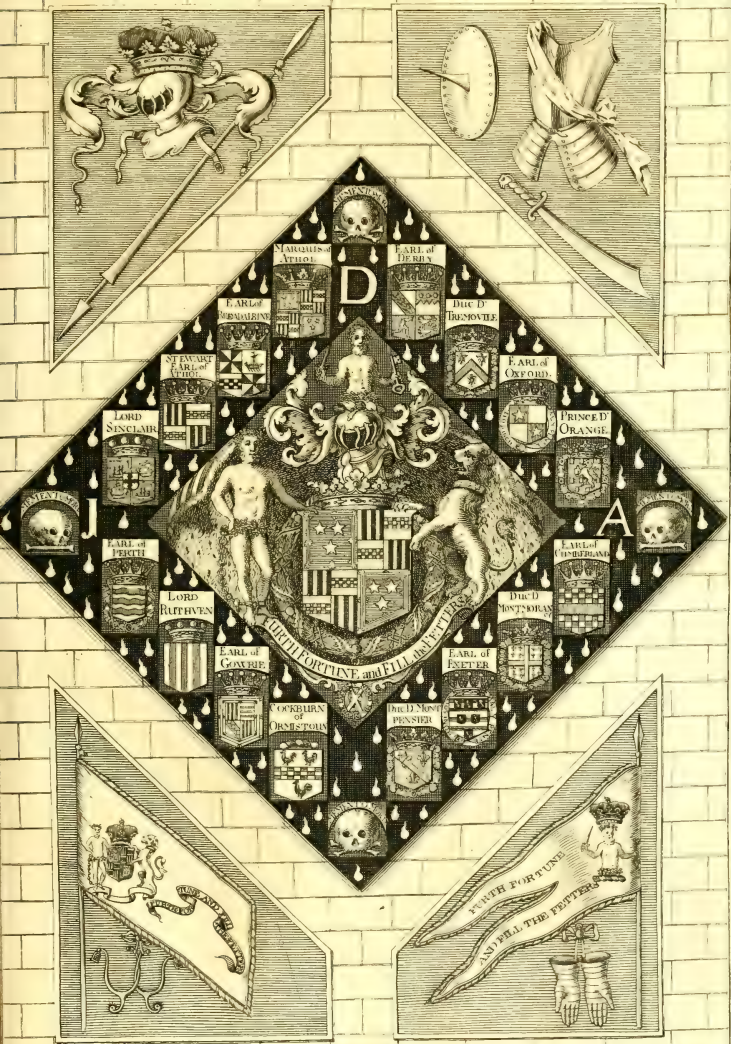
These quarters ought to be regularly placed, as in the foregoing schemes, and should be genuine and true, and not ignoble, or borrowed from other families, which are forbidden by the statutes and edicts of several countries, as contrary to the laws of heraldry.

Some countries, by their laws and institutions, require, as proofs of complete nobility, sixteen quarters, which are counted the same way as in the former scheme, by adding a father and mother to every one of the eight quarters, which may be multiplied to any number; some of our noble families counting their genealogies from the father and mother's side to the number of sixty-four quarters. The common practice of these proofs with us may be seen on funeral escutcheons, which I shall here describe, with their trimmings and other pieces of funeral pomp.

The *funeral escutcheon* is in form of a lozenge, about six feet and two inches square, on black calicoe or silk, with a border of black cloth; in the middle of which is painted the complete achievements of the defunct, with its exterior ornaments, and additional marks and badges of honour finely illuminated; and round the sides are placed the quarter proofs in the order before described, consisting sometimes of eight and sometimes of sixteen on both sides, to show that the defunct was noble by five descents on both sides; and on the four corners of the border are placed four mort-heads, having in the interstices of all these paintings *semé* of tears; a draught, or figure, of which is exemplified in the funeral escutcheon of the most illustrious prince, John, late Duke of Athol.

The quarters or symbolical proofs of nobility, being coats of arms placed on the sides of the defunct's achievements, are not timbred with helmet nor crest, though adorned with other marks and dignity, such as coronets, collars of sovereign

# The Funeral Scutcheon of His Grace, John Duke of Arrol.





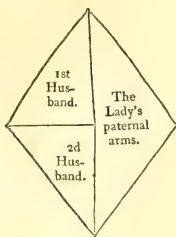
knighthoods, or the badges of high offices, which the owners of these quarters did enjoy.

The escutcheon above described is commonly placed on the fore part of the house, or above the gate where the deceased lies; and another of the same form is fixed in the church or aisle over the place where he is interred; and above that escutcheon is an helmet, wreath, and coronet, suitable to the quality of the deceased, covered with a loose black silk crape.

A lady dying in her husband's lifetime has her arms impaled in a formal shield with those of her husband trimmed with exterior ornaments belonging to his quality, and may be cottised on the left with the supporter of her paternal family.

A widow lady has her paternal arms on a lozenge shield, impaled with those of her husband's on the right, surrounded with *la cordelière*, i. e. a belt or ward interlaced with knots, which the Latins call, *Gingulum laqueatum illustrium matronarum*; and by the custom of France is allowed to none below knights' wives, though our heralds give it without distinction to all gentlewomen who have right to arms.

Which paternal arms may be adorned with her father's supporter and coronet, or those of her husband, and her proofs of nobility placed round the escutcheon; and if she has had two husbands, their arms may be marshalled by way of *parti miscoué* on the right, and her own on the left, after this manner.



An unmarried lady or gentlewoman has her paternal arms likewise on a lozenge shield, surrounded with a *lags d'amour*, and cottised with the supporters of her family, ensigned with a coronet suitable thereto, if descended of high quality; and if not, ensigned with a garland of flowers, having her proofs of nobility disposed round her arms as before.

Some heralds have been in use unwarrantably to place the arms of a gentlewoman under a canopy, with curtains and a combel, which is only due to princesses and illustrious ladies. So much shall serve for the funeral escutcheon, with the arms and quarter proofs of nobility.

There are other things, besides the lozenge structure or escutcheon above mentioned, upon which the arms or quarters of the deceased used to be placed; such as the coffin, the canopy or pall of velvet, coaches, horses, and trumpet-banners, (which are all that are now in use with us) as also other utensils used at funeral solemnities, as guideons, standards, pennons, banners, bannerols, with other

badges of honour, viz. the coronet, helmet, crest, sword, surcoat of arms, gauntlet, spurs, and other pieces of armour, which, after the interment, used to be hung up on walls or pillars near the grave, as may be seen in most of our churches. And in other kingdoms they have a repository or case for containing the cassock or surcoat of arms, above which is placed the helmet and coronet, supported by the sword on the side thereof, and below are the gauntlet or spurs. Which repository is adorned with the paternal and maternal ensigns of the defunct's quarters, called by the French *cabinet d'honneur*, or *cabinet d'armes*, and by the Latins *armarium insignium*, in imitation of the repository used by the Romans for holding their statues, which were the signs of their nobility before the use of arms.

Most of the funeral solemnities still used in Europe, as well as armorial ensigns, are from the customs of the ancient Romans, and seem to represent them, either in consuming bodies of their dead, with their ensigns of honour, in pompous piles of fire, or in their custom of interring them in graves, and adorning the places with them.

Another piece of funeral pomp, is called the *fiery chapel*, *chapelle ardente*, by the Latins *pyra* or *capella ardens*, being composed of a heap of combustible matter, artificially set up in the church, after the fashion of a funeral pile; in the middle of which, when set in flames, is to be seen a coffin (representing the true one interred) covered with black silk, adorned with crown, sceptre, sword, globe, and other regalia, with the ensigns of arms of the prince, there consumed; and this royal machine of fire is allowed to none but to princes, and was so decided in the Court of Brabant, 21st of August 1659.

As for the custom of burying the bodies of princes and great men with their regalia and ensigns, Quintus Curtius tells, That the grave of Cyrus being opened by the order of Alexander the Great, there was found his shield, two bows, and a battle-axe. Chiffletius says, When the grave of Childeric King of France was opened, there were found by his body, his sword, and other ornaments, with little pieces of metal formed like flower-de-luces, his armorial figures, which some said represented bees, upon which they ascribe bees for the ancient arms of that kingdom, by mistake.

In the grot or cave in the church of St Stephen at Vienna, where the Austrian family bury, the body of Albertus was found, with his sword; upon the hilt were the arms of Austria Ancient and Modern, and on the blade those of Hapsburg; though it has been in use to bury some ensigns with the defunct, yet those before mentioned were exposed above ground also.

The hanging of churches, houses, and other places with black, upon the decease of great men, was customary with the Romans, who put themselves, coaches, and chariots, and other utensils, in mourning upon funeral occasions; but as Diodor. Sicul. *lib.* 20. observes, The Carthaginians exceeded them in their public mournings, for they hung the walls of their city with black, and sometimes their fleet of ships, upon the death of their chief commanders.

The same formality has continued all Europe over to this time, not only in putting mournings upon the friends of the deceased, and their utensils, but in covering the insides of their houses, burying-places, and churches, with black, some with painting, others with black cloth, and adorning them with the arms and symbolical quarters of the deceased, and other signs of death, as tears, mort-heads, and such like.

There is another piece of funeral pomp mentioned by the French, which I have not heard practised with us, called the *funeral belt*, *zona lugubris*, and by the French *le litre*, which surrounds burying-places, chapels, and churches without; and for sovereign princes may be made of black silk, but for illustrious nobility of black cloth, two feet in breadth, adorned with the arms and symbolical quarters of the deceased. Philibert Monet says, by the laws of France none can have this mourning-ribbon, or *le litre*, but those that are great lords, founders, and patrons of churches. To insist no further of funeral solemnities, now used, and originally from those of the Romans, I shall put an end with this observe,

That as arms, as ensigns of nobility, came in place of the statues and images of the noble Romans, so are they exposed in all sorts of solemnities, as the Romans had their statues, and especially at their funerals, which were carried along with the deceased, to show his noble descent. Tacitus tells, That twenty images were carried at the funeral of Manlius, and as many at that of Quintus; and speaking of the funeral pomp of Drusus, he says, It was pleasant to behold the statues of Æneas, the first of the Julian family, those of the Albanian kings, next the Sabian statues, and then those of the Claudian family, all marching in a comely procession. And not to add other instances of carrying these statues as proofs of nobility, from other authors and poets, I shall only mention that of Horace :

Esto beatus, funus atque imagines-  
Ducunt triumphales tuum.

After the solemnity was over, the image of the defunct was set up before the door of his house, as we do with the funeral escutcheon of our dead, for the honour and encouragement of the family to live nobly and virtuously.

As to what further concerns the funeral solemnities of other nations, we must refer our reader to their respective historians that treat of these subjects, and shall conclude this chapter with a description of the funeral solemnities observed at the interment of the high and potent Prince John Duke of Rothes, Lord High Chancellor of Scotland, the 23d day of August 1681, according as I took the same from a fine draught and figure thereof, done with China ink, in four large sheets of Lombard paper, which proceeded as follows.

First, Two regiments, with the artillery and equipage, marched all before in a mourning posture: Next followed two conductors with crapes in their hats, and black staves over their shoulders; then the little gumpheon carried upright, which was of a square figure, and embattled round, carried up by a staff traversing the middle backward, being charged with a mort-head, and two shank-bones in saltier, and, in an scroll above, *Memento mori*, which was borne by a person in a side mourning cloak and crape; and on his left side marched another in the same dress, bearing up another banner of the like form, charged with a sand-glass set on a pair of wings, with this motto above, *Fugit hora*: Next followed fifty-one poor men in gowns and hoods, the first bearing up a banner of a square form, charged with the duke's arms and coronet within a ducal mantle; the rest marching two and two, carry up each a like square banner, by a staff traversing the middle backward, charged with the duke's arms in a shield, ensigned with his coronet: Next, a trumpet mounted on horseback, having the flag of his trumpet charged with the duke's whole achievement; after followed a cavalier armed at all points, also mounted on horseback, and holding up a spear erect, with caparisons on his horse: next, the colours of the defunct in a banner borne up by a gentleman in a mourning-cloak and crape by a staff at one of the ends; then followed the defunct's servants, in number twelve, two and two, in mourning-cloaks and crapes: Next marched the pencil of honour, which divides in two points at the end, charged with the duke's whole armorial bearing; in another banner the coat of Abernethy, and in a third the coat of Leslie, each within a laurel garland, and then followed the standard of honour, charged also with the duke's entire bearing; each of these banners are borne up by persons in mourning-cloaks and crapes, with staves at one of the ends, and all of them fringed with the liveries and colours of the duke: Next marched the horse of war, led by two lacquies of the defunct bareheaded: Next, two close trumpets in black cloaks and crapes, the flags of their trumpets charged with the duke's arms; after marched two pursuivants, viz. Bute and Carrick in gowns, with their coats displayed above the same, and black side-crapes in their hats; then the great gumpheon or mort-head charged as aforesaid. Next, the coat of Abernethy, surrounded with a laurel in mourning, and after that the little mourning-standard, divided in two points at the end, charged with the duke's whole arms; each of these three banners are borne up by

a staff at one of the ends, by persons in mourning-cloaks and crapes: Next marched fourteen gentlemen of the defunct's friends, two and two, in side mourning-cloaks and crapes: Next two pursuivants, viz. Kintyre and Dingwall, in gowns surmounted with their coats displayed, and long crapes in their hats; then followed the spurs, the gauntlets, the croslet, the targe, the helmet, wreath, and crown, the sword, each borne upon a spear, by as many gentlemen marching after other in long black cloaks and crapes; then the defunct's saddle or pad-horse led by two lacquies in liveries bareheaded: Next, the late counsellors of Edinburgh in number twelve; then the present counsellors thereof, of the like number, in their robes with crapes in their hats, two and two; then the four bailies of Edinburgh, two and two, in their robes, and battons or white-rods in their hands; then followed the sword and mace of the city, carried by persons in gowns, with caps of permission, the sword erect in pale in the hand of the one, and the mace over the shoulder of the other; then followed the Lord Provost of Edinburgh, walking by himself, clothed in his side robes, with his white rod in his hand; then the clergy of Edinburgh, two and two, the masters of colleges two and two, the Principal following alone, and all in their gowns, with crapes: Next, gentlemen and barons, two and two, in long black cloaks; then the writers to the signet, two and two, in the like cloaks: then the advocates of session, clerks of the council and session, and commissaries of Edinburgh, each in their gowns, marching two and two; then the macers of session, two and two, in their gowns bareheaded, with the maces over their shoulders: Next, followed the fourteen Lords of Session in their gowns, two and two; and after marched the President by himself in his gown; then followed the Lord Chancellor's gown, carried in the two hands of a gentleman in a black cloak; then the officers of state who are not noblemen, viz. first the Lord Register, and Lord Justice-Clerk; then the Lord Treasurer-Depute with a rod in his hand, and the Lord Advocate, all in their gowns: Next, followed the barons or lords, two and two, in side mourning-cloaks; then the bishops, two and two, in their gowns; then the viscounts, earls and marquisses, two and two, in side mourning-cloaks: Next, two pursuivants, viz. Unicorn and Ormond, in black gowns surcharged with their coats displayed; then followed two close trumpets with black cloaks, their trumpets flagged with the duke's arms: Next marched eight banners, borne up by the following gentlemen walking two and two, viz. the first banner charged with that of the armorial arms of the Earl of Roxburgh, and borne by Thomas M'Dowall of Makerston; the second charged with the arms of the Duke of Antragne, surrounded with the Order of St Michael, borne up by Sir William Hope, brother to Hopeton; the third charged with the arms of Hamilton of Evandale, and borne up by the laird of Gilkercleugh; the fourth charged with the arms of the Earl of Tullibardin, borne up by Mungo Haldane of Gleneagles; the fifth charged with the arms of the Earl of Perth, borne up by the laird of Hawthornden; the sixth charged with the Duke of Lennox's arms, borne up by Mr William Gordon, Advocate; the seventh charged with the arms of the Earl of Rothes, borne up by Sir John Leslie of Newton; and the eighth and last charged with the arms of the Earl of Marr, borne up by Sir John Erskine, brother to Alva: all which gentlemen are in black cloaks, and these, with the nobility and others above, had all black crapes in their hats: Next follows the mourning-horse covered with black cloth, adorned with the duke's arms, and led by two lacquies bareheaded; then marches the great mourning-banner, charged with the duke's whole achievement, and borne up by the master of Newark in a mourning cloak and crape: Next follow six heralds walking two and two in mourning-gowns or cloaks, with their coats displayed above the same; the first, viz. Ilay herald carrying the arms of Leslie within a cartouch; the second, Albany carrying the coat of Abernethy within the like; the third, Marchmont carrying the duke's crest, motto and wreath; the fourth, Rothsay carrying the duke's helmet, coronet and mantle; the fifth, Snowdown carrying the sword; and, the sixth, carrying the target; and after these heralds follow the domestics of the defunct, viz. first, two chirurgeons; and next two secretaries in black cloaks, then two chaplains in their gowns, and then two doctors of physic in black cloaks, and next eight lacquies of the defunct; all which domestics walked bareheaded; then follows his

horse and furniture fitted as for riding of Parliament, led by the duke's gentleman of horses bareheaded in a side black cloak; then follows the duke's coronet, with the cap, carried on a velvet cushion by a gentleman in a black cloak and crape; and next follows the two archbishops in their gowns with crapes; then followed the Lord Lyon in a mourning cloak, with his coat displayed above the same, carrying before him the escutcheon or lozenge structure, adorned with the duke's whole armorial bearing, supported on the dexter hand by Sir Robert Sinclair, Baronet, and, on the sinister, by Sir Charles Erskine, Baronet, both in black cloaks and crapes: Next followed the laird of Meldrum, as commander in chief of his majesty's forces, with his baton in his hand, supported on the dexter hand by Sir Thomas Moncrieff, as once high treasurer, with a rod in his hand, and, on the sinister, by the usher, with his mace over his shoulder, all in black cloaks and crapes; then followed two maces of the privy council in their gowns bareheaded, with their maces over their shoulders; then after followed the chancellor's purse and seal, borne up by a gentleman in a black cloak bareheaded, and, on his left-hand, the chancellor's mace borne over the shoulder of another gentleman bareheaded in a mourning-cloak: Next followed the pall or the mort-cloth, adorned with the duke's arms and these of his relations, as also with mort-heads, tears, and the initial letters of J. D. R. for John Duke of Rothes, ensigned on the top with his ducal coronet; which pall was borne by these noble relations, viz. the Duke of Hamilton, the Marquises of Douglas and Athol, the Earls of Airth, Buchan, Cassilis, Linlithgow, Perth, Roxburgh, Queensberry, Tweeddale, and Tarras, the Lords Cardross, Pitsligo, and Newark; and the canopy or pale, adorned in the same manner as the mort-cloth, was supported by the following noblemen's sons, viz. Lord Murray, Lord Charles Hamilton, Lords Lorn, Keith, Livingston, Glamis, Crichton, Ogilvie, Yester, Boyd, Cochran, Inverury, Lord Charles Murray, Lord James Murray, Masters of Kingston, Forbes, Ross, Balmerino, Burleigh, Melvill, and Pitsligo, besides several barons, knights, and gentlemen, who attended near the body to assist and relieve the noblemen in their turns, all in black cloaks and side crapes. The deep mourners follow next in gowns and hoods, two and two, to the number of twelve; the Marquis of Montrose and Earl of Haddington, sons-in-law to the defunct, walk first; and there was ten lords assistants to the chief mourners in black cloaks, bearing up their trains bareheaded; and after them follows the defunct's mourning coach drawn by six horses covered with black, and adorned with mort-heads, tears, &c. and led by six lacquies, and a postilion, all in black, the coachman having on a black gown: Next succeeds two trumpets and a kettle-drum mounted on horseback, followed by his majesty's troop of guards, which concluded the solemnity.

N. B. Roderick Chalmers, Ross herald, and herald-painter in Edinburgh, to whom we are obliged for the preceding chapter of quarters, proofs of nobility, desired us to acquaint all persons who shall please to cause make out their genealogical quarters, proofs of nobility, according to the preceding scheme, that he will mark them down in his books *gratis*; his only design being to prevent mistakes that may happen when things of that nature are required of him to be done in haste. —That as he has no advantage in view by doing so, other than the pleasure of serving those, to whom he has been, or may be obliged, and that when any affair of that kind is demanded, he may be able, from his registers, to perform it with justice and exactness; he therefore expects they will not neglect the opportunity of doing themselves this service; and to secure their pains from being lost, he is resolved to leave all such genealogical accounts, so given in to him, in such a public manner at his decease, as shall effectually preserve them for the use of posterity.

## C H A P. XV.

## OF CAVALCADES AND PUBLIC PROCESSIONS.

**F**ORASMUCH as all cavalcades, royal and public processions, and the solemnities thereof, have been always committed to the ordering and marshalling of the Lord Lyon and his brethren heralds, we shall, for the greater embellishment of this book, and satisfaction of our readers, proceed next to subjoin, from authentic copies, some whereof never before in print, the form and manner of the coronation of our kings, the royal baptism of Henry Prince of Scotland in Stirling Castle, 30th August 1594, the splendour of the riding of our Parliament at Edinburgh, July 25th 1681, as recorded in the Books of Privy Council and Lyon Registers, the solemn creation of our nobility, demonstrated in the creation of the Marquisses of Hamilton and Huntly at Holyroodhouse, 17th April 1599, &c. whereby a brief view of the greatness and splendour of this kingdom of old will be made appear; and shall conclude all with some observes on the office and duty of our heralds.

## THE ANCIENT FORM OF THE CORONATION OF THE KINGS OF SCOTLAND.

IN the morning, when the king is in his bed-chamber, there cometh to him two bishops, two-abbots, and twenty-four other churchmen, four noblemen, together with the Constable and Marischal having the battons in their hands, and with them four or six commissioners of burghs; then the king is brought forth, supported by the Marischal and Constable, one on every side, and is brought to another room, which is the Presence, and is set under a cloth of state that is open, to declare that the king has not yet received the crown, which must be closed after the coronation.

The kirkmen, nobility, and burghers in order, ask of the king, if he be lawful successor to his father, and be willing to accept the dignity of the crown? which they all offer to his majesty; then must be reckoned six genealogies to whom he hath succeeded.

Upon the king's granting to accept, the bishops and all the rest touch the pale, and cause it to be half covered, and say, *God bless you, Sir*; and they all sing, *God bless him as he did his forefathers*.

Then the Marischal calls in the Lyon King at Arms, who, with his brethren heralds, and the pursuivants, come in their coats, and sit down before the king, and there the Marischal is, by the mouth of the Bishop of St Andrew's, to swear the Lyon, &c. who being sworn and crowned with an open crown, and having the sword and sceptre raised by two of his brethren heralds, they come forth to the theatre where the king is to be crowned, the bishops, nobility, and burghs' commissioners being with him.

The Marischal sayeth to the Lyon, *Show the king's pleasure*; and he says to the people, *The king is willing to accept the crown*.

Then the commissioners say, *God bless him that should be king*; and the people cry, *Bring him to us; God bless him, and us for his cause*.

Then the Lyon returns with the bishops, Constable and Marischal, and the bishops acquaint the king that the people call for him earnestly to accept the crown, and to be crowned.

Then the Lyon, having his crown on his head, and two heralds the sword and sceptre, the rest going before, they cry, *Here comes the king*; and the people answer, *God bless him*. The bishops go, one on the right, and the other on the left hand, at his out-coming. The king is in his ordinary apparel, only leaving his clothes open to the boughs of his arms, and shoulder points, and his cloak about him. The Marischal and Constable carry the robes, Great Seal and spurs, which are all laid down upon a taifel, or board, before the king in the church; and then the bishop is for to preach.

All the ground betwixt the king's chamber and chapel is covered with blue cloth, and the churchmen sing and all the people. The king being set on his throne, the bishop asks at the four corners of the throne, *I strange if they be pleased to have their king so resting their chief.* Thereafter, when they are pleased to have him, there is sung an anthem, viz. *Firmetur manus tua.* Thereafter the king descends from his throne to the altar, and offering the sword, and cloak, and robes, and sayeth, *Non apparebis vacuus in conspectu Domini.*

Thereafter two piggs of oil are carried by the Lyon, the one he giveth to the Constable, and the other to the Marischal, and they give that to the bishops, who pour the same on the king's head, one on the one side, and the other on the other side, and they anoint and oil him in the boughs of his arms, palms of his hands, and the tops of his shoulders, and other places; and the bishops have their own prayers and words at his anointing.

Then the Marischal and Constable take up his doublet, and put it on; the Constable and Marischal take up the robes, and give them to the bishops, and they put them on upon the king; and at every piece they put on, they sing or say, and pray like unto this, *Indue regem tunica justitiæ.*

When the robes are put on, the Lyon takes off his crown, and lays it down near the place where the king's crown lies, and coming to the Marischal says these words, *I surrender, and command the king to be crowned,* repeating six genealogies of his descent.

Then the crown is put upon the king's head, and the bishop cries aloud, *God bless the king;* and then another cries, *God bless the people and the king;* and over again, *God bless king and people.*

And when the crown is on the king's head, the king promises by oath, taken by the bishops, to be a loving father to the people, in the words thought good at that time by the bishops. But now the form of the oath is set down by special act of Parliament made by King James VI. of blessed memory, in his first Parliament, cap. 8. Then the Marischal having in his hand the obligatory oath of the people, goeth to the four nooks of the theatre, reads it to the Lyon, and he cries it out to the people, who hold up all their hands, and say all *Amen.*

The Constable takes off the crown, and lays it down before the king, and the bishops put on the king's coat on him. Then the Lyon, by direction, calleth the roll of the whole nobility, who coming, sit down upon their knees, and touch the crown, and say thir words, *So may God help me, as I shall support thee;* and when they have done, they all hold up their hands, and say again, *I swear, and I hold up my hand.*

\* Then are psalms sung, and trumpets sounded; the heralds, people, and all cry, *God bless and keep the king.*

At the out-going the king gives to be carried before him the crown, sceptre, sword, and Great Seal, by the Chancellor and other of the nobility, and so they march furth as they came in, with the Lyon and the rest of his brethren; the Constable and Marischal going behind to hold up and carry the king's train of his robes.

The Marischal with his own hands puts on the boots and spurs, and takes them off again, when the king goes in.

AN EXACT ACCOUNT OF THE BAPTISM OF HENRY PRINCE OF SCOTLAND,  
August 30. 1594.

THE noble and most potent Prince of Scotland was born in the castle of Stirling upon Tuesday the 19th day of February 1594. Upon which occasion the king's majesty sent for the nobles of his land, and to all the capital burghs thereof, to have their advice, how he should proceed for the due solemnization of his royal baptism, and what princes he should send to. When they were all compared, with great diligence and good will, he proponed unto them, that it was necessary to direct our ambassadors to France, England, Denmark, Low-Countries, the Duke of Brunswick his brother-in-law, and to the Duke of Magdeburg, the queen's majesty's grandfather, and to such other princes as should be thought expedient.

Likewise, he thought the castle of Stirling the most convenient place for the residence of this most noble and mighty prince, in respect that he was born there. As also, it was necessary, that sufficient preparation might be made for the ambassadors that should be invited to come, for honour of the crown and country. And beside all this, because the chapel-royal was ruinous, and too little, concluded, that the old chapel should be utterly razed, and a new one erected in the same place, that should be more large, long, and glorious, to entertain the great number of strangers expected. These propositions considered at length, they all, with a free voluntary deliberation, granted unto his majesty the sum of an hundred thousand pounds money of Scotland. Then were there ambassadors elected to pass into France, England, Denmark, the Low-Countries, and other places before mentioned; who were all dispatched with such expedition, and their legacies took such wished effect, that first there came two famous men from the King of Denmark, the one Christianus Bernekow, the other Stenio Bille. These came to Leith the 16th of July. The next day after them came Adamus Crusius, ambassador for the Duke of Brunswick, and Joachimus Besseuitius, ambassador for the Duke of Magdeburg, who is grandfather to the noble Princess Anne, by the grace of God Queen of Scotland. Thirdly, the 3d day of August, there came ambassadors from the states of Holland and Zealand, the Baron of Braderod, and the Treasurer of Zealand, called Jacobus Falkius.

There was also a nobleman directed from England, to wit, the Earl of Cumberland, who, even when he had prepared himself richly and honourably in all respects for his voyage, to come to Scotland, and divers noblemen and gentlemen of renown prepared and commanded for his honourable convoy, it pleased God to visit him with sickness, and, in that respect, another nobleman was chosen to supply his place, which was the Earl of Sussex, &c. and he, in consideration of his short and unexpected advertisement, made such diligence in his voyage, and magnificence for his own person, and honourable convoy, as was thought rare and rich by all men: whereby it fell out, that betwixt the sickness of the one nobleman, and the hasty preparation of the other, the time was so far spent, that the very prefixed days of the baptism were sundry times delayed. And, because the ambassador of England was so long a-coming, and the ambassadors of Denmark, Brunswick, and Magdeburg, were feared to be hindered in their voyage by the sea, by reason of the near approaching of winter, they desired daily of the king's majesty, during their remaining in Edinburgh, to have some prefixed day to be nominate and certainly kept, that immediately thereafter they might be dispatched; which he granted at the last, although he had divers great impediments, to the contrary. The first was, because the chapel-royal and castle of Stirling were not fully complete in all such necessities as were requisite, although he had the supply of the greatest number of artificers in the whole country convened there, of all crafts, for that service, and his majesty's own person daily overseer, with large and liberal payment. But the chiefest cause was, the long absence of an ambassador from England, which his majesty greatly respected for many causes: And, last of all, expecting that some ambassador should have come from France, which fell not out, as was looked for. But when the ambassador was come from England to Edinburgh, forthwith his majesty dispatched one of the gentlemen of his highness's chamber, to request him to repair towards Stirling the next day, with all possible diligence, (which was the 28th day of August) because he would have had the baptism administered the day following. But neither were the propines sent by the Queen of England, neither her ambassador's own carriages as then come; therefore the baptism was delayed until the 30th day of August, as ye shall hear particularly hereafter.

But, in the mean time, it is to be understood that all these noble ambassadors, before expressed, were honourably sustained upon the king's majesty's own proper costs, during the whole time of their residence in Scotland, save only the ambassador of England, whose whole expences were defrayed by his sovereign the Queen of England; and, because the rest of the ambassadors were repaired to Stirling, by his majesty's direction, long before the coming of the English ambassador, his highness bestowed the time with them in magnific banqueting, revelling, and daily hunting, with great honour.

The king's majesty, purposing further to decore by magnificence this action, committed the charge thereof to the Lord of Lindores, and Mr William Fowler, who by their travels, diligence, and invention, brought it to that perfection, which the shortness of time and other considerations could permit. So they having consulted together, concluded that those exercises that were to be used for decoration of that solemnity were to be divided both in field pastimes, with martial and heroical exploits, and in household, with rare shows and singular inventions.

The field to be used at two several days; the first to be of three Turks, three Christian Knights of Malta, three Amazons, and three Moors. But by reason of the absence, or at the least the uncertain presence of the three last gentlemen who should have sustained these personages, it was thought good that the number of that mask should consist of nine actors, nine pages, and nine lacquies, which coming from sundry parts, and at divers times, together with the diversity of their apparel, should bring some novelty to the beholders.

The place most expedient for this action was the valley, near the castle, which being prepared for that purpose, both with carrier and scaffold, after the coming of the queen's majesty, with the honourable and gallant ladies, together with her honourable ambassadors, the field being beset by the brave yonkers of Edinburgh, with their hagbuts, during the whole time of that pastime.

Then three Christians entered the field with sound of trumpet, who were the King's Majesty, the Earl of Marr, and Thomas Erskine, (Gentleman of his Majesty's Chamber) who made up this number.

A little after followed three apparelled like Turks, very gorgeously attired; and these were the Duke of Lennox, the Lord Home, and Sir Robert Ker of Cessford, knight.

Last of all came in three Amazons in women's attire, very sumptuously clad; and these were the lord of Lindores, the Lord of Buccleugh, and the Abbot of Holyroodhouse. So all these persons being present, and, at their entry, making their reverence to the Queen's Majesty, ambassadors and ladies, having their pages riding upon their led horse, and on their left arms bearing their masters' impress or device.

The King's Majesty's was a lion's head with open eyes; which signifieth, after a mystic and hieroglyphic sense, *Fortitude and vigilancy*. The words were *Timeat & primus & ultimus orbis*. The second was a dog's collar, all beset with iron pikes; the words were these, *Offendit & defendit*. The third of that Christian army was a windmill, with her spokes unmoving, winds unblowing on every side, with these words, *Ni sperat inmota*.

The second faction did carry these, a heart half in fire, and half in frost; on the one part Cupid's torch, and on the other Jupiter's thunder, with these words, *Hinc amor, inde metus*. The other page, a zodiac, and in the same, the moon far opposite to the sun, with these words, *Quo remotior lucidior*; that is to say, The farther the fairer. The third of this party carried, painted, four coach wheels, the hindmost following the foremost, and yet never overtaking them, with these words, *Quo magis insequor*.

The last three pages bare in their targets these impresses following, a crown, an eye, and a portcullis; the crown betokening the power of God, the eye his providence, and the portcullis his protection; with these words, which were composed in anagram, of *Walterus Scotus*, the Laird of Buccleugh's name, *Clausus tutus ero*. The second page of this party carried on his targe the portraiture of a hand holding an eel by the tail, alluding to the uncertainty of persons or of times, with these words, *Ut frustra, sic patienter*. The last was this, a fire in sight of the sun, burning, and not perceived, with this sentence, *Oblector lumine victus*.

And every lacquey carrying in his hand his master's lance; they began their pastime by running at the ring and glove, the laws whereof were these.

*First*, That all the persons of this pastime compear masked, and in such order as they come into the field, so to run out all their courses. *Secondly*, That none use any other ring but that which is put up, and use no other lance but that which they have brought for themselves. *Thirdly*, He that twice touches the ring, or stirs it, winneth as much as if he carried away the ring. *Fourthly*, He that lets his lance fall out of his hand is deprived of all the rest of his courses. *Fifthly*,

That every one run with loose reins, and with as much speed as his horse hath. *Sixthly*, That none after his race, in uptaking of his horse, lay his lance upon his shoulder, under the pain of loss of that which he hath done in his course. *Seventhly*, He that carrieth not his lance under his arm loseth his course. *Eighthly*, That none until his three courses be ended change his horse, if he be not hurt, or upon some other consideration moved to change him. These laws being seen and approved by the actors, the Queen's Majesty signified unto them, that he who did run best should have for his reward a fair and rich ring of diamonds: And he also who on that same side had best fortune in running, he should be acknowledged with another as fair as the first. The proof hereof being made, the victory fell to the Duke of Lennox, who bringing it to his side and party had the praise and prize adjudged to himself. Thus the first day's pastime was ended, with great contentment to the beholders, and commendation of the persons enterprisers.

The second day's pastime was extended, by reason that the artisans were employed in other business, who should have followed forth that invention given them: And seeing the grace of that exercise consisted in embossery, and the craftsmen apt for the same otherwise and necessarily busied, it was left off; which, if it had been brought to effect, this country had not seen, nor practised a more rare: For what by the bravery and strange apparel of the persons themselves, and by the divers shapes of the beasts that should have been borne and brought there in sight, had been commendable and wonderful: By reason that such beasts, as lion, elephant, hart, unicorn, and the griffin; together with the camel, hydre, crocodile and dragon, (carrying their riders) had carried also with it, by the newness of that invention, great contentment and commendation of that exercise. But, I say, some arising lets impeded this invention; and all things were cast off that might have farther decored this solemnity, through other urgent occasions.

And when all the ambassadors were convened together, and all necessary materials ready, the chapel-royal of the Castle of Stirling was richly hung with costly tapestries: and at the north-east end of the same a royal seat of estate prepared for the king's majesty; and on his right hand was set a fair wide chair, with the due ornaments pertaining thereto, over which was set the arms of the King of France.

Next thereto was a princely traverse of crimson taffeta, for the ambassador of England, and over his head the arms of England. On the desk before him lay a cushion of red velvet: there stood attending on him two gentlemen-ushers, appointed by the Queen of England for that present service.

Next unto him sat Mr Robert Bowes, Ambassador Ordinary for the Queen of England. On the desk before him was laid a cloth of purple velvet, and cushion suitable thereunto.

Then sat the ambassador of the noble prince Henricus Julius, Duke of Brunswick, and before him on the desk was laid a cloth of green velvet, with a cushion of the same; and over his head the arms of his prince.

Next unto him sat the ambassadors of the Low-Countries, with a long fair cloth spread on the desk before them of blue velvet, and two cushions suitable thereunto, and over their heads the arms of their countries.

On the king's left hand was placed nearest his majesty the two ambassadors of Denmark, with a large broad cloth spread on the desk before them of purple velvet, and the arms of Denmark over their heads.

Next unto them sat the ambassador of the noble prince Udalricus, Duke of Magdeburg, with his prince's arms over his head.

In the midst of the chapel-royal, within the partition, where the king's majesty, the ambassadors, and prince, with his convoy, were placed, there was a new pulpit erected; the same was richly hung with cloth of gold: all the pavement within this partition was prince-like laid with fine tapestry.

Under the pulpit was another desk, wherein sat in the midst Mr David Cuningham, Bishop of Aberdeen, Mr David Lindsay, Minister of Leith, and John Duncanson, one of the ordinary ministers to the king's majesty; before whom was set a table covered with yellow velvet.

And when all things were in readiness, as was requisite, there was placed a hun-

dred hagbutteers (being only the yonkers of Edinburgh, bravely apparelled) in order, betwixt the prince's outer chamber door, and the entry to the chapel-royal, on both the sides of the passage.

Then the king's majesty, with his nobles and counsellors attending on him, entered the chapel, and there sat down in his royal seat of state.

All the ambassadors likewise were sent for, and conveyed to the prince's chamber of presence, where the prince was lying on his bed of state, richly decorated, and wrought with broidered work, containing the story of Hercules and his travels.

This bed was erected on a platform, very artificially, with a foot-pace of three degrees ascending to it; the degrees being covered with tapestry, all wrought with gold, and a large cloth of lawn covering both the bed and the degrees, which reached forth a great space over the floor.

Then the old Countess of Marr with reverence past to the bed, she took up the prince, and delivered him to the Duke of Lennox, who presently rendered him likewise to the ambassador of England, to be borne to the chapel-royal.

The Master of the Ceremonies addressing himself to a table in the said chamber, curiously ordered, whereon stood those ornaments of honour which were to be borne to the chapel before the prince, with due reverence delivered them to certain noblemen, according to the order appointed by his Majesty for the bearing thereof.

In like manner, the prince's robe-royal, being of purple velvet, very richly set with pearl, was delivered to the Duke of Lennox, who put the same about the prince, the train whereof was borne up by the Lord Sinclair and the Lord Urquhart. Then they removed themselves to the outer chamber, where there was a fair high pall made four-square of crimson velvet attending, which was laid on with rich pasements, and fringed with gold. This pall was sustained by four worshipful barons, the Laird of Buccleugh, the Constable of Dundee, Sir Robert Kerr of Cessford, knight, and the Laird of Traquair; under the which pale were the ambassadors of England, Robert Earl of Sussex, carrying the prince in his arms, and Mr Robert Bowes, ordinary ambassador for England, assisting him. Next to them was the Duke of Lennox. About the pale were the ambassadors of Denmark, Magdeburg, Brunswick, and the Estates. There followed the old Countess of Marr, Mrs Bowes, divers ladies of honour, with the mistress nurse.

Then the trumpets sounding melodiously before, the prince and his convoy went forward, Lyon King at Arms, and the heralds his brethren, with their coat-armours in goodly order following.

Next followed the prince's honours, borne by these noblemen; the Lord Sempie carrying a laver of water; the Lord Seaton a fair bason; the Lord Livingston a towel, and the Lord Home a low crown, competent for a duke, richly set with diamonds, sapphires, rubies, and emeralds; who approaching near the pulpit, where these honours were received from them by the Master of the Ceremonies, and by him placed on the table before the pulpit, the noblemen retiring back to their appointed places.

*Lastly*, The pall was carried in before the pulpit, where the ambassador of England rendered the prince to the Duke of Lennox, who immediately delivered him to the old Countess of Marr, and she consequently to the mistress nurse; and all the ambassadors were then set in such order of places, as the demonstration of their armories gave notice.

Without the partition were ornate forms all covered with green, whereupon were placed the gentlemen of England, Denmark, Allemagne, Flanders, and Scotland. And as all men were thus competently placed, and universal silence made, entered Mr Patrick Galloway, one of his Majesty's ordinary preachers, into the pulpit, who learnedly and godly entreated upon the text of the 21st of Genesis. Which being done, the Bishop of Aberdeen stood up in his seat, and taught upon the sacrament of baptism, first in the vulgar tongue, and next in the Latin, to the end all men might generally understand. This done, the provost and prebends of the chapel-royal did sing the 21st psalm of David, according to the art of music, to the great delectation of the noble auditory.

Then they proceeded to the action. The King arose and came towards the

pulpit. The ambassadors followed in their order. The barons that carried the pall above the prince moved towards the pulpit: The Duke of Lennox received the prince from the Countess of Marr, and delivered him to the hands of the Earl of Sussex, ambassador for England, where he was named by all their consents, *Frederick Henry, Henry Frederick*, and so baptized in the name of the Father, Son, and Holy Ghost, by the said names.

This being done, Lyon King at Arms, with a loud voice, repeats these names thrice over; and then after him, the rest of his brethren heralds, with trumpets sounding, confirmed the same.

Then the King's Majesty, ambassadors, and all removing to their places, the English ambassador alone, withdrawing himself on the one side, was met and attended on by two grooms, who humbly on their knees, the one presenting a large rich bason, the other a suitable laver, replete with sweet water, wherewith the ambassador washed; a gentleman sewer, with humble reverence, presenting him a fair towel, wherewith he dried his hands, and so forthwith returned to his place.

This being done, the bishop ascended to the pulpit, where, after that he had delivered in verse a certain praise and commendation of the prince, then he converted the rest of his Latin oration in prose to the ambassadors, every one in particular, beginning at the ambassador of England, and so continuing with the rest; wherein he made mention of the chronology of each of these princes, and recited the proximity and nearness of blood that they had with Scotland: Concluding his oration with exhortation and thanksgiving to God for that good occasion and prosperous assembly.

In conclusion, the blessing being given, Lyon King at Arms cried with a loud voice, *God save Frederick Henry, and Henry Frederick, by the grace of God, Prince of Scotland.* The rest of the heralds proclaimed the same at an open window of the chapel-royal with sound of trumpet.

Then the king, the prince, the ambassadors, the nobles, and ladies of honour, retired forth of the chapel in such order as they entered, and repaired towards the king's hall. During their passage, the cannons of the Castle roared, that therewith the earth trembled, and other smaller shot made their harmony after their kind.

In the king's hall the Duke of Lennox received the prince from the ambassador of England, and presented him to the King's Majesty, who adubbed him knight. He was touched with the spur by the Earl of Marr. Thereafter, the King's Majesty presented a ducal crown on his head, and then was proclaimed by Lyon King at Arms, *The Right Excellent, High and Magnanime Frederick Henry, Henry Frederick, by the grace of God, Knight and Baron of Renfrew, Lord of the Isles, Earl of Carrick, Duke of Rothsay, Prince and Great Steward of Scotland.*

These words were repeated by the heralds with a loud voice at an open window of the hall.

Then the prince was carried by the ambassador of England to his own chamber of presence, where the most rich and rare propines were there presented.

Also, there were certain barons and gentlemen adubbed knights, whose names do follow in order as they were proclaimed. And first their oath.

#### THE OATH OF A KNIGHT.

- “ 1. I shall fortify and defend the true Christian Religion, and Christ's holy evangel, now presently preached within this realm, to the utmost of my power.  
 “ 2. I shall be loyal and true to my sovereign Lord the King's Majesty, to all orders of chivalry, and to the noble Office of Arms.  
 “ 3. I shall fortify and defend justice at my power, and that without favour or fead.  
 “ 4. I shall never flee from my sovereign Lord the King's Majesty, nor from his highness's lieutenants in time of mellay and battle.  
 “ 5. I shall defend my native realm from all alieners and strangers.  
 “ 6. I shall defend the just action and quarrel of all ladies of honour, of all true and friendless widows, of orphans, and of maidens of good fame.

- “ 7. I shall do diligence wheresoever I hear there are any murderers, traitors, and masterful reavers, that oppress the King's lieges, and poor people, to bring them to the law at my power.
- “ 8. I shall maintain and uphold the noble estate of chivalry, with horse, harness, and other knightly abulments, and shall help and succour them of the same order at my power, if they have need.
- “ 9. I shall enquire and seek to have the knowledge and understanding of all the articles and points contained in the book of chivalry.
- “ All these premisses to observe, keep, and fulfil, I oblesse me. So help me, my God, by my own hand. So help me God,” &c.

Sir William Stewart of Houston, Knight.  
 Sir Robert Bruce of Clackmanan, Knight.  
 Sir John Boswell of Balmuto, Knight.  
 Sir John Shaw of Sauchie, Knight.  
 Sir John Murray of Ethilston, Knight.  
 Sir William Monteith of Kerse, Knight.  
 Sir Alexander Fraser of Fraserburgh, Knight.  
 Sir John Lindsay of Dunrod, Knight.  
 Sir George Livingston of Ogilface, Knight.  
 Sir James Forrester Torwoodhead, Knight.  
 Sir Andrew Balfour of Strathour, Knight.  
 Sir Walter Dundas of Over-Newliston, Knight.  
 Sir John Boswell of Glassmount, Knight.  
 Sir George Elphingston of Blythwood, Knight.  
 Sir William Livingston of Darnchester, Knight.  
 Sir David Meldrum of Newhall, Knight.

These names were proclaimed upon the terrace of the fore front of the castle, with sound of trumpets; and great quantity of divers species of gold and money cast over amongst the people.

These things being accomplished, the king and queen's majesties, with the ambassadors, addressed themselves to the banquet in the great hall, about eight of the clock at night; then came Lyon King at arms, with his brethren the heralds, entered the hall before the king and queen's meat, the trumpets sounding melodiously before them, with these noblemen bearing office for the present.

The Earl of Marr, Great Master Household.  
 The Lord Fleming, Great Master Usher.

The Earl of Montrose, Carver  
 The Earl of Glencairn, Cupper  
 The Earl of Orkney, Sewer } for the King's Majesty.

The Lord Seaton, Carver  
 The Lord Home, Cupper  
 The Lord Semple, Sewer } for the Queen's Majesty.

This delicate banquet being ordered with great abundance, the king, queen, and ambassadors, were placed all at one table, being formed of three parts, after a geometrical figure, in such sort that every one might have a full sight of the other.

The king and queen's majesties were placed in the midst of the table, and on the king's right hand were set the English ambassadors, the Earl of Sussex and Mr Robert Bowes. Next them sat the ambassador from the Duke of Brunswick, and the ambassador from the Duke of Magdeburg.

On the king's left hand, next to the queen's majesty, sat the ambassador of

Denmark, and ambassadors from the states of Holland and Zealand: betwixt every one of their seats was left a good space.

On the east and west side of the hall were placed two very long tables, where were set certain noblemen, ladies of honour, and counsellors of Scotland, and with them the noblemen and gentlemen of England, Denmark, Allemagne, and Flanders. And betwixt every nobleman and gentleman stranger, was placed a lady of honour or gentlewoman.

Now, being thus in a very honourable and comely order set; and after a while, having well refreshed themselves with the first service, which was very sumptuous, there came into the sight of them all a blackmoor, drawing, as it seemed to the beholders, a triumphal chariot, (and before it the melodious noise of trumpets and hautboys) which chariot entered the hall. The motion of the whole frame, (which was twelve feet long and seven feet broad) was so artificial within itself, that it appeared to be drawn in only by the strength of a Moor, who was very richly attired; his traces were great chains of pure gold.

Upon this chariot was finely and artificially devised a sumptuous covered table, decked with all sorts of exquisite delicacies and dainties, of patisserie, fruitages, and confections.

About the table were placed six gallant dames, who represented a silent comedy; three of them clothed in argentine satin, and three in crimson satin: All these six garments were enriched with togue and tinsel of pure gold and silver, every one of them having a crown or garland on their heads, very richly decked with feathers, pearls, and jewels, upon their loose hair, in *antica forma*.

In the first front stood dame Ceres, with a sickle in her right hand, and a handful of corn in the other, and upon the outermost part of her thigh was written this sentence, *Fundent uberes omnia campi*, which is to say, the plenteous fields shall afford all things.

Over against Ceres stood Fecundity, with some bushes of chesbols, which, under an hieroglyphic sense, representeth broodings, with this device, *Felix prole divum*, and on the other side of her habit, *Crescant in mille*. The first importing that this country is blessed by the child of the goddess, and the second alluding to the king and queen's majesties, that their generations may grow into thousands.

Next, on the other side, was placed Faith, having in her hands a bason, and in the same two hands joined together, with this sentence, *Boni alumna conjugii*, The fortress and nurse of a blessed marriage.

Over against Faith stood Concord, with a golden tasse in her left hand, and the horn of abundance in her right hand, with this sentence, *Pleno beant te numina sinu*, The heavenly powers do bless thee with a full bosom.

The next place was occupied by Liberality, who having in her right hand two crowns, and in her left two sceptres, with this device, *Me comite plura quam dabis accipies*; that is to say, Having me thy follower thou shalt receive more than thou shalt give.

And the last was Perseverance, having in her right hand a staff, and on her left shoulder an anchor, with this device, *Nec dubia res mutabunt, nec secunda*, Neither doubtful nor more prosperous things shall change your state.

This chariot, which should have been drawn in by a lion, (but because his presence might have brought some fear to the nearest, or that the sight of the lights and torches might have commoved his tameness) it was thought meet that the Moor should supply that room: and so he in outward show pressed to draw that forward, which, by a secret convoy, was brought to the prince's table; and the whole desert was delivered by Ceres, Fecundity, Faith, Concord, Liberality, and Perseverance, to the earls, lords, and barons, that were sewers.

Presently after the retouring of the chariot, entered a most sumptuous, artificial, and well-proportioned ship; the length of her keel was eighteen feet, and her breadth eight feet. From her bottom to her highest flag was forty feet: the sea she stood upon was twenty-four feet long, with breadth convenient. Her motion was so artificially devised within herself that none could perceive what brought her in. The sea under her was lively counterfeit with all colours: On her fore stern was placed *Neptunus*, having in his hand his trident, and on his head a crown.

His apparel was all of India cloth of silver and silk, which bore this inscription, *Junxi atque reduxi*, which in sense importeth, That as he joined them so he reduced their majesties.

Then Thetis, with her mace, goddess of the sea, with this device, *Nunquam abero, & tutum semper te littore sistam*, which signifieth, That by her presence she shall always be careful to bring them into a safe shore and harbour.

The Triton, with his wilk trumpet, was next to her, with this device, *Velis, ventis, votis*, By sails, by vows, by winds.

Round about the ship were all the marine people, as sirens, (above the middle as women, and under as fishes) and these were Parthenope, Ligea, and Leucosia, who, accommodating their gestures to the voice of the musicians, repeated this verse, *Unus eris nobis cantandus semper in orbe*. And all the same was decored with the riches of the seas, as pearls, corals, shells, and metals, very rare and excellent.

The bulk of this ship was curiously painted; and her galleries, whereupon stood the most part of the banquet in crystalline glass, gilt with gold and azure. Her masts were red; her tackling, and cordage were silk, of the same colour, with golden pullies. Her ordnance was thirty-six pieces of brass, bravely mounted; and her anchors silver gilt. And all her sails were double of white taffety; and in her foresail a ship-compass, regarding the north star, with this sentence, *Quascunque per undas*; which is to say, Through whatsoever seas, or waves, the king's majesty intendeth his course, and project of any arising action, Neptune, as god of the sea, shall be favourable to his proceedings.

On the main-sail was painted the armories of Scotland and Denmark, with this device, competent in the person of the Prince of Scotland, *En qua divisa beata efficiunt, collecta tenes*: that is to say, "Behold, (O Prince) what doth make these "kingdoms severally blessed, jointly (O Prince of Hope) thou holdest and hast "together."

Her tops were all armed with taffeties of his majesty's colours, gold and jewels, and all her flags and streamers suitable to the same.

Her mariners were in number six, apparelled all in changeable Spanish taffeties, and her pilot in cloth of gold; he alone stood at the helm, who only moved and governed the whole frame, both the ship and her burden, very artificially.

The musicians within the same were fourteen, all apparelled in taffeties of his majesty's colours, besides Arion with his harp.

Being thus prepared, at the sound of trumpets she approached, and at the next sound of Triton's wilk trumpet, together with the master's whistle, she made sail till she came to the table, discharging the ordnance in her stern by the way; but because this device carried some moral meaning with it, it shall not be impertinent to this purpose to discover what is meant and propined thereby.

The king's majesty having undertaken in such a desperate time to sail to Norway, and, like a new Jason, to bring his queen, our gracious lady, to this kingdom, being detained and stopped by the conspiracies of witches and such devilish dragons, thought it very meet to follow forth this his own invention; that as *Neptunus* (speaking poetically, and by such fictions as the like interludes and actions are accustomed to be decored withal) joined the king to the queen;

So, after this conjunction, he brought their majesties as happily hither; and now, at this her blessed delivery, did bring such things as the sea affords, to decore this festival time withal, which immediately were delivered to the sewers, forth of the galleries of this ship, out of crystalline glass, very curiously painted with gold and azure, all sorts of fishes, as herrings, whittings, flucks, oysters, buckies, lampreys, partans, lobsters, crabs, spout-fish, clams; with other infinite things made of sugar, and most lively represented in their own shape. And whilst the ship was unloading, Arion, sitting upon the galley-nose, which resembled the form of a dolphin fish, played upon his harp; then began her music, in green holly hautboys, in fine parts. After that followed viols, with voices in plain counterpoint to the nature of these hexameter verses.

Undique conveniant, quot reges nomine Christi  
 Gaudent, hucque suas maturent cogere vires ;  
 Viribus hos, O Rex, opibusque anteiveris omnes,  
 Quisque suam jam posse velit tibi cedere sortem,  
 Regna, viros, aurum, quæ te fecere potentem  
 Omnia conjugii decorant hec pignora chari :  
 ANNA, precor fœlix multos feliciter annos,  
 Vive, resume novos, atque annuus anni  
 Instar eat, redeatque novo tibi partus ab ortu.  
 Cresce, puer, sacri mens numinis imbibat imbres,  
 Semper uterque parens de te nova gaudia captet.  
 Scotia, quæ quondam multis tenebrosa vocata est,  
 Lumina magna nitent in te superantia cœlum,  
 Lux verbi, & rex, & princeps, diademata regni.

After which ensued a still noise of recorders and flutes ; and, for the fourth, a general concert of the best instruments.

So this interlude drawing near to an end, in the very last courses was discovered this sentence likewise, *Submissus adorat oceanus* ; inferring, that the ocean sea, by offering the shapes of her treasure, humbly adored and honoured the sitters. And when, in this time, all the banquet was done, after thanks being given, there was sung with most delicate dulce voices, and sweet harmony, in seven parts, the cxxviii. psalm, with fourteen voices. And that being done, at the sound of Triton's wilk trumpet and the pilot's whistle, she weighed anchor, made sail, and, with noise of hautboys and trumpets, retired, and then discharged the rest of her ordnance to the great admiration of the beholders,

After all which pastime and sport, with merry and joyful repast, the king and queen's majesties, after their offices of honour and respect, place being prepared for the revels, and the persons appointed for the same discharging themselves sufficiently, their majesties and ambassadors went to another hall, most richly and magnificently hung with rich tapestry, where, for the collation, a most rare, sumptuous, and prince-like desert was prepared. Which being ended, after taking leave and good-nights, they departed about three of the clock in the morning, to their night's rest.

The days ensuing, so long as leisure might serve, were bestowed by the ambassadors in banqueting of noblemen and gentlemen of their acquaintance ; and the king in the mean time was solicitous and careful of honourable and magnific rewards to be bestowed on either of them, which was also princely performed, to their great contentments.

And as they were come to Edinburgh, they were all banqueted, at some time severally, and at other time together, by divers noblemen of Scotland, with great honour. Last of all, one ambassador banqueted another, for commemoration of that joyful meeting and good success.

Then the king and queen's majesties came to Edinburgh, where they were invited by the ambassadors of Denmark unto a banquet within their ship, which lay at anchor in the river of Forth : she was so great that she could not enter the harbour.

The banquet was very sumptuous, and the ambassadors, so joyous of their final dispatch, behaved themselves to their majesties in a kindly manner, according to the ordinary custom of their country, by propining of drink unto them in the name of their princes, which was lovingly accepted and requitted : In commemoration whereof, the whole artillery of that great vessel were shot in great number.

The three great ships of the Estates, lying in the same road near by, made correspondence and resonance to the number of six score great shot. And thus concluded their *bein ale*.

Then the castle of Edinburgh, for performance of the king's honour, as they perceived the ships to loose and to hoist up sail, saluted every ship, as they showed themselves in readiness by order, with a number of great cannon shot.

ACT BY HIS ROYAL HIGHNESS HIS MAJESTY'S HIGH COMMISSIONER, AND LORDS OF PRIVY COUNCIL, ESTABLISHING THE ORDER OF THE RIDING OF THE PARLIAMENT AT EDINBURGH, JULY 25TH 1681.

I. His Majesty's High Commissioner and Lords of Privy Council ordain the magistrates of Edinburgh, to cause make a lane of their citizens, in arms and best order, from the Lady's Steps to the Nether-Bow, (his majesty's foot-guards making the lane from the Nether-Bow to the palace).

II. The said magistrates are appointed to order that there be no shooting, nor any displaying of ensigns, nor beating of drums, during the cavalcade, nor any coaches to be seen within the ports of Edinburgh till the whole solemnity be over, under all highest pains. The magistrates are to cause make and place two banks of timber within the Abbey-close, for mounting on horseback, and two at the Lady's Steps, for mounting upon horseback and dismounting.

III. The Constable and Marischal Guards of Partizans are to make a lane from the Lady's Steps, those of the Constable's without, and those of the Marischal's within the house, allowing the Constable six of his guard within doors, conform to the former practice.

IV. Every member of Parliament must ride, and the absents incur fining, conform to the act of Parliament 1662.

V. Where there be double elections of commissioners neither are to ride.

VI. The nobility are to ride in their robes, and with foot-mantles.

VII. The officers of state, who are not noblemen, and who have gowns particular to their office, are to ride in these gowns.

VIII. The whole members are to ride covered, excepting those who carry the honours.

IX. The Lyon Heralds, Pursuivants, and Trumpets, ride immediately before the honours; the Lyon in his coat and robe, chain and batton, alone; and immediately before the sword, the rest, with their coats, foot-mantles, bareheaded, in their accustomed order.

X. The two Macers of Council and four Macers of Session ride on each side of the honours bareheaded, with foot-mantles; the two Macers of Council attending the crown, and the four Macers of Session the sceptre and sword.

XI. The higher degree and most honourable of that degree is to ride always last.

XII. Every duke is to have eight lacquies, every marquis six, every earl four, every viscount three, every lord three, every commissioner for a shire two, and every commissioner for burghs one; and every nobleman is to have a gentleman bareheaded to walk by him, and to bear up his train, and these gentlemen are at their entry to the house to stand without the bar.

XIII. The archbishops and bishops are to ride in their gowns and tippets, with their foot-mantles, and the archbishops may have eight lacquies, and bishops three, and each of them is to have a gentleman bareheaded to walk by him, and to bear up his train.

XIV. The noblemen's lacquies may have over their liveries velvet coats with their badges, *i. e.* their crests and mottos done on plate, or embroidered upon the back and breast, conform to ancient custom, or their ordinary liveries.

XV. The Constable and Marischal are in the morning to wait on his Majesty's High Commissioner at the palace, and to receive his orders, and from thence, returning privately, the Constable is to come out of his lodging on foot, and, having viewed the rooms under and above the Parliament House, puts on his robes, and, having his batton in his hand, sets himself in a chair at the entry of the close at the Lady's Steps, by the outmost of his guards, from which he is to rise and salute the members as they light from their horses, and to recommend them to the gentlemen of his guard to be conducted to the Marischal Guards.

XVI. The Marischal is also to attend in his robes, being set in a chair at the head of his guards, and to receive the members (having his batton in his hand) as they enter the doors.

XVII. The Officers of State who are noblemen, so many of them as are in the kingdom, are to ride up from the Abbey in their robes about half an hour before the cavalcade, and to wait in the Parliament House until the High Commissioner come; and when an ordinary subject is Commissioner, the High Chancellor is to take his own purse in his hand, and to usher him betwixt the bar and the throne; but when his Royal Highness, or any lawful brother or son of the king is commissioner, he is to usher them from the door itself and back.

XVIII. The whole Members of Parliament are to wait upon his Majesty's High Commissioner in the Guard-hall, the nobility being in their robes, and the servants and horses are to attend in the outer close.

XIX. The Lyon King at Arms in his coat, robe, chain, and batton, (to whose charge the order of riding is committed) with six heralds, six pursuivants, and six trumpets, in their coats, attend likewise.

XX. How soon his Majesty's High Commissioner is ready, the Lord Register (or such as he shall appoint) and Lyon standing together, each of them having a roll in his hand, and the rolls being read, the Lyon is to call the names of such of them as are to ride, according to their order; and one herald is to cry aloud at one of the windows, and another herald is to stand at the gate, and see them do accordingly.

XXI. The Members are to ride two and two, each degree by itself, at some distance, without mixing with any other degree; so that if there fall to be an odd member of one degree, he must ride alone.

XXII. The Lord Register is to make up the rolls of Parliament, both for the riding and calling in the Parliament House, conform to the rolls of riding and calling at the last Parliament, *anno* 1669, whereof he is to give the Lyon a just duplicate, except where there is just ground to alter the same, and the members are to ride as they are called; but if they think themselves prejudged, they may protest in the same manner as at the calling of the rolls in the house, and may afterwards, as they think fit, apply themselves to the Parliament for remedy.

XXIII. The honours are to be carried immediately before the High Commissioner; the crown by the Marquis of Douglas, the sceptre next it by the eldest earl present, and the sword before it by the earl next in order, and the bearers are to ride, one by one, bareheaded.

XXIV. The dukes and marquisses are to ride after the High Commissioner at some distance, conform to the former custom.

XXV. The Master of Horses is to ride bareheaded after his Majesty's High Commissioner, but a little aside, when the Commissioner is the king's lawful son or brother.

XXVI. The Gentleman-Usher, with a white rod in his hand, is to ride aside bareheaded near to the Commissioner, he before on the same side, and in the same manner as the Master of Horse behind in the case foresaid.

XXVII. How soon his Majesty's High Commissioner alights from his horse, the Lord Constable is to receive him, and to attend him to the Marischal Guards, and then both Constable and Marischal are to convey him bareheaded to the throne, and are in the same manner to attend him in his return to his horse.

XXVIII. The return to the palace is to be in the same manner, with these two alterations, *viz.* *First*, The Constable and Marischal ride on the High Commissioner's left and right hand with caps of permission, the Constable on the right, and the Marischal on the left. *Secondly*, The officers of state, who are noblemen, are not to take horse until the High Commissioner be gone, and then are to ride at some distance after the guard.

AN ACCOUNT OF THE FORM OF THE CREATION OF THE MARQUIS OF HAMILTON, AND  
MARQUIS OF HUNTLY, 17th April 1599.

In his Majesty's great chamber in the Abbey of Holyroodhouse, where the like ceremony was wont to be done, being richly hung with tapestry, five stages or degrees of timber were erected, one for his majesty on the west side, whereon his

majesty's chair of state was set under the pall of honour, one for the duke, one for the earls, one for the lords, and one for the knights; there was also before the throne a table covered with a cloth of gold, whereon were laid the sword, sceptre, and crown, the noblemen attending the ceremonies in their respective seats in their robes; and his majesty in his robe-royal, being placed in his chair, the queen sitting by, the Lyon King at Arms, and Master of Ceremonies, with the heralds and pursuivants in their coats, and trumpets sounding, brought in before his majesty these two noblemen, viz. the Earls of Arran and Huntly, the first conveyed by the Duke of Lennox and Earl of Marr, the second by the Chancellor and Earl of Caithness. Thereafter the Lyon asked his Majesty, If his Majesty would be pleased to promote these noblemen to further honours? his Majesty answered, Yes: Then the Lyon, Master of Ceremonies, with heralds, pursuivants, and trumpets, conveyed them into the Green Council Chamber, where they were divested of their comital robes, and vested in the habit of a marquis, and so were again conveyed to his Majesty's presence thus:

The ordinary macers that attend the Chancellor and Session making place.

Master of Ceremonies.

Trumpets sounding with the noblemen's colours at their trumpets.

Pursuivants in their coats.

Heralds in their coats.

Four gentlemen, for each of the persons to be created, bearing their honours, viz. for my Lord Arran, Robert Hamilton of Goslington the pennon, Alexander Hamilton of Fenton the banner, Claud Hamilton of Shawfield the marquis's crown, John Campbell of Ardkinlass the patent; for my Lord Huntly, John Ogilvie of the Craig the pennon, John Crichton of Frendraught the banner, Mark Ker of Ormiston the crown, Alexander Gordon of Strathdon the patent.

Lyon King at Arms.

The two earls conveyed by the fore-named noblemen in their respective robes and crowns on their heads.

Coming before the king, they made their reverence; then they were led up by the Master of Ceremonies some steps, and, sitting down on their knees on velvet cushions, the Lyon made a harangue, both to his Majesty and to them, declaring to the noblemen, to promote them to that dignity, and that he desired them to fear God, and obey his power; then he took their oaths, That they should obey God, his Majesty, and maintain the religion then professed. Thereafter the Lyon delivered to his Majesty the patents, and his Majesty re-delivered them to the Lyon, who gave them to the noblemen, in token that they should obey God and his Majesty's laws. After, the Lyon delivered to his Majesty the marquisses' coronets, his Majesty re-delivered them to the Lyon, the Lyon put the crowns on their heads, saying, *John Marquis of Hamilton, Earl of Arran, Lord Aven, &c. George Marquis of Huntly, Earl of Enzie, Lord Gordon of Badenoch, &c.* The same was proclaimed forth of the windows, by the heralds and pursuivants, with sound of trumpets; then were they conveyed to their seats, and placed above the earls, upon the king's left hand, trumpets sounding.

The Lyon desired his Majesty to honour the gentlemen, who bore the honours, with the honour of knighthood; his Majesty consented: The Lyon caused them to sit down on their knees at the foot of all the stage; and after he had made an exhortation to them, and received all their oaths, they holding up their hands, and promising to obey all the injunctions, the Lyon presented the sword to his Majesty, who struck each of them therewith on the right shoulder, and Sir ——— offered the spur, the Lyon first proclaiming their stiles, and after the heralds and pursuivants at the windows with sound of trumpet.

I find this difference in the creation of many earls, from what is here set down, that the four gentlemen bear the honours thus; the first the pennon, the second the standard, the third the sword and belt, the fourth the crown; and, lastly, the Lyon bears the patent in a velvet bag; and that the Lyon offered first to his Majesty the sword and belt, and, receiving it back, put it on the person nobilitate.

As also, when the king was not present, and after his going to England, the ceremony was performed by his Majesty's High Commissioner, if there was one at

the time, or otherwise a writ was directed to the Lord Chancellor, appointing him Commissioner for that creation; and then the first thing that was done, after the person to be created was brought in, the Lyon gave the patent to the Commissioner, who gave it to the Register or Clerk of Council to be read. And I observe this in all our old creations, that if the person to be dignified was a lord formerly, he was to be conveyed in by two lords; and the ceremony of the new creation being over, was conveyed to his place by two of that degree to which he was advanced. The English nobility are sometimes created by being called by writ to Parliament, under the designations of earls, viscounts, &c. which way is unknown to us in Scotland, though the king may introduce it at his pleasure.

## FORM OF THE KING'S OATH TO HIS THREE ESTATES.

I SHALL be leille and treu to God and halie kirk, and to the thre estaitts of my realme, and ilk estaitte keipe, govrane and defend in their awen fredome and priviledge at my goodlie powre, after the lawes and custumes of the realme: The law, custume and statuts of the realme, nether to eike nor mynishe without the consent of the thre estaitts: And nathing to wyrke, na uses tuoching the common profit of the realm, but consent of the thre estaitts, the law and statuts made be my forbears, keipe and use at all points, with all my poure, till all my leiges in all thinges, swa that they repung nought aganis the faith. Swa helpe me God, and this haly doume.

## FORM OF THE FIDELITY OF THE PRELATES TO THE KING.

I SALL be leille and treu to you my Leige Lord Schire James King of Scots, and not heir your skaith, nor see it, but I sall let it at all my power, and warn you thereof: Your counsaill heile that you shaw me, the best counsaile I can to give you when ze charge me. In *verbo Dei*, and als help me God, and holy evangells.

## FORM OF THE BARON'S OATH TO THE KING.

I BECOME your man, as my leige king, in land, life, lithe and lime, and world's honoure, feute and laute, agains all yat live and dee may. Your counsaile celand yat ze shaw to me, the best counsaile gifand if ze charge me; your skaith na dishonoure to heir nor see, but I sall lett it at all my goodle powres, and warn you thereof. Sa helpe me God.

## C H A P. XVI.

## OF THE OFFICE OF HERALDS.

**H**ERALDS took their rise in the world so soon as kings and princes distinguished their subjects into nobles and yeomen.

They are called *beralds*, to teach us what they were, and what they ought yet to be; the word being composed of two Teutonic words, *beir* and *auld*, which signifies an *old lord*, or *ancient sir*, showing, that they ought to be gentlemen of good descent, for such were officers of arms in old times. Some derive the name from *heroes*, which signifies demi-gods, from whence it is likely the French word *berault* is derived.

The heavenly heralds are angels, the messengers of the Most High God, Creator of heaven and earth.

Heralds, not many years ago, have been allowed very high privileges; they were allowed free entrance into the courts of all princes and great lords; they had power to reprove the vices of noblemen, knights, and esquires; and if they did not amend, to expel them from all honourable meetings and martial exercises. It

belonged to heralds to advertise knights, esquires, and military commanders, of the day of battle, to attend their sovereign's great standard in their best ornaments; they were, during the time of the battle, to retire to an eminence to witness what was done on either side, and report to the king or the general, those who behaved most valiantly, and to set the same down in writing, that the memory thereof might remain to posterity. When the battle was ended, it was their province to number the dead, to exchange prisoners of war, and commune about their ransom; to summon rebellious cities; and, in case of composition, to march before the captain or governor for assurance of his person. At jousts, tournaments, or combats, it was the office of the herald to lay out the field of battle, and to divide the same equally to the combatants. Such as did wrong them were obliged to give full satisfaction, else they were declared guilty of high treason, and degraded of nobility; an instance of which happened during the minority of King James V. in the year of God 1515, the Duke of Albany regent, when the Lord Drummond was solemnly forfeited in Parliament: "Eo quod leonem armorum regem pugno violasset, dum eum de ineptiis suis admonet," says the record; and it was upon that lord's humble submission, and at the earnest entreaty of the Lyon, that he was restored.

We shall here insert an abstract of the privileges granted in ancient times to heralds, ascribed by some to Alexander the Great, by others to the King and Emperor Charlemagne, "My soldiers, ye are and shall be called heralds, companions for kings, and judges of crimes committed by noblemen, and arbiters of their quarrels and differences; ye must live hereafter exempt from going any more to war or military factions; counsel kings for the best, the benefit of the commonwealth, and for their honour and royal dignity. Correct all matters vile or dishonest, favour widows, succour orphans, and defend them from all violence, assist with your counsel such princes and lords in whose courts ye shall abide; and freely and without fear demand of them whatsoever is needful for you, as food, raiment, and defrayings. If any one of them shall deny you, let them be infamous, without glory or honour, and reputed as guilty of high treason. In like manner also, take ye special care to keep yourselves from vilifying your noble exercise, and the honour wherewith you ought to come near us at all times. See that there be no entry into princes' courts, either of drunken or evil speaking, flattery, babbling indiscreetly, janglary, buffoonery, and other such vices, which file and shame the reputation of men: Give good example, everywhere maintain equity, and repair wrongs done by great men to their inferiors. Remember what privileges we have granted unto you in recompense of the painful travels in war ye have endured with us; and let not the honour we have bestowed on you be converted to blame and infamy by dishonest living, the punishment whereof we reserve to ourself, and the Kings of France our successors."

The society of heralds in England consists of thirteen persons, viz. three Kings at Arms, which, by their offices, are called Garter, Clarencieux, and Norroy: Garter is the first in dignity, not so much as being the most ancient, as from the supereminency of the order after which he is named. Clarencieux and Norroy are called Provincial Kings at Arms.—Six heralds, which, by the names of their additions, are called Somerset, Chester, Windsor, Richmond, Lancaster, York.—Four pursuivants, which, in heraldry, may be called Learners, to whom are given the names of Rouge Dragon, Portcullis, Blue Mantle, Rouge Croix; all these by the names of Kings, Heralds, or Pursuivants, are by the kings themselves immediately, or by the marshals of the kingdom, with the king's authority, crowned with crowns, and graced with colours, attired with their coats, named by their names of addition, and other ceremonies created. All of them have an yearly salary out of the king's Exchequer, and by a charter from the crown are incorporate, and have many privileges conferred on them. Garter's peculiar office is to attend upon the knights of that order, advertise them of their election, call them to be installed at Windsor, cause their achievements to be hung upon their stalls, and to take care of the several rites and ceremonies at their burials. Of every new emperor, king, prince, duke, marquis, earl, viscount, baron, or knight installed in this order, he challengeth the uppermost garment he weareth that day. He also showeth unto every

new baron, called into Parliament, the place wherein he is to sit among his peers, and directeth all the other ceremonies of their order.

Clarencieux is King at Arms over all the east, west, and south provinces, on the south side of the river Trent.

Norroy is King at Arms through the parts of the kingdom be-north the river Trent.

The Lyons Kings at Arms of Scotland, by virtue of their office, and by the bounty of the kings, are freed from all manner of taxes, watchings, and wardings, &c. He is sovereign judge, constituted by act of Parliament for punishing all usurpers of arms contrary to law. He may give arms to all persons craving the same, if they are able to maintain a horse with furniture for the king's service; but with these especial restrictions, "Dummodo heretici non sint, contra fidem, ex illegitimo" "toro prognati, vel ex ignobili sanguine oriundi, sed viri probi & honesti nominis." He hath the place of precedency before all knights and gentlemen within the kingdom, not being officers of state, or Senators of the College of Justice.

The Lyon in all great solemnities, as the coronations, marriages, and christenings of kings, queens, or their children, is vested with a long robe of crimson velvet, with long tassels of silk hanging down to the ground; this robe is doubled with silver-coloured Spanish taffeta, and is a fee to him at such solemnities.—His crown is made close, all of beaten gold, after the model of the imperial crown of Scotland, not set with stones, but only enamelled. He may wear it at all solemnities whatsoever, except at funerals and interments.—His batton is of wood, coloured *azure*, and all over powdered with thistles of gold, which he uses principally at denouncing of war, proclaiming of peace, forfaiting traitors, proclamation of kings, &c.

As for the name of Lyon, given to the Scots King at Arms, it is taken from the Lion, the ancient badge of our Scots monarchs, borne by them for their arms since Fergus the first Scots Monarch, and is as ancient as since the days of Malcolm II. and some think long before that time.

The heralds, being six in number, have their precedency according to the dates of their creations. Their names of addition are altogether local, and are very ancient.

Snowdown is named from Snowdown Castle in the shire of Ross, and the residence of our ancient Scots kings.

Albany is named from the whole realm, which, by the ancients, was called *Alba*, and by our Highlanders, who are the native Scots to this day, is called *Albanach*. This herald was in use mostly to attend upon the Dukes of Albany.

Ross herald, so named from the county of Ross, which was of old an appendage of the crown.

Rothsay has his name and title from the Castle of Rothsay, or Rosay, an ancient residence of our Scots kings in the Isle of Bute.

Marchmont derives his title from the Castle of Marchmont, so named in our ancient histories, now called Roxburgh Castle.

Illy herald has his denomination from an island in the West Seas.

As for pursuivants, they are also for most part locally denominated (Unicorn only excepted) viz. Carrick, Kintyre, Ormond, and Bute.

The office of Lyon King at Arms in this kingdom has been of old endued with the power of regality over all these under him; for he holds his office of the king immediately, and that by letters patent under the Great Seal of Scotland. It was lawful for him to repledge all his under officers, for whatever cause, from the judgment of any court, civil, ecclesiastic, or criminal, the king excepted, upon his finding caution to administer justice upon them in his own court, and to punish them accordingly. And all magistrates and others are commanded, by act of Parliament, to be aiding and assisting to him for putting the privileges of his office in execution. He has the sole admission of all heralds, pursuivants, messengers, and macers; by him they are created, and from him all their patents of office, as from his majesty's supreme officer of honour, proceed. No herald can give new arms but by his licence and approbation, and his hand and seal must be had thereto, and all controversies among them must be determined by him and his deputies.

No herald or pursuivant could give orders for funerals or interments but by his appointment: neither could any paint arms without his licence. And all messengers within the kingdom are absolutely subject to his jurisdiction and command.

The ancient fees paid to the Lyon and his brethren, besides many others settled on them by the royal bounty, were, at the creation of a duke, L.1000, a marquis L.666:3:4, an earl L.400, an archbishop L.400, a bishop L.236:13:4; of a lord L.236:13:4, knight baronet L.66:13:4, knight-bachelor L.66:13:4, all which was equally divided amongst the Lyon, heralds, and pursuivants, viz. to the Lyon four shares, to every herald two, and to every pursuivant one. But at funeral obsequies they are paid as they serve, without division. At the publication of peace in any city, a silver bowl was the Lyon's due, or a merk of gold. Every knight that carried a banner, and every colonel of a regiment were obliged to pay the Lyon a merk in gold, and every captain a merk in silver; for which he was obliged to register their names, surnames, and qualities, with their arms, for the preservation of their honour. Every herald or pursuivant, for each proclamation they publish concerning the state, was to have an angel of gold: And to them belongs the executing of letters of treason, &c. for which they are paid according to paction. But as these things have, of late years, undergone several alterations, we shall insist no farther upon them: only, before we conclude this chapter, we shall set down the several oaths taken of old by the Lyon and his brethren, by which the reader will have a more distinct view of what they severally were bound to perform by their offices.

#### THE OATH OF THE LYON.

“ First, Whensoever the king's majestie shall command you to do any message to any uthir king or prince, estait, or persone, that you shall doe that als honourable and treulie as your witt and reasone can shew you, and als greatlie to the advantage of your said soverane lord, and trew report bring against his heighness of what ye shall do, as neir to the charge to you committit in words and substance, as your reason may attain: So alway keip your self free from any maner of motione, save to such persons as you be commandit to utter your charge unto.

“ Secondly, Ye shall doe your true endeavour, as God may help you, every day to be more cunning then uthers in the office of armes, so that you be the better furnished to execute with more wisdom and eloquence such charges as your soverane shall lay unto you by vertue of the office his sacred majestie hath committit unto your charge.

“ Thirdly, Ye shall do your full knowledge of all noblemen and gentillmen within this realm, which should beir coats in the feild, in service of our soverane lord, his lieutenant, officers, or commissioners, and them with their isshewes trulie register, and such armes as they bear, with their difference dew in armes to be given, and if they hold any service by knights fee, whereby they should hold and doe the king service for the defence of his land.

“ Fourthlie, Ye shall not be straing to teach heraulds or pursevants, nor to ease them in such questions as they shall move to you.

“ Lastlie, Ye shall promise to registrat all acts of honor in maner and forme as they be done, so far as your cunning and power shall extend.

#### THE OATH OF A HERALD AND PURSUIVANT WHICH THEY GIVE AT THEIR CREATION.

“ First, Ye shall swear that ye shall be trew and faithfull to your soverane lord the king, and if ye have any knowledge, or heir any imagination of treason, or heir any language or word, that should so move, or sound to the derogation of his honor, stait, or heighness (which God defend) in that cause, so soon as it is possible, ye shall discover the same to the King of Armes, who shall go with you, either to his heighness or his counsell, as God shall bliss you.

“ Also you sall swear, that you sall be conversant and serviceable to all gentillmen, to do their commandments to their worship by your good counsaill which God heath sent you.

“ Also you sall swear and promise to keip the secrets of knights, esquires, and ladies, as a confessor of armes, and not to discover them in any manner except it be treason against the kings most excellent majestie.

“ Also you sall promise and swear, if that ye be in any place, where ye may heire any language betwixt graitmen and gentillmen, that is not worshipfull, or profiteable, nor generous, that ye keip your mouth close, and report it not furth to any living bot to themselves.

“ Also you sall promise and swear, that from hencefurthe you sall forsake all dishonest places, that ye naythir keip taverne nor aillhouse, ather by yourselvis, wyffe, or families, but onlie apply yourselves to vertue, the studie of armes, genealogies, search of records, monuments and antiquities, with lyk exerciss of honour. So help you God.

“ Also you solemlic promise and swear to obey the commandments and instructions, with all uther the employments of the King of Armes, in all matters concerning honor and armes; and also in all uthyr particulars and matters contin'd in the several privileges of his office. So more help you God, and by the oath you have maid.”

#### C H A P. XVII.

##### OF PRECEDENCY.

**A**MONGST those who are supreme, kings have the preference from commonwealths; and, among kings, emperors are allowed the first place; and yet hereditary kings may debate the precedence with them when they are but elective.

The French Kings have debated their precedence with the Kings of Spain for many years, till at last it was yielded in favours of the French.

The King of Great Britain claims precedence to them both. 1. As being king of that Isle, which was first Christian. 2. Upon his being anointed, and one of the *quatuor uncti*, which were before all other kings. 3. That having conquered France, he has right to all the precedence which France can acclaim. And, to Spain, the King of England was preferred in the general councils of Pisa, Constance, and Basil.

But the King of Great Britain, as King of Scotland, may justly claim precedence of all these kings; for it is a received maxim, that among those of equal dignity, he who first attained to that dignity is to be preferred; and the King of Scotland being equal in dignity to the Kings of England, France, and Spain, attained to that dignity before any of them. For Fergus I. came into Scotland 330 years before the birth of Christ; whereas it is coniest by the English historian Polydore, that Egbert, the first English king, did begin his reign 800 years after our Saviour's birth.

As to the monarchy of Spain, they are no older than Rodolphus King of the Romans, elected in the year 1273, by whom the House of Austria did rise to this dignity.

As to the now reigning Kings of France, they are only descended from Hugh Capet, who usurped the throne in *anno* 987. And not being descended of either the Carolingian or Merovingian races, they cannot compete with our kings, Achaius King of Scotland having been contemporary with Charles *le Magne*, the first of the Carolingian race; and yet Achaius was but the sixty-fifth of the Scots Kings; and the leagues betwixt the said Achaius and the said Charles are not only asserted by Scots and French Historians, but confessed by all strangers.

And if the Christian race be allowed preference, the Kings of Scotland ought on that account to have the pre-eminence also; for Donald King of Scots embraced the Christian faith in *anno* 109, before either William the Conqueror succeeded to England, or Hugh Capet to France, and long before Spain obeyed its late race of monarchs.

And though it must be owned, that in the council of Constance, England and

France were preferred to Scotland, yet, as Gothofred observes, that proceeded from the partiality of the Church of Rome, which always preferred those who were able to do them most service; and surely, according to the Christian religion, as that race ought to be preferred whose title is justest, so the Scots Kings never having usurped over the people which they governed, they have a just title to precedency on that account above all others.

And as to that silly and groundless pretence, that the Kings of Scotland were vassals of the Kings of England, the same is so pertinently and fully redargued by Sir George Mackenzie in his Right of Precedency, that it would be lost labour to enter upon it in this place.

The King of Sweden pretends to precedency over Denmark, though it is very dubious, Denmark having likewise claimed precedency from Sweden. The Kings of Sweden have claimed precedency above all Christian princes, as being the true successors of the Gothic Kings, who exacted tribute even from the Emperors and Kings of France. Both Denmark and Sweden claim precedency from the King of Poland, as being an elected and limited monarch. The King of Poland has claimed precedency of the King of Portugal, though it has been determined in favour of the latter.

There are other sovereigns who are not crowned heads, such as Mantua, Florence, Ferrara, Parma, Venice, &c. who debate their respective precedencies; but it is not easy to determine them, some having it one time, and some at another.

Commonwealths themselves have contended for precedency of any one king, on these accounts; that they being the freest of all men, are the noblest; and they being in effect a country of kings, ought to be preferred to any one king; especially since their government is elder than that of kings, men having drawn themselves into societies before they either submitted to or elected kings.

Some commonwealths claim precedency, as having right to kingdoms, as Venice, on account of her right to the kingdom of Corsica. Genoa has contended with Venice, but without success.

The States General contend with Venice, and all other commonwealths, as being the more powerful, and being a society of commonwealths. They pretend also to precedency of all the princes of the empire, as being more independent: But yet that has been decided against them by the emperor in later times.

Among the princes of the empire, the electors are still preferred; and amongst these the ecclesiastics are preferred to the laics. Next to the electors the Archduke of Austria has the precedency in the empire. The eldest sons of electors precede all other princes of the empire.

Churchmen themselves have had as much bustle about precedency as any others whatever; witness the Patriarchs of Rome, Constantinople, Antioch, Alexandria, and Jerusalem. The two former claimed precedency, because their sees were the seats of the Roman and Grecian empires; those of Jerusalem, because the chief priesthood was once settled there; those of Antioch, because it was the first seat of Christianity; and those of Alexandria, as being the chief city of the east, before the building of Constantinople.

The Roman Patriarch was, by the Emperor Phocas, raised above all the rest in the year 606; since which time they have raised themselves to the papacy, though it cannot be denied but even before that they had the first seat in all councils. And though it be pretended that Constantine the Great did, from Christian humility, prefer the successor of Peter, as vicar of Jesus Christ, to himself, and is brought in *Cap. Constantinus 14. dest. 96.* as acknowledging himself to have led the pope's bridle, and, in the famous ceremonial of Rome, fol. 21. the emperor is allowed no higher place than the pope's footstool; yet these things have been strenuously opposed by the emperors, and not pretended to in latter times by the popes themselves.

Cardinals have debated precedency with patriarchs, though adjudged to belong to the latter. Sixtus Quintus raised cardinals to an equal degree with kings; and if kings be present at table, if there be but one, he is to sit after the first cardinal bishop, and if more, they sit mixtly with the cardinals. But this is not yielded to by princes who profess the reformed religion.

The bishops of Scotland preceded in this manner; archbishops, St Andrews and Glasgow; bishops of Edinburgh, Galloway, Dunkeld, Aberdeen, Murray, Ross, Brechin, Dumblane, Caithness, the Isles, Argyle and Orkney. Marquises in old times took place of archbishops: But, in latter times, in imitation of England, archbishops take place of all dukes and marquises; yea, the Archbishop of St Andrews took place of the Chancellor, by virtue of a letter from the Sovereign *anno 1664*.

The bishops of England precede thus; archbishops, Canterbury and York; bishops of London, Durham, Winchester, St Davids, Ely, Norwich, Hereford, Salisbury, Peterborough, Carlisle, Worcester, Rochester, Landaff, Lincoln, Bangour, Exeter, Chichester, St Asaph, Oxford, Litchfield and Coventry, Bristol, Gloucester, Chester, and Bath and Wells.

Nobility is divided into *nobiles majores et minores*; under the greater are comprehended all such as are lords of Parliament; under the lesser are comprehended knights and gentlemen; and though all these be not peers of Parliament, yet they are all peers to one another, seeing a gentleman may be married to a duke's daughter; and though noblemen must be judged by their peers, yet landed gentlemen may pass upon their assize, and a nobleman is obliged to accept of a challenge from a gentleman, were duels lawful. It is doubtful whether the younger sons of dukes and marquises are to be ranked among the *nobiles majores*, or *minores*, since, on the one hand, they sit not in Parliament, and on the other they are designed Lord, and take place of many of the *nobiles majores*.

In Scotland the king's children, uncles, and nephews only had precedency of all subjects, and no remoter degree and precedency on account of his relation to our kings.

The first place, next to the king, was due to the Prince of Scotland, who was likewise Duke of Rothsay, and the King's second son was Earl of Ross.

It has been doubted whether the king's uncle, &c. has the precedency of the officers of state at the coronation, riding of the parliament, &c. in which it was the Constable's privilege to ride upon the king's right hand, and the Marischal's on his left: But the Duke of York preceded all officers at the coronation of king Charles II.

Amongst princes of the blood the last descended from the royal family has still precedency: But though this hold in the branches, yet the eldest of the same branch will precede all of that branch.

The nobility of Scotland were either declared such by feudal erections, their lands being erected by the king into a dutchy, earldom, &c. which did of itself make him a duke or earl in whose favour the lands were so erected: or else they got the patents of honour declaring them dukes, earls, &c. and this is a much later way, none being nobilitate by patents amongst us before King James I.—The third way of nobilitating with us, is by creation and solemn investiture; the whole form of which we have given in the preceding chapter, in the instance of the Marquises of Hamilton and Huntly, *anno 1599*.

The English nobility are sometimes created by being called in a writ to Parliament under the designations of Earls, Viscounts, &c. which was unknown in Scotland.

*Precedency among Subjects is thus established both in Scotland and England.*

- Dukes of the blood royal.
- Other dukes according to their creation.
- Eldest sons of dukes of the blood royal.
- Marquises according to their creation.
- Dukes' eldest sons.
- Earls according to their creation.
- Marquises' eldest sons.
- Dukes' younger sons.
- Viscounts according to their creation.
- Earls' eldest sons.
- Marquises' younger sons.

Barons, whom we call lords.  
 Viscounts' eldest sons.  
 Earls' younger sons.  
 Barons' eldest sons.  
 Baronets.  
 Viscounts' younger sons.

At the coronation of King Charles I. the precedency of the nobility of Scotland was ordered to be the same with that in England; and to prevent differences betwixt the nobility of both kingdoms, it was ordered, that all those of the same degree in England should, in England, take place from all those of the same degree in Scotland: And all those of the same degree in Scotland should, in Scotland, take place of the English; that is to say, all the English Dukes should take place in England of all the Scots dukes, and all the Scots dukes in Scotland should take place of all the English dukes, &c.

In *anno* 1623, King James VI. settled the precedency among his officers and counsellors thus:

The Lord Chancellor.  
 The Lord Treasurer.  
 The Archbishop of St Andrews.  
 The Archbishop of Glasgow.  
 The Earls and Viscounts according to their ranks.  
 Bishops according to their ranks.  
 Lord Privy seal.  
 Lord Secretary.  
 Lord Register.  
 Lord Advocate.  
 Lord Justice Clerk.  
 Lord Treasurer-depute.  
 The Lords of Session according to their admission, barons and gentlemen, being counsellors, according to their admission.

With us the eldest sons of barons are designed *masters*, and the uncles of lords were called *masters*, probably for no other reason but that they wanted a title, and so took up this, which occasioned afterwards the word *master* to be given to persons whose names were not known.

By act of Parliament 1661, the President of the Session is declared to have precedency of the Lords Register, Advocate, and Treasurer-depute.

The 18th of November 1729, the Lord President of the Session produced to the lords a letter from Queen Caroline, guardian of the kingdom, to the President and Senators of the College of Justice in Scotland, for settling the precedency of the courts of justice therein, which was read, and ordered to be recorded, whereof the tenor follows:

*By her Majesty the Queen, Guardian of the Kingdom, &c.*

CAROLINE, R. C. R.

“ FORASMUCH as we have been informed, that doubts have frequently arisen  
 “ between the Senators of his Majesty's College of Justice, and the Barons of  
 “ his Exchequer, in that part of his Majesty's kingdom of Great Britain, called  
 “ Scotland, concerning their rank and precedency; and we are willing to prevent  
 “ any uneasiness, jealousies, or disputes between the members of two bodies so  
 “ highly intrusted by his Majesty, and of so great use and importance to his ser-  
 “ vice, and to the good government and welfare of his people: Therefore, we do, in  
 “ his Majesty's name, by these presents, appoint and ordain, that you, the Presi-  
 “ dent of his Majesty's said College of Justice, shall have the first place, and on  
 “ all occasions shall take rank, and have precedency of the Chief Baron of his

“ Majesty’s Exchequer there; and the said Chief Baron shall continue to take rank, and have precedency of the remanent Senators of his Majesty’s said College of Justice; and the remanent Senators of the said College of Justice, and the Barons of his Majesty’s Exchequer, shall take place of each other, according to the date of their commission or appointment to their respective offices; that is to say, that every Senator of his Majesty’s said College of Justice, whose commission or appointment to his said office is of an elder date, shall take place, and have the rank and precedency of and above all Senators of his Majesty’s said College of Justice, and Barons of his Majesty’s said Exchequer, whose commissions or appointments are of a later date; and that every Baron of his Majesty’s said Exchequer, whose commissions or appointments are of an elder date, shall in like manner take place, and have the rank and precedency of and above all Senators of his Majesty’s said College of Justice, and Barons of his Majesty’s said Exchequer, whose commissions or appointments are of a later date: And if it shall happen that the commissions or appointments of one of the Senators of his Majesty’s said College of Justice, and one of the Barons of his Majesty’s said Exchequer, shall be of the same date, then the said Senator shall take place, and have rank and precedency of and before the said Baron. And this we do in his Majesty’s name ordain, appoint, and establish, to be the constant and unalterable rule and order in this respect, from henceforth in all time coming; provided always, that the same shall not extend to deprive any peer of his Majesty’s realm, or the son of a Peer, or any other whatsoever enjoying any of the above-mentioned offices, and having rank and precedency by reason of such his peerage or birth, or on any other occasion not relative to his office of Senator of his Majesty’s said College of Justice, or Baron of his Majesty’s said Exchequer, from bruiking and enjoying such rank or precedency, any thing in these presents to the contrary notwithstanding: And so we bid you heartily farewell. Given at the Court at Kensington the twenty-fourth day of July one thousand seven hundred and twenty-nine, in the third year of her Majesty’s reign. By her Majesty’s command,

HOLLES NEWCASTLE.

The Order of Baronet in Scotland was erected for advancing the plantation of Nova Scotia in America, and for settling a colony there, to which the aid of these knights was designed.

The Order of Baronet in England was erected for advancing the plantation of Ulster in Ireland.

Barons in England are lords with us; but a baron with us is properly he who has power of pit and gallows.

The old barons, or lairds, amongst us, especially where they are chiefs of clans, refuse to cede precedency to knights baronets, and much less to ordinary knights; though the others pretend, and justly, that a baron is no name of dignity, and that knights baronets have a special privilege, that there shall be no degree betwixt them and lords, except bannerets; that is, such as should be created under the royal standard in open war, the king being present; and it must be owned, that next to knights baronets, succeed knights-bachelors, and next to them our lairds or landed gentlemen; though a laird is but the corrupt word of a lord.

Amongst such as profess sciences, the ranking goes thus uncontrovertedly. 1. Such as profess Theology. 2. Such as profess the Canon Law. 3. The Civil Law. 4. Philosophy. 5. Medicine. 6. Rhetoric. 7. Poesy. 8. History. 9. Grammar. 10. Logic. 11. Arithmetic. 12. Geometry. 13. Music. 14. Astronomy; and among these such as are Doctors precede those that are not.

Women, before their marriage, have precedency by their father; but there is this difference betwixt them and the male children, that the same precedency is due to all the daughters that is due to the eldest, though it is not so amongst the sons; and the reason of this seems to be, that the daughters would succeed all equally, whereas the eldest son excludes all the rest.

During the marriage, the wife regularly participates of the condition of her husband; and, in France, they communicate of the husband’s titles; and thus they

say, Madam la Chancelière, Madam la Presidente; yet it is not so with us, who think that offices are bestowed on husbands upon a personal account.

By our law, if a woman have precedence by her birth or descent, she retains still the same, notwithstanding she marry a person of inferior dignity; though this be contrary to the civil law, and, indeed, he being her head, it is unnatural that any part should be more honourable than the head. But it is observable, that if the daughter of a nobleman marry another nobleman, she will lose the precedence due to her by her birth, though she would not have lost it if she had married a gentleman.

After the husband's decease the wife enjoys her husband's precedence during her widowity; but if she marry to a person of inferior quality, she loses that precedence; though the queen never loses her former dignity, though she marry the meanest person after the king's death; notwithstanding her bastards are not noble, as the bastards of the king are; nor does the womb ever nobilitate. By the civil law, a widow living lewdly loses her former dignity.

The wives and daughters of all dukes, marquisses, earls, &c. do take the same place that the husbands and sons do, conform to their precedence.

When princes or judges intend to shun deciding of controversies concerning precedence, and to preserve the rights of all the competitors, they ordain the competitors to precede one another by turns, and alternately. And, lest the first turn should give the precedence, order that to be decided by lot. 2. They cause them enter by several doors. 3. They use round tables, or write the pretenders names in a circle. 4. The eldest of the competitors is ordered to precede, or according as they produce their commissions. 5. Some use to secure themselves by protestations, which certainly do interrupt prescription.

As to the peerage of Scotland, the best account that can be given of them at this period is the return of the Lords of Session to an order of the Right Honourable the Lords Spiritual and Temporal in Parliament assembled, the 12th of June 1739, with which we shall conclude; and is *verbatim* as follows:

“ MAY IT PLEASE YOUR LORDSHIPS,

“ IN obedience to your Lordships' order of the 12th June last, requiring that the Lords of Session in Scotland do make up a roll or list of the peers of Scotland at the time of the Union, whose peerages are still continuing, and do lay the same before your Lordships in the next Session of Parliament; and that the said Lords do, as far as they shall be able, state in such roll or list the particular limitations of such peerages.

“ The Lords of Session have, by committees of their own number, made all the inquiry they have been able, by searching into the public records, and examining the proper officers to whose care the keeping of them is committed, in order to give your Lordships all the satisfaction that is in their power. And they humbly beg leave to report,

“ That after the most careful search and examination, they have not hitherto found amongst the records any roll or list of the peers of Scotland, at the time of the Union, authenticated by the subscription of the Lord Register, or of any other officer or person whatsoever; all they have been able to meet with to give satisfaction in this particular, is an unsigned writing on a sheet of paper, intitled *Roll of Parliament 1706*, bearing, first, a list of the peers according to their rank; next, a list of commissioners from shires to that Parliament; and then a list of the commissioners from burghs: and this writing, some of the officers who were then employed under the Lord Register say, was the very roll or list that was daily called over in the last Parliament of Scotland, pursuant to the constant practice of calling over the roll both of peers and commons, who sat together in one house, before the house proceeded to business; and also of collecting the voices, by calling over the rolls when any point was to be resolved by a question: They also find that this roll or list has, ever since the Union, been looked upon as authentic, and that copies thereof, so far as concerns the peerage, have been made use of, with some additions hereafter to be mentioned, and called over at every meeting of the peers of Scotland for the election of one or more peers to serve in the Parliament of Great Britain, from the year 1708 down to this time. And that your Lordships

may be able to discover whether this list agrees with that which was laid before your Lordships by the Lord Register of Scotland, in obedience to your Lordships' order of the 22d December 1707, a copy of the list of peers, as it sands in the said roll, is hereunto annexed in the Appendix, and marked No. I.

" They further report, that this roll, or list of peers, which they consider as that which was *de praxi* made use of, and called over in the last Parliament of Scotland, in which the Union was enacted, and therefore deemed to be a true one, has suffered several alterations since that time, some of which are of that nature and notoriety that they may presume to certify them to your Lordships; whereas they must content themselves, with respect to others, with stating the case so far as it appears to them, without concluding positively from what they shall so state: One great alteration they refer to is, what was made by the attainders of

EARLS	VISCOUNTS	LORDS
Marischal;	Southesk,	Kenmure,
Marr,	Airly,	Kingston,
Nithsdale,	Carnwath	Kilsyth.
Winton,	Callander, <i>by the at-</i>	Sinclair,
Linlithgow,	<i>tainder of Earl</i>	Burleigh,
Perth,	<i>Linlithgow,</i>	Duffus,
Seaforth,	Panmure.	Nairn.

of high treason, for their accession to the unnatural rebellion that was raised in the year 1715, which takes nineteen out of the said roll or list of the peerage of Scotland. Another alteration they presume to mention, because it is certain, is the addition of three peers to the said list; to wit, his Royal Highness the Prince of Wales, Prince and Steward of Scotland, by the title of Duke of Rothsay, under which his present Majesty, whilst prince, voted by list, at the election of a peer to serve in Parliament in the room of the Marquis of Tweeddale, *anno* 1716; and the Lords Somerville, and Colvil of Culross, who, by your Lordships' resolutions of the 27th of May 1723, were found to have right to the honours and dignity which they respectively claimed, and who, on the 31st of that month, obtained a signification of his late Majesty's pleasure, by the Duke of Roxburgh, then Secretary of State, to the Lord Register of Scotland, to place them in the list of the peers of Scotland, conform to your Lordships' resolutions aforesaid; and they have accordingly voted at the succeeding elections: Taking therefore from the said roll or list in the appendix, the said nineteen peers attainted, and adding thereto the three peers last described, they humbly certify to your Lordships, that the roll or list of the peers of Scotland stands at present, so far as with certainty appears to them, thus:

DUKES	EARLS	VISCOUNTS	LORDS	
<i>His Royal Highness the Prince</i>	Glencairn,	Aboyne,	Arbuthnot,	Blantyre,
	Eglinton,	Newburgh,	Oxford,	Cardross,
Rothsay,	Cassilis,	Kilmarnock,	Irvine,	Colvil of Culross,
Hamilton,	Caithness,	Dundonald,	Dumblane,	Granston,
Buccleugh,	Murray,	Dumbarton,	Preston,	Jedburgh,
Lennox,	Hume,	Kintore,	Newhaven,	Maderty,
Gordon,	Wigton,	Breadalbane,	Strathallan,	Cupar,
Queensberry,	Strathmore,	Aberdeen,	Teviot,	Napier,
Argyle,	Abercorn,	Dunmore,	Duplin,	Cameron,
Douglas,	Kelly,	Melville,	Garnock,	Cramond,
Athol,	Haddington,	Orkney,	Primrose.	Reay,
Montrose,	Galloway,	Ruglen,		Forrester,
Roxburgh.	Lauderdale,	March,	LORDS.	Pitsligo,
	Kinnoul,	Marchmont,	Forbes,	Kirkcudbright,
MARQUISSES.	Loudon,	Seafield,	Salton,	Fraser,
	Dumfries,	Hyndford,	Gray,	Bargeny,
Tweeddale,	Stirling,	Cromarty,	Ochiltree,	Banff,
Lothian,	Elgin,	Stair,	Cathcart,	Elibank,
Annandale.	Traquair,	Roseberry,	Mordington,	Halkerton,
	Ancrum,	Glasgow,	Semple,	Belhaven,
EARLS.	Wemyss,	Portmore,	Elphinston,	Abercromby,
	Dalhousie,	Bute,	Oliphant,	Rollo,
Crawford,	Findlater,	Hopetoun,	Fraser of Lovat,	Colvil,
Errol,	Leven,	Deloraine,	Borthwick,	Ruthven,
Sutherland,	Dysart,	Ilay.	Ross,	Rutherford,
Monteith,	Selkirk,		Somerville,	Ballenden,
Roths,	Northesk,	VISCOUNTS.	Torphichen,	Newark,
Morton,	Kincardine,	Falkland,	Spynie,	Eyemouth,
Buchan.	Balcarras,	Dunbar,	Lindores,	Kinnaird,
	Forfar,	Stormont,	Balmerino,	Glassford.

“ But they dare not presume to transmit this to your Lordships as a list of the peerage of Scotland, without observing two things: *First*, That as they have, in examining the records, met with many ancient peerages, such as Lyle, Holyroodhouse, Monypenny, Inverkeithing, and others, not entered in the said roll or list that was called over in the last Parliament of Scotland; nay, some of them not appearing to have sat or voted for a century; as it is impossible for them to discover, so as to be able to report to your Lordships with any certainty, whether any, or which of these peerages may be extinct, or joined with other titles in the same person; as if any person should hereafter appear, and vouch a sufficient right to any of those peerages, your Lordships would admit them, as you did in the cases above mentioned of Somerville and Colvil of Culross: And as there may be several ancient peerages that do not appear in the said roll or list, now and for many years past, conjoined with higher dignities in the same person, which may hereafter separate, as the limitations of the succession of the several peerages may be different: So the above roll cannot be looked upon as a complete list, such as should exclude any further claims to ancient peerages duly to be made and vouched.

“ The *second* observation they humbly make, is, that though in drawing out the above roll or list they have left out such of the peers, contained in the list referred to in the Appendix, as they were warranted to leave out by legal evidence, yet they have reason, from examining the records, to think, that several of the peerages in the above roll or list are extinct, or so joined with other titles in the same person, as not to be again separable from them; though, not having absolute certainty or legal evidence of this, they could not take upon them to leave those peerages out of the roll or list which your Lordships directed them to lay before the house: But, as they take it to be their duty to give your Lordships all the

light they are able, under the proper guards, to prevent your Lordships from being misled, by the information they may offer, so far as it is imperfect, they take the liberty, humbly to lay before your Lordships such observations, as leave it doubtful, whether the persons claiming some of the said peerages have sufficient right thereto, or, as lead them to think, that several particular peerages in the above-written roll or list are extinct, or joined in the same person with other peerages, not again to be separated: And they have annexed in the Appendix, No. II. copies of the words of limitation in the several patents to which the observations refer.

“MONTEITH. 1. Then, they observe, That there is in the record of the Great Seal, in the Lord Register's keeping, a patent by King Charles I. granting the dignity of Earl of Monteith and Strathern, *anno* 1631, to William Earl of Strathern, and to his heirs-male, and of tailzie; that they find no charter altering this limitation; that the Earl of Monteith appears to have sat in the Parliament of Scotland *anno* 1693, but not since that time; and that no person has, by himself or proxy, or by a signed list, attempted to give any vote since the Union as Earl of Monteith, in any election of a peer, or peers, to sit in Parliament; but whether any heirs-male, or of tailzie, of the said William Earl of Strathern or Monteith, do now exist, or whether the limitation of the succession of that peerage was altered by any new patent, or by any charter on the resignation of the original patentee, or his successors, they cannot discover.

“ANCRUM. 2. They observe, That there is in the record of the Great Seal, in the Lord Register's keeping, a patent *anno* 1633, granting to Sir Robert Ker, Knight, and to the heirs-male of the marriage betwixt him and Lady Anne Stanley, only daughter to the Earl of Derby, his second wife; which failing, to the heirs-male of the said Robert Ker, and their heirs-male for ever, the title of Earl of Ancrum: By the rolls of Parliament it appears that the Earl of Ancrum sat in the Parliament 1681; but as no one has sat in Parliament since that time, or claimed a vote at any election since the Union under that title; and, as by the said patent it appears, that, failing heirs-male of that marriage, the honours of Ancrum were to descend to the heirs-male of Sir Robert, the first patentee, whose eldest son appears, by the same patent, to have obtained the honours of Earl of Lothian, if there is no male descendant of the said Robert's second marriage, the title of Ancrum is, so far as they can discover, joined with that of Lothian, in the present Marquis of Lothian.

“FORFAR. 3. They observe, That there is in the record of the Great Seal, in the Lord Register's keeping, a patent *anno* 1661, granting to Archibald Douglas, and his heirs-male the title of Earl of Forfar. The last Earl of Forfar died of the wounds he received at the battle near Dumblane *anno* 1715: No one has attempted to vote under this title since his death; and as, by the records in Chancery, it appears that the Duke of Douglas is served and retoured nearest heir-male to the said deceased Earl, this peerage, so far as they can discover, is at present in the Duke of Douglas.

“DUMBARTON. 4. That the only patent that appears of the honours of Earl of Dumbarton is in the records of the Great Seal, and is dated in the 1675, and limits the descent to the heirs-male of the body of Lord George Douglas, the first patentee; so that if there are no heirs-male of his body existing, and if no alteration has been made of this limitation, by some later charter which does not appear, the title is extinct.

“MELVILL. 5. That the title of Earl of Melvill is, by the original grant thereof, *anno* 1690, to be found in the register of the Great Seal in the Chancery Office, limited to the patentee and the heirs-male of his body: That the present Earl of Leven, to whom, and the heirs-male of his body, the honours of Leven are limited, is the heir-male of the body of the patentee of the honours of Melvill; so that the honours of Leven and Melvill must remain conjoined in the same person, so long as there shall be male descendants of the body of the present earl.

“RUGLEN. 6. That by the only patent of the honours of Ruglen, which appears in the records of the Great Seal *anno* 1697, in the Chancery Office, the limitation is to Lord John Hamilton, the present Earl, and to the heirs-male of his body; which failing, to the heirs of his body whatsoever; that, by the decease of the late Charles Earl of Selkirk without heirs-male of his body, the title of Selkirk is now

devolved, by an express limitation in the original charter of the honour of Selkirk, *anno* 1688, in the records of the Great Seal in the Chancery Office, on the said John Earl of Ruglen, and will remain conjoined with the title of Ruglen so long as there shall remain male heirs of the body of the present earl; but as, on failure of such males, the honours of Selkirk are further limited to the fourth, fifth, and remaining sons of William Duke of Hamilton, and the heirs-male of their body, whereas the honours of Ruglen are descendible to the heirs whatsoever of the present earl's body, those titles may hereafter separate.

“**FINDLATER and SEAFIELD.** 7. That by the patent of the title of Earl of Seafield, in the record of the Great Seal *anno* 1701, in the Chancery Office, the title is granted to the patentee, whilst his father the Earl of Findlater was living, and to the heirs-male of his body; which failing, to his other heirs of tailzie succeeding to him in his lands, baronies, and estates; and by the patent of the honours of Findlater *anno* 1638, in the record of the Great Seal in the keeping of the Lord Register, the limitation is to the heirs-male of the body of the patentee succeeding to him in his proper estate of Findlater and Deskford. These titles are at present joined in the Earl of Findlater and Seafield; but whether they may not hereafter separate, will depend on the form of the settlement of the succession in the estates of Findlater and Deskford, the patrimony of the first Earl of Findlater, to which his patent refers, and on the form of the settlement made by the first Earl of Seafield, of his lands, baronies, and estate.

“**OXENFORD.** 8. That the patent creating the Viscount of Oxenford, appears in the records of the Great Seal, in the keeping of the Lord Register, *anno* 1651, and is limited to the patentee's heirs-male of tailzie and provision whatsoever; it appears by the rolls of Parliament, that the last time any person sat or voted, in virtue of that title, was in the Convention of Estates 1689; since that time it does not appear that any one, on this title, claimed a vote in Parliament, or at elections, since the Union, until the election 1733, when two different persons, viz. Robert Maitland and James McGill, claimed the title, and gave in lists; they believe that one of these claimants, James McGill, presented a petition to his majesty, claiming that peerage as his right; and that this petition having been referred to your Lordships, the petitioner was heard thereupon, and that your Lordships came to a resolution thereon in the year 1735, to which they beg leave to refer.

“**TEVIOT.** 9. That the patent creating Sir Thomas Livingston Viscount of Teviot, appears in the records of the Great Seal in the Chancery Office, *anno* 1696, limiting the honours to the heirs-male of the patentee's body; the said viscount sat in the Parliament 1704, but not since; nor has any one in right of that peerage claimed a vote at any election since the Union; and if there are no heirs-male of his body, the title is extinct.

“**DUBLIN.** 10. That the patent creating Thomas Hay Viscount of Duplin, appears in the records of the Great Seal in the Chancery Office *anno* 1697, limiting the honours to the heirs-male of his body; which failing, to his other heirs of tailzie; and, as there appears in the same records, *anno* 1704, a charter upon the resignation of William Earl of Kinnoul, of the honours of Earl of Kinnoul, to the said William during his life; and failing of him by decease, to Thomas Viscount of Duplin, and the heirs-male of his body; which failing, to his heirs of tailzie and provision, succeeding to him in his lands and baronies of Duplin; under which grant the honours of Kinnoul have been enjoyed by the Viscount of Duplin; these honours are now conjoined in the same person, and seem to be inseparable.

“**OCHILTREE.** 11. That there appears no patent, so far as can be discovered on record, creating the title of Lord Ochiltree, nor has any person sat in Parliament under that title since the year 1617, nor claimed a vote at any election since the Union in right thereof; but whether some person may not appear, and make good a claim thereto, they cannot say.

“**BORTHWICK.** 12. That there appears no patent in the records constituting the peerage of Lord Borthwick, nor does any person appear to have sat in Parliament under that title later than the year 1662. In the 1734, Henry Borthwick, at the general election of sixteen peers for this present Parliament, claimed his vote as Lord Borthwick, and gave in a list, as he has done at the several elections of single peers since the said election. In 1734 the Earl of Marchmont protested.

'That no person might be admitted to vote as pretending right to peerages by the titles of Borthwick, Kirkcudbright, or Rutherford; but no other competitor has appeared to claim the honour of Borthwick; but whether the right of the said Henry Borthwick, to the title of Borthwick, is good, they cannot say.

" SPYNE. 13. That the patent creating Lord Spynie has not hitherto been found in the records, nor has any person sat in Parliament under that title since the year 1669, neither has any person claimed a vote in virtue thereof at any election since the Union; but whether this peerage is extinct, they cannot say.

" CARDROSS. 14. That the patent creating Lord Cardross has not hitherto been found; that the present Earl of Buchan sat in Parliament, *anno* 1695, as Lord Cardross: That in the 1698 the Lord Cardross claimed the honours of Earl of Buchan, and by a resolution of Parliament was admitted to sit and vote as Earl of Buchan; that these honours are thus joined in the same person; but whether they must remain so forever, or may separate, they cannot say as the limitation of the peerage of Cardross does not appear.

" JEDBURGH. 15. That the latest charter of the honours of Lord Jedburgh that has hitherto been found, is in the records of the Great Seal in the year 1670, in the Lord Register's keeping, which, on failure of Robert Ker of Fernihirst, and the heirs-male of his body, limits the honours to William, Master of Newbattle, and the heirs-male of his body; which failing, to the said Master's nearest heirs-male whatsoever; that this William, Master of Newbottle, succeeded to the honours of Jedburgh, and on that title voted in Parliament *anno* 1702, where his father the Marquis of Lothian also sat and voted as Marquis of Lothian, and upon his father's decease succeeded to the honours of Lothian; and therefore, if a judgment were to be formed on what thus appears, it would be natural to conclude that the honours of Jedburgh and Lothian are conjoined in the same person; but as it appears that the present Marquis of Lothian, in his father's lifetime, voted, *anno* 1712, at the election of a peer to sit in Parliament, in the room of the Earl Marischal then deceased, under the character of Lord Jedburgh, it is not impossible that the family of Lothian may be possessed of some settlement of this peerage of Jedburgh, different from what hitherto has been found in the records.

" MADERTY. 16. That they have not found the patent creating the Lord Maderty in the records; that the Lord Maderty appears by the rolls of Parliament to have sat and voted *anno* 1669; that no person appears to have sat in Parliament, or to have claimed a vote at any general or particular election of a peer or peers, after the Union under that title; but whether the title is extinct, or joined with some other peerage in the same person, they cannot take upon them to say.

" CUPAR. 17. That there appears in the records of the Great Seal, in the Lord Register's keeping, the charter of erection of the Lordship of Cupar *anno* 1607, in favour of James Elphinston, lawful son of the Lord Balmerino, and the heirs-male of his body; which failing, to his father, and his heirs-male, and of tailzie, contained in his infeftments of the barony of Balumby; it appears from the rolls of Parliament, that no person has sat or voted in Parliament as Lord Cupar since the year 1662; neither has any one claimed a vote under that title, at any election since the Union; so that if there are no heirs-male of the body of the Lord Cupar the patentee, it is likely that peerage is now joined with that of Balmerino, in the same person, not to be hereafter separated.

" CRAMOND. 18. That in the records of the Great seal, in the keeping of the Lord Register, there appears a patent, *anno* 1628, creating Elizabeth, the wife of Sir Thomas Richardson, Lord Chief Justice of the Court of Common Pleas, during all the days of her life, Baroness of Cramond; and, after her decease, granting the same honours to Sir Thomas Richardson, the son of the said Lord Chief Justice, and his heirs-male; which failing, to the heirs-male of the body of the said Lord Chief Justice, with right to vote in Parliament, if personally present, and not otherwise; that in examining the rolls of Parliament, and the proceedings at all the elections since the Union, it does not appear that any person ever sat or voted as Lord Cramond, or that any one offered to vote at any election since the Union,

under that title : but, as the descendants of the said Sir Thomas Richardson, if any were, had probably their residence in England, their not having claimed hitherto can be no objection to their title, if they can verify their right to it.

“ KIRKCUDBRIGHT. 19. In the records of the Great Seal, in the keeping of the Lord Register, there appears a patent, creating Sir Robert M'Lellan, Lord Kirkcudbright, *anno* 1633, and granting the honours to him and his heirs-male, carrying his name and arms : It does not appear that ever this Lord Kirkcudbright, or any person in his right, sat or voted in Parliament ; but it appears from searching into the proceedings at the several elections of peers since the Union, that, *anno* 1721, at the election of a peer to serve in Parliament, in the room of the then deceased Marquis of Annandale, James M'Lellan of Auchlean, offered his vote as Lord Kirkcudbright ; but that vote appears to have been protested against, as being given by a person who had not made good his title to that peerage. In the year 1734, at the general election of sixteen peers, to serve in the present Parliament, after the decease of the said James, without heirs-male of his body, William M'Lellan voted as Lord Kirkcudbright, and was protested against by James M'Lellan, who laid claim to that peerage, and voted in right thereof : The said William has voted since that time at all the elections of single peers, without any objection ; and whether his right so to do is well founded, they cannot take upon them to say.

“ BARGENY. 20. That the patent of the Lord Bargeny has not been met with in the records. By the proceedings in a cause which lately depended before the Court of Session, and which was brought by appeal before your Lordships, touching the succession to the estate of Bargeny, it appears that there is no heir-male existing of the body of John Lord Bargeny, who, *anno* 1688, made the settlement of his estate, on which that question depended ; and no person has, at any election, since the death of the last lord, claimed a vote in right of that peerage ; but as they cannot discover from the records the limitation of that dignity, they cannot take upon them to say, whether it is extinct or not.

“ ABERCROMBY. 21. That there appears in the records of the Great Seal, in the Chancery Office, a patent, *anno* 1647, granting the dignity of Lord Abercromby to Sir James Sandilands, and the heirs-male of his body ; but it does not appear that either the patentee, or any successor of his in that right, ever sat or voted in Parliament ; neither has any one offered to vote in right of that peerage at any election, general or particular, since the Union.

“ RUTHERFORD. 22. That in the records of the Great Seal, in the keeping of the Lord Register, *anno* 1661, there appears a patent, granting the dignity of Lord Rutherford to Andrew Rutherford, and the heirs-male of his body ; which failing, to whatsoever person or persons he should, by any writing under his hand, even on death-bed, appoint to succeed him. The Lord Rutherford appears by the rolls of Parliament to have sat or voted in the 1698, and Robert Lord Rutherford appears to have voted at the election of sixteen peers *anno* 1715 ; and in the year 1733 at the election of a peer, in room of the Earl of Sutherland, then deceased, George Durie of Grange appeared and voted as Lord Rutherford, without any objection. At the general election the year following, 1734, the same person claimed his vote ; but he was protested against by Captain John Rutherford, who laid claim to the honours of Rutherford, and gave in to the clerks his list in virtue thereof ; against which the said George Dury in his turn protested ; and in the election, *anno* 1738, of a peer to serve in Parliament in the room of the late Earl of Morton, these two claimants renewed their protestations against each other, and tendered severally their votes ; but whether any, or which of them, has a sufficient right to that peerage, they cannot say.

“ NEWARK. 23. That the patent creating David Leslie Lord Newark, appears in the records of the Great Seal, in the keeping of the Lord Register, *anno* 1661, limiting the descent to the heirs-male of his body ; it does not appear by the rolls of Parliament that any one has sat or voted under that title since the year 1690 ; neither has any one in right of that peerage offered a vote at any election since the Union ; but whether it is extinct, by reason of failure of heirs-male of the body of the patentee, they cannot take upon them to say.

“ EYMOUTH. 24. That by a patent in the records of the Great Seal, in the Chancery Office, *anno* 1682, the dignity of Lord Eymouth is granted to John

Churchill, afterwards Duke of Marlborough, and the heirs-male of his body: That the limitation of this peerage does not appear from the records in Scotland to have been altered, so as to be made descendible in the same channel with his other honours; and if no act of the crown, before the Union, or of the Parliament of Great Britain since, has interponed, that title seems to be extinct by the failure of heirs-male of the body of the patentee.

"GLASSFORD. 25. That no patent of the honours of Glassford has been found on record, excepting one in the year 1685, in the records of the Great Seal, in the Chancery Office, which grants that dignity to Francis Abercromby of Fittermier, during all the days of his life. This lord does not appear to have ever sat in Parliament; and if no different patent has been obtained of this title, from that which appears in the records, it died with him.

"Having, in these observations, laid before your lordships every matter that has occurred to them, on such examination of the records, as the nature of the work, the condition of the records, and the course of the business of the court would permit, fit to create an opinion, that the several peerages, to which the observations refer, may be either determined or conjoined in the same person, with other titles of honour, in some cases separable, in others not; or to show, that though the titles may be subsisting, yet the right thereto is controverted, they humbly certify to your lordships, that they have not hitherto discovered from the records any reason to doubt, that all and every the other peerages, in the roll or list above ingrossed, not mentioned in these observations, are still subsisting and continuing; though objections may lie against some of them, not hitherto discovered, and that no one, so far as they can discover, has hitherto controverted the right of the present possessors, by setting up a claim to any of these peerages.

"But before they leave this article, they must observe to your lordships, that though the list of the peers, first above described, (a copy whereof is in the Appendix, p. 183. No. 1.) was what the clerks looked upon as of authority; yet, in copying over rolls or lists, to be made use of at several elections since the Union, they have added, but by what authority does not appear, two peerages, viz. that of the Earl of Solway, and that of the Lord Dingwall. The question concerning the last is of little importance, because the Duke of Ormond, who voted as Lord Dingwall, by proxy, at the election of sixteen peers, *anno* 1710, stands attainted of high treason, by an act of the first year of his late Majesty King George I. But as to the first, they take it to be their duty to state the matter to your Lordships, so far as it appears to them; observing, that the peerage of Solway does not stand in the before-mentioned roll or list, though it appears to have been interlined in some old copies taken thereof, and entered between the title of Deloraine, and that of Ilay, in the rolls that have been made use of at the elections since the Union: They made what enquiry they were able into the cause, why it did not stand in the so often mentioned roll or list, and how it came afterwards to be added; and from that enquiry an obvious reason appears, why that title was not entered on the roll; to wit, that as the patentee, because of his nonage, was incapable to sit and vote, so neither had any one taken upon him to present his patent in Parliament, which was usually done, and an entry made in the minutes of Parliament, of its having been so done, before the peerage was entered on the rolls of Parliament; but as this was omitted to be done in the last Parliament of Scotland, they cannot discover by what authority that peerage has, since the Union, been added to the roll of peers; nevertheless, since it has been so added, they presume humbly to lay before your Lordships what appears to them from the records concerning it. The patent appears in the records of the Great Seal, *anno* 1706, and grants the honours of Earl of Solway to Lord Charles Douglas, now Duke of Queensberry, and the heirs-male of his body; which failing, to Lord George Douglas, third son of the late Duke of Queensberry, and the heirs-male of his body; which failing, to any other son to be begotten by the said late Duke of Queensberry, not succeeding to the honours of Queensberry, and the heirs-male of such son's body. Now, as the last patent of the honours of the Dukedom of Queensberry, bearing the same date with the patent of Solway, viz. 17th June 1706, limits the succession of the dignity to the heirs of the tailzie of the estate; and as, by the tailzie of the estate, which is recorded in the register of tailzies, the estate of Queensberry is limited to the present duke, and the heirs-male of his body; which failing, to

the said Lord George Douglas, and the heirs-male of his body ; which also failing, to any other son to be begotten of the said late Duke, and the heirs-male of the body of such son ; and as there is no male issue of the body of the said Duke of Queensberry existing, except the present duke and his sons, the title of Solway can never subsist separate from that of Queensberry : But, as they believe, that in certain proceedings before your Lordships, in the year 1720, the present Duke of Queensberry disclaimed the peerage of Solway, they must humbly leave it with your Lordships, whether the title of Solway is a subsisting peerage at all ; if it is subsisting, it would seem to be joined with that of Queensberry.

“ As to the other part of your Lordships' order, which requires the Lords of Session to state in the roll or list to be laid before your Lordships, the particular limitations of the peerages, so far as they shall be able, they must, in place of giving your Lordships the satisfaction you expected, and that they wished to give, content themselves with laying before your Lordships the following remarks ; which will show, not only that they are not able, but also why they are not able to answer your Lordships' expectation.

“ *First* then, They take the liberty to remark, that they cannot discover in the records any patent of honour creating a peerage, earlier than the reign of King James VI. Before that time, titles of honour and dignity were created by erecting lands into earldoms and lordships, and probably by some other method that cannot now, in matters so ancient, be with any certainty discovered : For a great many noble families appear, from the rolls of Parliament, to have sat and voted in Parliament as lords of Parliament, though no constitution of the peerage, or title of honour under which they sat, can be now found in the records : But as the constitution in most ancient cases does not appear, and the chief evidence of the titles being hereditary is the successor's regularly possessing the predecessor's rank in Parliament, it is not possible, without hearing the allegations that may be made, and examining the evidence that may be brought by contending parties, to form any judgment of the limitations of such ancient peerages. As there is not, so far as they know, any maxim hitherto established in the law of Scotland, that can be applied universally to determine the descent of peerages, where the original constitution, or new grants upon resignation do not appear ; and of the difficulty that occurs in settling such questions, they lately had an instance in the case of the peerage of the Lord Fraser of Lovat, which is undoubtedly subsisting ; the last lord, who sat in the Parliament 1695, dying without male issue, his eldest daughter, and after her death, her eldest son, assumed the title, having obtained before the Court of Session, in absence of the heir-male, a decret, declaring their right thereto ; and, on the other hand, his nearest heir-male claimed it, insisting that the honours were descendible to heirs-male ; and brought his action before the Court of Session, to have it so found and declared, and to reduce and set aside the foresaid judgment by default : The court, where actions of the same kind had been thought competent, and as such sustained before the Union, proceeded to hear the cause ; and the parties having produced of either side all the documents they could, and having been fully heard thereon, the Court reduced and set aside the foresaid decret in absence, and found the title in question descendible to heirs-male ; and the defender has hitherto acquiesced. But whether this judgment is of sufficient authority, they humbly submit to your Lordships ; having made mention of it chiefly to show, that though, when the parties interested join issue, and furnish all the light in their power towards the determination of the cause, the Court must give their opinion, yet, where no party that may be interested is bound to appear, and to produce or point out in the records, so far as they may be found there, the documents that are necessary to instruct their claim, it is next to impossible for any court, or indeed for human industry, to make up a state of the interests of so many persons as fall under this observation, with any tolerable certainty.

*2dly*, They presume humbly to inform your Lordships, that through various accidents, the state of their records, particularly of their most ancient, is imperfect ; for, not to mention other misfortunes, it appears by an examination, to be found amongst the records of Parliament, 8th January 1661, that of the registers, which having been carried to England, during the Usurpation of Cromwell, were bringing back from London, after the Restoration, by sea, 85 hogsheads were, in a

storm, shifted out of the frigate (the Eagle,) into another vessel, which sunk with those records at sea; and 10 hogsheads more of the records, brought down from London at that time, lie still unopened in the general register-house, through some neglect of the officers to whose charge they were committed, that cannot well be accounted for; so that, upon this separate account, your Lordships will perceive a search into the ancient records cannot give reasonable satisfaction.

“ 3dly, After the practice of creating peerages by patent, the records, till of late, have been so carelessly kept, that they cannot be absolutely depended upon; patents of honour have passed the Great Seal, and yet copies of the patents so passed are not to be met with in the Register of that seal; and of this the patents of the Lord Forrester, *anno* 1651, and of the Earl of Breadalbane, 1682, are instances; the first of these was duly sealed in the 1651, but not entered in the register till the year 1684; and the last was duly sealed in the 1682, but, to this hour, is not entered into the register; besides that of volume 57. of the Register of the Great Seal, in the keeping of the Lord Keeper, twelve leaves are lost, by some accident now unknown; and it appears from the minute-book, that the patent of Bargeny, and several others, were passed at such time; that they probably may have been entered in some of those leaves that are lost.

“ 4thly, They presume humbly to inform your Lordships, that it was a practice very prevalent in Scotland for peers to make a resignation or surrender of their honours, whether originally created by patent, or by the more ancient methods, into the hands of the sovereign, for new grants of those honours to such a series of heirs as they intended for their successors; and the new grants passed sometimes in the form of patents of honour only, and sometimes in the form of charters of the estates, containing a new grant of the limitation of the honours. Now, where this last was the case, it must be attended with very great labour and expence of time, to search for the titles of honour amongst all the charters of lands.

“ 5thly, The practice of Scotland went still farther; and it was usual to obtain grants of honours, not only to the grantee and his heirs-male, and of tailzie, referring to the particular entail then made, but also to his heirs of tailzie whom he might thereafter appoint to succeed him in his estate, and even to any person whom he should name to succeed him in his honours at any time in his life, or upon deathbed: Now, as it is impossible to trace through the records such nominations and appointment, which in some cases may be valid, though not hitherto recorded, your Lordships will easily see, that the Lords of Session are not able to give your Lordships any reasonable satisfaction touching the limitations of the peerages that are still continuing; and your Lordships will further perceive the reason why, in the foregoing observations, they speak so doubtfully of the continuance of peerages, which, were they to judge only on what appears from the examination they have had of the records, they should not doubt to report to be extinct, or so conjoined with other titles of honour as not to be again separable.

“ *All which is most humbly submitted,*

“ DUN. FORBES, I. P. D.”

“ *Edinburgh, 27th Feb. 1740.*

# A P P E N D I X.

## No I.

### ROLL OF THE PEERS OF SCOTLAND, PARLIAMENT 1706.

DUKES	EARLS	VISCOUNTS	LORDS	
Hamilton,	Nithsdale,	Balcarras,	Kenmure,	Balmerino,
Buccleugh,	Winton,	Forfar,	Arbuthnot,	Blantyre,
Lennox,	Linlithgow,	Aboyne,	Kingston,	Cardross,
Gordon,	Home,	Newburgh,	Oxenford,	Cranston,
Queensberry,	Perth,	Kilmarnock,	Irvine,	Burleigh,
Argyle,	Wigton,	Dundonald,	Kilsyth,	Jedburgh,
Douglas,	Strathmore,	Dumbarton,	Dumblane,	Maderty,
Athol,	Abercorn,	Kintore,	Preston,	Cupar,
Montrose,	Kelly,	Breadalbane,	Newhaven,	Napier,
Roxburgh.	Haddington,	Aberdeen,	Strathallan,	Cameron,
	Galloway,	Dunmore,	Teviot,	Cramond,
MARQUISSES.	Lauderdale,	Melvill,	Duplin,	Reay,
	Seaforth,	Orkney,	Garnock,	Forrester,
Tweeddale,	Kinnoul,	Ruglen,	Primrose.	Pitsligo,
Lothian,	Loudon,	March,		Kirkcudbright,
Annandale.	Dumfries,	Marchmont,	LORDS.	Fraser,
	Stirling,	Seafield,		Bargeny,
EARLS.	Elgin,	Hyndford,	Forbes,	Banff,
	Southesk,	Cromarty,	Salton,	Elibank,
Crawford,	Traquair,	Stair,	Gray,	Halkerton,
Errol,	Ancrum,	Roseberry,	Ochiltree,	Belhaven,
Marischal,	Wemyss,	Glasgow,	Cathcart,	Abercromby,
Sutherland,	Dalhousie,	Portmore,	Sinclair,	Duffus,
Marr,	Airly,	Bute,	Mordington,	Rollo,
Monteith,	Findlater,	Hopetoun,	Semple,	Colvil,
Roths,	Carnwath,	Deloraine,	Elphinston,	Ruthven,
Morton,	Callender,	Ilay.	Oliphant,	Rutherford,
Buchan,	Leven,		Fraser of Lovat,	Ballenden,
Glencairn,	Dysart,	VISCOUNTS.	Borthwick,	Newark,
Eglinton,	Panmure,		Ross,	Nairn,
Cassilis,	Selkirk,	Falkland,	Torphichen,	Eymouth,
Caithness,	Northesk,	Dunbar,	Spynie,	Kinnaird,
Murray,	Kincardine,	Stormont,	Lindores,	Glassford.

## No II.

## COPIES OF THE WORDS OF LIMITATION IN THE SEVERAL PATENTS REFERRED TO.

COMITES.

## MONTEITH.

*Willielmus Comes Taichie lie Monteith.*

Ultimo Ju-  
lii 1631. CAROLUS, &c. Volumus et concedimus quod præfatus Willielmus Comes Taichie Hæredesq; sui Masculi et Tallie Comitatus Taichie Comites Jernie et Taichie lie Strathern et Monteith omni tempore a futuro appellentur et vocentur.

*Dominus Robertus Ker de Ancrame Miles.*

24to Junii  
1633. CAROLUS, &c. Fecisse, constituisse, et creasse, dictum Dominum Robertum Comitem de Ancrame, nobis tamen ita visum est, ut dictus Titulus, &c. immediate post ipsum, ad Hæredes Masculos inter eum et Dominam Annam Stanley unicum Willielmi Comitis de Derby Filiam immediate descendet; verum si Deo visum fuerit, quod Hæredes Masculi dicti Domini Roberti suæq; Conjugis absque Hæredibus Masculis de eorum corporibus procreand' decesserint, tunc, et in eo casu, dictus Titulus ad alios Hæredes Masculos dict' Domini Roberti Ker, eorumq; Hæredes Masculos, in perpetuum descendet.

## FORFAR.

*Archibaldus Douglas Filius legitimus natu maximus inter Demortuum Archibaldum Angusæ Comitem, et Dominam Jeannam Wemys Procreat'.*

2do Octo-  
bris 1661. CAROLUS, &c. Fecisse, constituisse, et creasse, memoratum Dynastum Archibaldum Douglas, ejusq; Hæredes Masculos, Comitem de Forfar.

## DUMBARTON.

*Dynasta Georgius Douglas Filius natu tertius Demortui Gulielmi Marchionis de Douglas.*

9no Mar-  
tii 1675. CAROLUS, &c. Fecisse dict' Georgium, et Hæredes Masculos, ex corpore suo, Comites de Dumbarton.

## MELVILL.

*Georgius Dominus Melvill.*

8vo Apri-  
lis 1690. GULIELMUS et Maria, &c. Nominasse, fecisse, constituisse, et creasse eundem Georgium Dominum Melvill Comitem, &c. Comitem de Melvill, &c. designandum. Damus porro, concedimus, et conferimus, in dict' Georgium Dominum Melvill, et Hæredes Masculos de ejus Corpore, in perpetuum, antedictum titulum Comitis, &c.

*Dominus Joannes Hamilton, Filius nuperi Ducis de Hamilton.*

GULIELMUS, &c. Nominasse, fecisse, constituisse, et creasse eundem Dominum Joannem Hamilton Comitem, &c. Comitem de Ruglen designandum. Damus porro, conferimus in dictum Dominum Joannem Hamilton, et Hæredes Masculos de ejus corpore; quibus deficien', Hæredes de ejus corpore quoscumque antedictum Titulum, &c. Comitis.

14to Aprilis 1697.

*Dominus Carolus Hamilton, Filius legitimus ordine nascendi secundus Gulielmi Ducis de Hamilton.*

JACOBUS, &c. Fecisse, constituisse, et creasse memoratum Dominum Carolum Hamilton Comitem de Selkirk, &c. Ac damus, concedimus, et conferimus in eundem Dominum Carolum Hamilton, et Hæredes Masculos ex ejus Corpore; quibus deficien', in Dominum Joannem Hamilton, Filium legitimum natu tertium Gulielmi Ducis de Hamilton, et Hæredes Masculos ex ejus Corpore legitime procreand'; quibus deficien', in Dominum Georgium Hamilton, ejus Filium legitimum natu quartum, et Hæredes Masculos ex ejus Corpore legitime procreand'; quibus deficien', in Dominum Basilium Hamilton, Filium legitimum dict' Ducis natu quintum, et Hæredes Masculos ex ejus Corpore legitime procreand'; quibus deficien' Dominum Archibaldum Hamilton, Filium ejus sextum et natu minimum, et Hæredes Masculos ex ejus corpore legitime procreand'; quibus omnibus deficien', in alios Hæredes Masculos dicti Ducis de Hamilton, et in Literis suis Patentibus contentis antedictum Honoris et dignitatis Titulum Comitis de Selkirk, &c.

6to Octobris 1688.

### SEAFIELD.

*Jacobus Vicecomes de Seafield.*

GULIELMUS, &c. Fecisse, constituisse, et creasse eundem Jacobum et Hæredes Masculos de ejus Corpore; quibus deficien', alios Hæredes Talliæ sibi in Terris suis Baroniis, et Statu succedend', Comites de Seafield.

24to Junii 1701.

*Jacobus Dominus Deskfoord.*

CAROLUS, &c. Fecisse, constituisse, creasse, et inaugurasse præfatum Jacobum, Dominum Deskfoord, Comitem de Findlater, et dedimus et concessimus, dict' Domino Deskfoord suisque hæredibus Masculis de Corpore suo legitime procreat' ipsi in Patrimonio, et Statu de Findlater et Deskfoord, succedend' Titulum, &c. Comitis.

20mo Februarii 1638.

*Dominus Carolus Douglas, Filius secundus Ducis de Queensberry.*

ANNA, &c. Fecisse, constituisse et creasse dictum Carolum, et Hæredes Masculos de suo Corpore; quibus deficien', Dominum Georgium Douglas Filium legitimum natu tertium dict' Ducis de Queensberry, ejusque Hæredes Masculos de suo Corpore; quibus deficien', Filium legitimum natu juniorem procreat' seu procreand' de corpore dict' Ducis dignitati et Statui de Queensberry non succedend', et Hæredes Masculos de ejus Corpore, Comites de Solway.

VICCOMI-  
TES.

## OXFURD.

*Dominus Jacobus McGill de Cranston McGill Miles Baronetus.*

CAROLUS, &c. fecisse, constituisse, et creasse, dictum Dominum Jacobum McGill de Cranston McGill Militem Baronetum, ejusq; Hæredes Masculos Talliæ et Provisionis quoscunque, Vicecomites de Oxfurd, et Dominos McGill de Cousland.

19no Apri-  
lis 1651.

## TEVIOT.

*Dominus Thomas Livingston, Miles.*

GULIELMUS, &c. fecisse eundem Majorem Generalem Dominum Thomam Livingston, et Hæredes Masculos legitime procreatos seu procreandos de suo Corpore, Vicecomites de Teviot.

4to Decem-  
bris 1696.*Thomas Hay de Balhousie.*

GULIELMUS, &c. nominasse, fecisse, constituisse, et creasse præfatum Thomam Hay de Balhousie Vicecomitem, Vicecomitem de Duplin nuncupan' inque eundem Dominum Thomam Hay, et Hæredes Masculos de Corpore ejus legitime procreat; quibus deficien' Hæredes ejus Talliæ, Titulum Vicecomitis damus, &c.

3imo De-  
cembri  
1697.*Gulielmus Comes de Kinnoul, et Thomas Vicecomes de Duplin.*

ANNA, &c. dedisse et concessisse prædict' Gulielmo Comiti de Kinnoul, durante ejus Vita, et quo per decessum deficiente prædicto Thomæ Vicecomiti de Duplin, et Hæredibus Masculis legitime de Corpore suo procreat' vel procreand'; quibus deficien' Hæredibus suis Talliæ et Provisionis illi in terris et Baronia de Duplin, succedentibus, antedictum Titulum, &c. Comitis de Kinnoul, Vicecomitis de Duplin, &c. et volumus et declaramus quod hoc presens Diploma nullo modo præjudicabit Diplomati, per quondam nostrum Fratrem Gulielmum Regem, beatæ Memorix, prædict' Thomæ Vicecomiti de Duplin, concesso de Titulo et Honore Vicecomitis dedata.

29no Fe-  
bruarii  
1704.

## JEDBURGH.

*Robertus Ker de Fernherst.*DOMINI  
BARONES.

CAROLUS, &c. Creamus, facimus, et constituimus prænominatum Robertum Ker de Fernherst. Dominum de Jedburgh, ac damus et concedimus ei et Hæredibus Masculis ex ejus Corpore; quibus deficien' Willielmo Magistro de Newbottle, et Hæredibus Masculis ex ejus Corpore; quibus deficien', dict' Magistri de Newbottle Hæredibus Masculis quibuscunq; Titulum. Honorem, Ordinem, et Dignitatem Domini de Jedburgh, &c. cum præcedentia et ordine Andreæ Domini de Jedburgh secundum Literas patentes dedat' 2do Februarii 1622.

11mo Julii  
1670.

## COUPAR.

*Jacobus Dominus de Coupar.*

JACOBUS, &c. Sciatis nos dedisse, concessisse, et disposuisse Jacobo Elphinstone, Filio legitimo nostri Consilarii Jacobi Domini de Balmerinoch nostri Secretarii ac Presidentis nostri Collegii Justitii, inter illum et Dominam Marjoriam Maxwel ejus

Sponsam legitime procreat' suisque Hæredibus Masculis de Corpore suo legitime procreandis; quibus deficientibus præfato Jacobo Domino de Balmerinoch ejus Patri, suisque Hæredibus Masculis et Tallie in suo Infeofamento Terrarum, et Baronie de Balumbie contentis hæreditarie; omnes et singulas Terras, Baronias, Molendina, &c. et nos ereximus, creavimus, et incorporavimus omnes prædictas terras, &c. in unum liberum Temporale Dominium et Baroniam præfato Jacobo Elphinstone, suisq: Hæredibus Masculis et Tallie, prædict' Dominum et Baroniam de Coupar nuncupan' dando et concedendo dicto Jacobo suisque Hæredibus Masculis prædictis, Titulum, &c. unicis liberi Baronis, ac nostri Parlamenti Domini, omni Tempore a futuro Dominos de Coupar nuncupandos.

20mo Decembris  
1607.

## CRAMOND.

*Elizabetha Domina Richardson, et Dominus Thomas Richardson, Miles, ejus Filius.*

CAROLUS, &c. Fecisse, creasse, & constituisse Elizabetham Dominam Richardson, conjugem Domini Thomæ Richardson, Militis, Justiciarii principalis in Foro Caesarum communi in Palatio Westmonasteriensi, pro toto Tempore Vitæ suæ, Baronissam de Cramond; ac post illius Decessum, creamus perq: Modum Successionis, Dominum Thomam Richardson Militem, Filium et Hæredem dicti principalis Justiciarii, Dominum Baronem de Cramond. Dando, &c. eidem post decessum dict' Domine suisque Hæredibus Masculis; quibus deficient' Hæredibus Masculis de Corpore dict' Domini Thomæ Richardson Patris post Decessum præfat' Domine, Titulum, &c. Baronum Parlamenti, tenend' et habend' præfat' Titulum Domini Baronis de Cramond, post Decessum præfat' Domine, cum Suffragio in Parlamento, cummodo personaliter presentes fuerint, et non aliter.

Ultimo  
Februarii  
1618.

## KIRKCUDBRIGHT.

*Dominus Robertus McClellan, Miles.*

CAROLUS, &c. Fecisse, creasse, et constituisse dictum Dominum Robertum McClellan, Dominum de Kirkcudbright; dand' et concedend' sibi suisq: Hæredibus Masculis, Cognomen et Arma dicti Domini Roberti geren' Titulum Domini, quoquidem Titulo, &c. Domini de Kirkcudbright, nos investivimus dictum Dominum Robertum Hæredesq: suos Masculos antedict'.

25to Junii  
1633.

## ABERCROMBIE.

*Dominus Jacobus Sandilands de St Monance, Miles.*

CAROLUS, &c. Dedisse, concessisse, et disposuisse, Memorato Domino Jacobo Sandilands, ejusq: Hæredibus Masculis ex Corpore suo legitime procreat' seu procreand' Titulum, &c. Domini; ac damus, &c. quod ille ejusq: Hæredes et Successores prædict' indignabuntur et nominabuntur Domini de Abercrombie, omni tempore futuro.

12mo Decembris  
1647.

## RUTHERFURD.

*Andreas Rutherford, Legatus Generalis.*

CAROLUS, &c. Fecisse, nominasse, constituisse, et creasse, Dominum Rutherford de ——— viz. ipsum Andream ejusque Hæredes Masculos ex Corpore suo legitime procreatos seu procreandos; quibus deficientibus, quamcunque aliam Personam seu Personas quas sibi, quoad vixerit, quinetiam, in Articulo Mortis ad ei succedendum; ac fore ejus Hæredes Tallie & Provisionis in eadem Dignitate, no-

minare et designare placuerit, secundum Nominationem et Designationem Manu ejus subscribendam, subsque Provisionibus, Restrictionibus, et Conditionibus, a dict' Andrea pro ejus Arbitrio in dicta Designatione exprimendis: Ac dedisse et concessisse Tenoreq: Presentium dare, &c. ei, ejusque antedict' dictum Titulum, Honorem, Dignitatem, et Gradum Domini Parlamenti, ut ita tempore futuro vocitentur et denominentur, cum Potestate sibi suisque antedict' denominandi et designandi semetipsos Dominos Rutherford de ————— ac gaudendi et fruendi eadem Dignitate, &c.

19no Januarii 1661.

## NEWARK.

*David Leslie, Legatus Generalis.*

CAROLUS, &c. Fecisse, constituisse et creasse dict' Legatum nostrum Generalem Davidem Leslie, et Hæredes Masculos ex Corpore suo legitime procreat' Dominum de Newark; ac dedimus et concessimus Memorato Legato nostro Generali ejusque prædict' antedictum Titulum, ut Domini de Newark omni Tempore futuro denominentur et designentur.

Ultimo Aug. 1661.

## AYMOUTH.

*Jobannes Churchill, Militem Tribunus.*

CAROLUS, &c. Nominasse, fecisse, constituisse & creasse præfatum Joannem Churchill Tribunum antedictum Dominum, Dominum Churchill de Aymouth omni Tempore futuro designandum; dando et elargiendo dict' Joanni Churchill hæredibusq: Masculis ex suo Corpore procreatis vel procreandis, prædictum Titulum, &c. ut prædicitur.

21no Decembris 1662.

## GLASFOORD.

*Franciscus Abercrombie de Fetternier.*

JACOBUS, &c. Nominasse, creasse, et inaugarasse præfatum Franciscum Abercrombie Fetternier (omnimodo assumptem Cognomen de Sempil, ac insignia Gentilitia ejusdem gerentem) Liberum Dominum, Dominum Glasfoord denominand' duran' omnibus suæ vitæ diebus.





# THE Regalia of SCOTLAND.

*Engraved from the Description in Mr. Wilson's Instrument taken when they were Deposited in the Castle of Edinburgh at the Union between Scotland and England.*

*The following is a Copy of the Instrument taken by Mr WILLIAM WILSON, one of the Under-Clerks of Session, at Depositing the REGALIA of SCOTLAND in the Castle of Edinburgh: And agreeable to this Description the following Copperplate is, with great accuracy, engraved.*

**A**T the Castle of Edinburgh, and within the crown-room there, betwixt the hours of one and two afternoon, of the 26th day of March, in the one thousand seven hundred and seventh year of our Lord, and sixth year of the reign of her Majesty, Anne, by the grace of God, Queen of Scotland, England, France and Ireland, Defender of the Faith; the which day, in presence of us notaries public, and witnesses under subscribing, compeared personally William Wilson, one of the Under-Clerks of Session, Depute-Marischal, for himself, as procurator for, and in name and behalf of William Earl Marischal, Lord Keith and Altrie, &c. Great Marischal of the Kingdom of Scotland, Heritable Keeper of the Regalia thereof, viz. crown, sceptre, and sword; and there, in presence of David Earl of Glasgow, Lord Boyle, &c. Lord Thesaurer-Depute, who, for himself, and in name of the remanent Lords Commissioners of Thesaury, was present to receive the above regalia. the said William Wilson, after producing and reading a procuratory granted by the said noble earl to him, of the contents therein, and after mentioned, dated and registrate in the books of Council and Session, on the 25th day of March instant, did also produce to the said Lord Thesaurer-Depute, a schedule, signed by him, and us notaries public undersubscribing, containing an inventory and particular description of the said regalia, as follows:—The IMPERIAL CROWN OF SCOTLAND is of pure gold, enriched with many precious stones, diamonds, pearls, and curious enamellings; its parts and specific forms are these, *1mo*, It is composed of a large broad circle, or fillet, which goes round the head, adorned with twenty-two large precious stones, viz. topazes, amethysts, garnets, emeralds, rubies, and hyacinths, in collets of gold of various forms, and with curious enamellings, and betwixt each of these collets and stones are interposed great oriental pearls, one of which is wanting. *2do*, Above the great circle there is another small one, formed with twenty points, adorned with the like number of diamonds and sapphires alternatively, and the points are topped with as many great pearls; after which form are the coronets of our lords barons. *3tio*, The upper circle is relevelate or heightened with ten crosses fleury, each being adorned in the centre with a great diamond, betwixt four great pearls placed in the cross *1* and *1*, but some of the pearls are wanting; and the number extant upon the upper part of the crown, besides what are in the under circle, and in the cross patee, are fifty-one, and these crosses fleury are interchanged with other ten high flower-de-luces, all alternatively with the foresaid great pearls, below which top the points of the second small circle. *Nota*, This is said to be the ancient form of the crown of Scotland, since the league made betwixt Achaius King of Scots and Charles the Great of France, the specific form of our crown differing from other imperial crowns, in that it is heightened or raised with crosses fleury, alternatively with flower-de-luces; the crown of France is heightened only with flower-de-luces; and that of England with crosses patee, alternatively with flower-de-luces. Our crown of Scotland, since King James VI. went to England, has been ignorantly represented by herald-painters, engravers, and other tradesmen, after the form of the crown of England, with crosses patee, whereas there is not one but that which tops the mond, but all crosses fleury, such as we see on our old coins, and these which top our old churches, these crowns were not anciently arched or close. Charles VIII. of France is said to be the first in France who took a close crown, as appears by his medals coined in the year one thousand four hundred and ninety-five, being designed *Imperator Orientis*: Edward V. of England, in the year one thousand four hundred and eighty-three, carried a close crown, as is observed by Selden; and our crown is arched thus: *4to*, From the upper circle proceed four arches

adorned with enamelled figures, which meet and close at the top, surmounted with a mond of gold, or celestial globe, enamelled blue *semé*, or powdered with stars, crossed and enamelled with a large cross patee, adorned in the extremities with a great pearl; such a cross tops the church of Holyroodhouse, and cantoned with other four in the angles: In the centre of the cross patee there is a square amethyst, which points the fore part of the crown; and behind, or on the other side, is a great pearl, and below it, on the foot of the paler part of the cross, are these characters, *Ʒ. R. 5.* By which it appears King James V. was the first that closed the crown with arches, and topped it with a mond and cross patee. But it is evident, *1mo*, That the money and medals coined in the reigns of King James III. and IV. have a close crown; and it is no less clear, that the arches of the crown were not put there from the beginning, or at the making of the crown: Because, *1mo*, They are tacked by tacks of gold to the ancient crown. *2do*, The workmanship of the arch is not so good, and there is a small distinction in the fineness betwixt the first and the last, the latter being superfine gold, and the other not so exactly to that standard, whereof trial has been made. *3do*, The tire or bonnet of the crown was of purple velvet; but in the year one thousand six hundred and eighty-five it got a cap of crimson velvet, adorned as before with four plates of gold, richly wrought and enamelled, and in each of them a great pearl, half inch in diameter, which appear between the four arches, and the bonnet is turned up with *ermine*; upon the lowest circle of the crown, immediately above the *ermine*, there are eight small holes, disposed two and two together, on the four quarters of the crown, in the middle space betwixt the arches, to which they have laced or tied diamonds, or precious stones: The crown is nine inches broad in diameter, being twenty-seven inches about, and in height, from the under circle to the top of the cross patee, six inches and a half; it always stands on a square cushion of crimson velvet, adorned with fringes, and four tassels of gold thread hanging down at each corner.—The SCEPTRE. The stalk or stem of the sceptre being silver, double over-gilt, is two foot in length, of hexagon form, with three buttons or knobs answering thereto: Betwixt the first button and the second is the handle, of hexagon form, furling in the middle, and plain; betwixt the second button and the third there are three sides engraven; that under the Virgin Mary, one of the statues that are on the top of the stalk, is the letter *Ʒ*. Upon the second side, under St James, the letter *R*. And on the third, under St Andrew, the figure 5. The side betwixt *Ʒ* and *R* is engraven with fourteen flower-de-luces; and on the side betwixt the figure 5 and the letter *Ʒ* are ten thistles continued from one stem; from the third button to the capital the three sides under the statues are plain; on the other three are antique engravings, viz. sacramental cups, antique Medusa's heads, and rullion folliages; upon the top of the stalk is an antique capital of leaves imbossed; upon the abacus whereof, arises round the prolonged stem, surrounded with three statues, *1st*, That of the Blessed Virgin, crowned with an open crown, holding in her right arm our Blessed Saviour, and in her left hand a mond, ensigned with a cross: Next to her, on her right hand, stands the statue of St Andrew, in an apostolical garment, and on his head a bonnet like a Scots bonnet, holding in his right hand a cross or saltier, a part whereof is broke off, and in his left, elevate, a book open: On the Blessed Virgin's left hand, St Andrew's right hand, stands another statue, seeming to represent St James, with the like apostolical garment, and an hanging neck superadded thereto, and upon his head a little hat like to the Roman *pileum*; in his right hand, half elevate, a book open, and in his left a pastoral staff, the head is broke off, and above each statue, being two inches and an half, (excepting the Virgin, which is a little less) the finishing of a Gothic niche: Betwixt each statue arises a rullion in form of a dolphin, very distinct, in length four inches, foliage along the body, their heads upward and effronted inward, and the turnings of their tails ending in a rose or cinquefoil outward: Above these rullions and statues stands another hexagon button, or knot, with oak leaves under every corner, and above it a chrystal globe of two inches and a quarter diameter, within three bars jointed above, where it is surmounted with six rullions; and here again with an oval globe, topped with an oriental pearl, an half inch diameter: The whole sceptre in length is thirty-four inches.—The SWORD. The sword is in length five feet; the handle and pommel are of silver

over-gilt, in length fifteen inches; the pommel is round, and somewhat flat on the two sides; on the middle of each there is, of embossed work, a gariand, and in the centre there have been two enamelled plates, which are broke off; the traverse, or cross of the sword, being of silver, over-gilt, is in length seventeen inches and an half; its form is like two dolphins, their heads joining, and their tails end into acorns; the shell is hanging down towards the point of the sword, formed like an escalop flourished, or rather like a great oak leaf; on the blade of the sword are indented with gold these letters, *Julius II. P.* The scabbard is of crimson velvet, covered with silver, gilded and wrought in philigram work, into branches of the oak tree leaves and acorns; on the scabbard are placed four round plates of silver, over-gilt; two of them, near to the crampet, are enamelled blue, and thereon in golden characters *Julius II. Pon. Max. N.* At the mouth of the scabbard, opposite to the heck, is a large square plate of silver, enamelled purple, in a cartouch *azure*, an oak tree eradicated and fructuated *or*; and above the cartouch the papal ensign, viz. two keys in saltier *adossé*; their bowls formed like roses, or cinquefoils, tied with trappings, and tassels hanging down at each side of the cartouch: Above the keys is the papal tiara, environed with three crowns, with two labels turned up, adorned with crosses. Pope Julius II. who gifted the sword to King James IV. had, for his armorial figures, an oak tree fructuated, which is the reason the sword is adorned with such figures, a hill and a star; which figures I find not on any part of the sword: if they have been on the two enamelled plates which are lost off from the pommel, I know not; but it is certain the Pope had such figures, as appears by these verses made by Voltoline, a famous Italian poet, as the same are mentioned by Hermanus Hermes, a German writer, who gives us these lines found in the monastery:

Quercus, mons, stella, formant sua stemmata, princeps;  
 Hisque tribus trinum stat diadema tuum.  
 Tuta navis Petri mediis non flectitur undis;  
 Mons tegit a ventis, stellaque monstrat iter.



# A P P E N D I X.

A

GENEALOGICAL ACCOUNT

OF

KEITH, MARISCHAL OF SCOTLAND ;

*From the Genealogical History of the Family, and other authorities.*

THE family derives its origin and descent from the *Catti*, a people bordering on the *Saltus Hercynius* ; who were the only Germans that made the first stop to the Roman conquest in the time of Augustus Cæsar, till the reign of Tiberius his successor, when they were entirely routed under the conduct of Germanicus, as some writers relate, particularly Hadrianus Junius in his *Historia Batavia*, dedicated to the States of Holland, *anno 1575*. Upon which overthrow a part of the *Catti* submitted to the Roman yoke, to retain their possessions in their native country ; which is now under the dominion of the Landgrave of Hesse-Cassel ; who, amongst his other titles, designs himself *Princeps Cattorum* : But the most, preferring their liberty, left their country, in order to find out an habitation where they might enjoy it. These, under their leader Battus, (as the foresaid Junius has it) accordingly fixed about the mouth of the Rhine, from whence the country was named Batavia, from their said leader *quasi Batton-have* ; for *have*, in the old language, signified what the Latins call *peculium*. The *Catti*, the above author says, built a castle on the banks of the Rhine, called from their ancient name Catzenelbogen, which is reckoned in the Hessian territories.

A neighbouring people, called the *Moravii*, were expelled by the same conquerors ; and, under Roderick their leader, landed at the Frith now called Murray Frith, in the reign of Corbred I. King of Scots, about the 63d year of Christ, and were kindly entertained by that prince, as being very serviceable to him in his wars against the Romans, for which they were rewarded with the lands called Murray to this day.

Sometime after, in the reign of Corbredus II. surnamed Galdus, the foresaid Batavian *Catti* sent a colony of their number to seek habitations in the isle of Britain ; and being dispersed in a storm, some of them (whom Camden calls *Catti Euchlani*) were carried to the mouth of the river Thames, where they all probably designed, as being the nearest coast ; and the rest were driven to the northern parts of Scotland, (whom Fordun calls *Catti Meliboci*) and landed in that part thereof now called Caithness ; which name had its rise from the *Catti* and the word *ness*, which in the old Scots Irish signifies a cape or promontory, *quasi promontorium Chattorum*, perhaps from the cape where they first landed : Under which name, at first, were included not only the present Caithness, but also Sutherland and Strath-

naver; and the inhabitants *Catti*, or in the Scots Irish, *Catteg*. In process of time the name of Caithness was restricted to the shire so presently called; and the rest were called Sutherland, from the southern situation with respect to Caithness: As appears by Mr Bleau in his Geography, Camden, Brand, and others.

However the *Catti* remained possessors of these lands, and were as kindly received by the then king, to whom they were as serviceable as the *Moravii* their countrymen had been to his father, in the wars against the Romans their invaders.

They continued in the possession of their lands for upwards of 900 years: In which time they spread out in several branches through the highlands, and are at this day distinguished by several surnames, such as Keith, Sutherland, Clan Mhurrich or Macpnerison, Macgilvray, &c. under the general denomination of Clan Chattan.

In the time of King Malcolm II. of Scotland, who began his reign *anno* 1004, Sueno King of Denmark having conquered England, and overthrown their King Ethelred, resolved to reduce likewise Scotland to his obedience; and was for a considerable time successful in his attempt, till King Malcolm obtained a singular victory over the Danes, under the command of their general Camus, a kinsman of Sueno, at Barry, six miles from Dundee. Which victory was chiefly attributed to the valour of the *Catti*, under the conduct of Robert their leader; who, besides his good service in the battle, pursued Camus and the surviving part of the Danes, as they were endeavouring to retreat into Murray, (then in the Danish possession) and overtook and killed them two miles from the place of battle; where Camus (a person of gigantic stature, and prodigiously strong) fell by the hand of Robert, in a single duel, Upon report of which, King Malcolm was curious to see the place, and the body of Camus; and having come up for that purpose, and there-upon commending sufficiently the valour of Robert, he dipped his three middle fingers in the blood of Camus, and therewith drew three perpendicular strokes on the upper part of Robert's shield; and having before the battle assured his soldiers that God (whose house those savages had demolished, and whose services they had despised) would grant them victory, said to those about him, *Veritas vincit*; which pales and words Robert's successors have of old carried for their arms and motto, in memory of this great action. This battle was fought in the year 1010.

There is mentioned by Camden in the edition 1722, col. 1257, and extant to this day, an obelisk of stone, called by the vulgar Camus-cross; and the little village near by retains the name of Camustoun to this day. And Boethius says, that in his time multitudes of prodigious bones were digged up in the adjacent fields, with a huge stone coffin, in which were found several large bones, supposed to be those of Camus.

In regard of so great service the king was pleased instantly to bestow upon Robert the honour of knighthood, and created him heritable Great Marischal of Scotland; which his posterity have since enjoyed, and several lands which the king bestowed upon him (particularly some in East Lothian) were from his name and office called Keith-Marischal, and the small island in the river of Forth called Inch-Keith, &c. The ancient name of *Chatti*, or *Catti*, being by process of time, according to the Scots dialect, transposed to *Kethi*, *Keycht*, and still more lately, for softness of pronunciation *Keith*: Which became an hereditary surname to this illustrious family.

I. Sir ROBERT was married on Margaret Fraser, daughter to Simon Fraser of Tweeddale, by whom he had a son called after his own name.

II. This ROBERT, second of the name, Great Marischal of Scotland, when Sueno King of Norway invaded Scotland, in the time of King Duncan, commanded a part of the Scots army at the battle of Culross, where the Scots were defeated. Thereafter he, with Banquo and Macbeth, fell upon the Norwegians in their camp, and cut them almost entirely off; so that there was scarce so many saved as to carry off their king to his ships. Which overthrow is mentioned by all our historians. He married a lady called Elizabeth Strachan, of whose parentage we have no certain account; and was succeeded by his son,

III. Sir ROBERT KEITH, who married Elizabeth Cuming, daughter to John Cuming, a potent man, who was by Alexander I. King of Scotland, advanced for his merits, to great honour and riches. And laid the foundation of many great families of his name. Sir Robert was succeeded by his son,

IV. Sir PATRICK KEITH Marischal, who married Margaret Marr, daughter to the Earl of Marr: Their son

V. Sir WILLIAM KEITH Marischal of Scotland, with the Earls of March, Montteith, and Angus, encountered the English at Alleton in England; and, after a bloody battle, proved victorious, took many prisoners, among whom was King Stephen's general, in the year 1133, in the reign of King David I. Sir William had for his wife Elizabeth Seaton, daughter to the Earl of Winton's predecessor, who bore to him

VI. Sir ROBERT KEITH Marischal. He, with Gilchrist Earl of Angus, went with forces against Somerled Thane of Argyle, and the other rebels, who took arms against King Malcolm IV. defeated and dissipated them. He married Elisabeth Fraser, daughter to Fraser of Tweeddale. His son and successor

VII. Sir HENRY KEITH Marischal, who, by virtue of his office, attended King William the Lion in his expedition against King Henry II. of England; and, with the Earl of Angus, defeated the English, after the king had been treacherously surprised by a party of the enemies' horse at Alnwick. This Sir Henry granted a charter to the monks of Kelso, of the patronage of the church of Keith, in pure and perpetual alms, to pray for the health of his soul, as in the register of Kelso, MS. He married Margaret Douglas, daughter to William, chief of that name: His son and successor was

VIII. Sir ROBERT KEITH Marischal. He accompanied King William and his brother David Earl of Huntingdon into England, to congratulate King Richard's safe return from the Holy Land; and afterwards, with the Earls of Fife and Athol, led an army against the rebellious islanders, whom they defeated. He married Jean Gordon, daughter to the chief of that name. He was succeeded by

IX. Sir WILLIAM KEITH, who attended, by virtue of his office as Marischal, King Alexander II. in his progress through the northern parts of Scotland; and afterwards, with his cousin the Earl of Buchan, marched against the rebel Gillespie, whom they took, with his two sons, who were all beheaded. He married Agnes Dunbar, daughter to the Earl of March: And was succeeded by his son

X. Sir ROBERT KEITH. He marched with King Alexander III. against Acho King of Norway, who was routed and defeated. Sir Robert married Jean Ogilvie, daughter to the chief of that name.

XI. Sir JOHN succeeded his said father; and married Margaret Cuming, daughter to the Earl of Buchan: Their son

XII. Sir ROBERT KEITH Marischal shared largely of the troubles wherewith the country was shaken after the death of Alexander III. during the wars betwixt Scotland and England. He would not comply with the English, though nearly allied to the Cumings, who were deeply engaged in that interest. He married Barbara Seaton, daughter to the Earl of Winton's predecessor, by whom he had Sir ROBERT, who succeeded him, and two daughters, one married to William Lord Douglas, to-named the *Hardy*: She bare two sons, Good Sir James Douglas, who raised the family of Douglas, and his brother Hugh.

XIII. Sir ROBERT KEITH Marischal was a most zealous defender of his country against the English. When his brother-in-law, William Douglas, was dispossessed of his land, and cast into prison by the English, where he died in *anno* 1280, he sent his nephew, called afterwards Good Sir James, to France, and bred him upon his own charges; and, when he came home, entered him upon the course of loyalty and virtue by which he and his family rose to so much honour. The Marischal deserted the then king, John Baliol, upon his surrendering the sovereignty of the kingdom to the English, though John Baliol gave him a new charter of his lands of Keith, Michelston, Ellem, Molener, &c. in *liberam warreniam* (as Sir James Dalrymple in his Collections) and Sir Robert Sibbald, in his History of Fife, says, "In the year 1309, Robert de Keith Marischal, and Justiciar benorth Forth,

“ appoints an inquest of some barons, freeholders, and others, of Fife, to determine a difference betwixt the abbot of Lindores and the town of Newburgh; and there was also present Sir Walter de Keith.” The Marischal went over to King Robert Bruce’s interest, and contributed his utmost endeavours to bring that brave prince to the throne. He was the chief instrument of gaining the battle of Inverury, which was the first ever that great prince obtained, and ushered in all his other glorious victories: For which King Robert gave him one of his own houses called Hall-Forest, and several lands near about. At the battle of Bannockburn he commanded 500 horse, and gave the first onset, and defeat a party of English horse sent to reinforce Philip Mowbray Governor of Stirling; which made way for that glorious victory King Robert obtained in the above-mentioned place. At the Parliament of Perth, in *anno* 1320, the king gave him a great part of his cousin the Earl of Buchan his lands, who was forfeited for adhering to the English interest. King Robert had a great value and esteem of Sir Robert Keith Marischal, in so much as he made him one of his ambassadors, first to the court of England, and then to France, in the year 1325, with the Earl of Murray, to treat with that crown upon very weighty affairs relating to the two nations; which was performed by them with honour and conduct: See *Fœdera Scotiæ*, MS. of late in the Earl of Winton’s possession, now in the lawyers’ library: And, as Dr Abercromby, in his first volume of the History of Scotland, says, “ This Sir Robert Keith Marischal was one of the fastest friends King Robert had.

This great patriot of the nation, in a good old age, was killed fighting valiantly at the battle of Duplin, against Edward Baliol, with most part of his friends, “ Cum plerisque ex familia sua nobilibus (say Boethius). Cum magno propinquo-ram & clientium numero,” (says Buchanan). And this is the reason why families of a later date are more numerous in their branches and cadets than the Keiths. They having been in every action, by virtue of their office of Marischal, present, and attended by their friends in every battle, the males were seldom allowed to increase to any considerable number: But this fight, on the 3d of August 1332, gave them the severest blow they ever received. This Sir Robert married Barbara Douglas, daughter to the chief of that name, by whom he had two sons, viz. John, who died before his father, and left behind him a son called Robert; and Sir William, who attended his cousin, Good Sir James Douglas, when he went with King Robert’s heart to the Holy Land.

XIV. THIS ROBERT KEITH succeeded his grandfather in his estate and office. He was also knighted as his progenitors; a man of great courage, and most active in driving Edward Baliol out of the country, and restoring King David. He besieged Perth, when strongly fortified and kept out by Macduff Earl of Fife, and after three months close siege took it, and sent the Earl, with his wife and children, prisoners, to Kildrummy. He married Margaret Hay, daughter to Gilbert Lord Hay, the first constable of that family. By her he had two sons, William and Edward, and two daughters; the one married to John Maitland, predecessor to the Earl of Lauderdale, and the other to the Laird of Drum-Irvine. Sir William, the eldest son, was one of the greatest heroes of his time; he was present with his father when he drove the Earl of Athol from the siege of Kilblane, and afterwards killed the Earl and most of those who were with him, taking several prisoners. And when the English sent two great armies into Scotland, under command of the Earl of Montfort and Richard Talbot, he routed them, and took their general prisoner, *anno* 1337. He besieged the town of Perth, kept out by Thomas Ritter for the English, *anno* 1340, and took it after a dangerous siege; and, after many glorious exploits, he was killed at the battle of Durham, where King David was taken prisoner by the English, *anno* 1346. The eldest son, Sir William, afore-mentioned, having died childless before his father, the next Marischal was his brother.

XV. SIR EDWARD KEITH. He married a lady of his own name, called, in a charter of the eighteenth of King David’s reign, *Domina Isabella Keith*; but of what family she was is not known, unless it be that of Galviston, mentioned by John Major. He had by her two sons, Sir Edward, who succeeded, and Sir John, who married Mary Cheyne, sole daughter and heiress of Reynald Cheyne, Laird of Inverugie, Strabock, &c. about the year 1380.

This branch of the family continued for several generations, and carried for their arms (as in James Esplin, Marchmont-Herald, his Illuminated Book of Arms) *argent*, a chief paly of six pieces, *gules* and *or*, within a bordure ingrailed *sable*. This John of Inverugie, his great grandchild, Sir Patrick Keith of Inverugie, married the Lord Graham's daughter, and with her had several children. The second son of that marriage was Gilbert Keith, who married a daughter of Ogston of Ludquhairn, of whom is lineally descended Sir William Keith, Baronet, present Governor of Pennsylvania, who bears for his arms, *argent*, a cross croset *fitché*, and an escalop in fesse *azure*, on a chief *gules*, three pallets *or*; as in the Lyon Register.

XVI. SIR EDWARD KEITH Marischal, the second of that name, was by King Robert II. created Lord Keith, about the year 1380, as appears from charters yet extant in that family; all his progenitors being made knights on account of their office. We have no certain account whom he married; only by a note of the initial letters of all the chiefs of this family, and their ladies, painted in a hall in the Castle of Dunotter, we find her pointed out thus, D. M. M. By her, he had Lord William, who succeeded, and Janet, who married Sir David Hamilton, predecessor to the Duke of Hamilton.

XVII. WILLIAM LORD KEITH Marischal married Margaret Fraser, daughter and heiress of Sir John Fraser of Cowie, with whom he obtained a great estate in the shire of Kincardine, and elsewhere. He made a very great figure under King David Bruce. In the year 1369 he was appointed one of the commissioners on the part of Scotland, to treat with the English touching a peace betwixt the two realms; which was concluded by them, as in Rymer's *Fœdera Angliæ*. With his lady, Margaret Fraser, he had three sons and a daughter; the eldest, John, a man of great valour, was at the battle of Otterburn; he took his father's post as Marischal, he being then indisposed; and, after James Earl of Douglas, General of the Scots army, fell in the battle, took upon him the chief command, defeated the English, and brought home with him Henry Hotspur, Earl of Northumberland, prisoner. He married a sister of King Robert III. (who, in a charter belonging to the family, yet extant, calls him, *Dilectum filium nostrum Joannem de Keith*) by whom he had a son called Robert, who married, and left only one daughter, Elizabeth, who married the Lord Gordon: but both he and his father died before his grandfather, William Lord Keith.

The said William Lord Keith's second son was named Robert. I have seen a charter granted to him by his said father, and Margaret Fraser his spouse, of the barony of Strachan, in the sheriffdom of Kincardine, of date 10th December 1375, which ends thus, "In cuius rei testimonium sigilla nostra consimiliter sunt appensa." Upon the seal there were three semi-circles meeting together, and within them three shields in triangle: that on the right belonged to Keith Marischal, having a chief paly of six pieces, and on that above six cinquefoils, disposed 3, 2, and 1, which was his lady's Margaret Fraser; the third shield on the left hand had other figures, which were defaced: Upon what account it was carried I know not. This seal I caused engrave on the first copperplate in my Essay on the Ancient and Modern Use of Armories, page 56. This Sir Robert married the heiress of Troup of that Ilk, and carried for his arms these of the family, quartered with *azure*, a garb betwixt three falcons' heads *or*. He died also before his father, and left a son, William, who enjoyed the estate and honours of the family.

Lord William's third son was Alexander Keith of Grandham. He commanded the horse against Donald of the Isles, at Harlaw, in the year 1411.

Lord William's only daughter was married to Robert, Duke of Albany, brother to King Robert III. and Governor of the kingdom, who, in a charter granted by him to the said Lord William, calls him, *Dilectum patrum nostrum Willielmum de Keith*; and the said Lord's second son, *Dilectum fratrem nostrum Robertum de Keith, Dominum de Troup*. The eldest son of this marriage was John Stewart, who was Earl of Buchan in Scotland. Anno 1402, he commanded the Scots forces that were sent to France, where, at the battle of Bougée, he defeated and killed the Duke of Clarence the English General. For his good and seasonable services the French King created him Earl of Evereux, and Constable of France. Thereafter he was killed fighting valiantly at the battle of Verneuil, in the year 1429; and

left issue only one daughter, Jean, who was married to George Seaton of that ilk, one of the progenitors of the Earls of Winton; for which that noble family have ever since quartered the arms of Buchan with their own. William Lord Keith disposed several lands to this John Earl of Buchan, whom he calls, *Clarissimo nepoti nostro Joanni Senescallo Domino de Buchan, Camerario Scotiae, terras de Touch-Fraser, Drippis, &c.* together with the office of Sheriff-Principal of Stirling, anno 1407.

This Lord William died about the year 1412, and was succeeded by his grandson.

XVIII. WILLIAM LORD KEITH MARISCHAL. He married Elizabeth Lindsay, daughter to the Earl of Crawford, by whom he had four sons, Robert, William, John, and Alexander; Robert married Katherine Seaton, daughter to the Lord Seaton: he died before his father, leaving only one daughter, married to the Master of Gray; and his second son William succeeded.

XIX. WILLIAM, the fourth lord of this family, was, by the favour of King James II. created Earl, by the title of the ancient hereditary office in the family, anno 1455. He married Margaret Hamilton, daughter to James Lord Hamilton; by her he had a son named William, and a daughter, Janet, married to John Leslie, grandson and heir apparent to George first Earl of Rothes, but had no issue.

XX. WILLIAM, second Earl Marischal, succeeded his father in the honours and offices of the family, and a vast estate. Amidst the confusions of King James III. his reign, he acted a most wise and steady course, and so tempered his duty to that unfortunate prince, with his love to his country, that he endeavoured, by all means possible, to preserve the person and honour of the one, and the interest of the other. He was of a calm temper, profound judgment, and inviolable honesty; always for moderation and extinguishing divisions: and from the ordinary expression he made use of in giving counsel, he was called, *bearken, and take heed.* He married Elizabeth Gordon, daughter to Alexander first Earl of Huntly, by whom he had several children, whereof one, named Alexander, got a charter of the lands of Pitendrum, &c. anno 1513; and of him are lineally descended Alexander Keith, late Sheriff-Depute of the Mearns, Mr Robert Keith, Minister of the Gospel, presently residing in Edinburgh, and Alexander Keith, Writer there.

ROBERT, the eldest son of the said William Earl Marischal, was at the battle of Flodden, where he left Sir William Keith of Inverugie, Sir John Keith of Ludquhairn, with other friends killed in that battle. He married Beatrix Douglas, daughter of John Earl of Morton, by whom he had William who was heir to his grandfather, and Robert Abbot of Deer, of whom was Lord Dingwall, in the time of King James VI. who carried (as in Esplene, his Illuminated Book of Arms) quarterly, first and fourth Keith, second and third *gules*, a lion rampant *argent*; supported on the dexter by a deer, proper, and, on the sinister, by a bear, proper; crest, a deer's head and neck issuing out of the wreath: motto, *Memento creatorem.*

Earl William's daughters were, Elizabeth, married to George Earl of Huntly; Janet, to George Lord Glamis; and Agnes, to Sir Archibald Douglas of Glenbervie.

When John Duke of Albany, Governor of the kingdom, went to France, to renew the league with Francis I. anno 1520, William Earl Marischal had the custody of the young king, James V. in the Castle of Edinburgh; in which trust he behaved so well during the governor's absence, that the king had, all his lifetime, a great love to him, and granted to him many charters of his lands, with great privileges and jurisdictions. To him succeeded

XXI. WILLIAM, third Earl MARISCHAL, his grandchild, who was one of the greatest men of his age, for his personal parts and merits: he married Margaret Keith, daughter and heiress to Sir William Keith of Inverugie, with whom he got an opulent fortune; and with her had two sons and two daughters. He was at the bloody battle of Pinky, anno 1547, where he carried with him all his friends and followers who were of age and fit for arms, of whom he lost several. His eldest son William, called then Master of Marischal, was taken prisoner at this battle, with the Earl of Huntly then Chancellor, and other persons of quality. The

Master of Marischal was detained prisoner till ransomed for L. 2000 Sterling. He had to wife Elizabeth Hay, daughter to George Hay of Errol, *anno* 1543; died before his father, leaving a son, George, afterwards Earl Marischal; and daughters, Mary, married to Sir Robert Arbuthnot of that ilk; Barbara, to Alexander Forbes of Pitsligo; Mary, to William Keith of Ludquhairn, and had issue. William Earl Marischal's second son was Robert, commendator of Deer, who had, by the special favour of King James the VI. that abbacy erected to him in a temporal lordship, by the title of Lord Altree. His achievement (illuminated in the book of James Esplin, Marchmont-Herald) is thus, quarterly, first and fourth *or*, a saltier and chief *gules*; second and third, *argent*, a chief paly of six pieces, *gules* and *or*; supported on the dexter by an unicorn *argent*, horned and unguled *or*; and on the sinister by a deer, proper: crest, a rock proper, with the motto, *Watch the temptation*. He married Elizabeth Lundie, daughter and heiress of Robert Lundie of Benholm, by whom he had one daughter, Margaret, married to John Erskine of Dun: So the peerage failed, and his estate fell to the family of Marischal. William Earl Marischal, last mentioned, attended Queen Mary upon his own charge to France, and was chosen by the Queen and kingdom one of the twelve peers, by whose counsel the affairs of the kingdom were to be managed. He was most zealous for the Reformation, but against all irregular proceedings in that affair. When the Confession of Faith was presented to the Parliament 1560, the Earl Marischal stood up and said, "It is long since I carried some favour to the truth, and was somewhat zealous for the Roman Religion; but this day hath fully resolved me of the truth of the one and falsehood of the other: For, seeing (my Lords) the bishops, who, by their learning, can, and for the zeal they should have for the truth, would, as I suppose, gainsay any thing repugnant to it, say nothing against the Confession we have heard: I cannot think but it is the truth of God, and the contrary of it false and detestable doctrine." Whereupon the Confession was approved and authorised, and the Reformation settled.

Earl William's two daughters, Anne and Jane, the first was married first to James Earl of Murray, natural brother to Queen Mary, *anno* 1562, to whom she had two daughters; the eldest of which, Isabel, was married to James Stewart Lord Doune, and their eldest son James was Earl of Murray, in right of his mother. Again, she was married to Colin Earl of Argyle, to whom she bare Archibald Earl of Argyle, Colin Laird of Lundie, and two daughters. Mary, the second daughter of James Earl of Murray, was married to Francis Earl of Errol. Earl William's second daughter, Lady Jean, was married to John Lord Glamis, to whom she had two sons, viz. John Lord Glamis, who was Chancellor of Scotland, and Sir Thomas Lyon of Oldbar, Captain of the King's Guards, and Lord High Treasurer; and a daughter, Margaret, married first to the Earl of Cassilis, and afterwards to James Marquis of Hamilton.

This Earl William, by living a retired life at Dunotter, and shunning all public affairs but his own, (whence he came to be called among the vulgar, *William of the Tower*) very much improved his estate, so that at his death it was reckoned 270,000 merks a-year; and so situate, that from the northmost part of Caithness to the English borders he could lodge still on his own ground. Mr George Buchanan being by the Earl refused the purchase of a piece of land, said to have of old belonged to some of his relations, as is vulgarly reported in the family, threatened revenge, which he seems to have performed by his profound silence through all his history of this noble family, and their heroic actions. The earl died in a good old age, the 7th of October 1581, and was succeeded in his estate and honours by his grandson.

XXII. GEORGE EARL MARISCHAL, who was, by the care of his grandfather, well brought up; and, for the further improvement of his education, was sent abroad with his brother William, where he studied under the best masters, particularly the famous Beza at Geneva, where his brother, a gentleman of promising greatness, was unhappily killed in a scuffle or tumult among the citizens much regretted, and even by Theodore Beza in his writings. After Lord George had left Geneva, he travelled through Italy, and in Germany, where he visited the Landgrave of Hesse, Prince of the *Cbatti*, who, understanding who he was, and of his descent, received him kindly with all magnificence, as descended of the *Cbatti*. I shall here add what

Mr Smith says in his printed oration on this point, for which he cites history : " Potentissimus Hestæ Lantgravius, qui adhuc inter familiæ suæ decora Principis Chatterum, (qui semel Germanico submisere) titulum retinet, Georgio Comiti Marischallo, Germania peregrinanti, communem stirpem & cognationem officiose agnovit, & summo studio excoluit." After seven years travel he returned to his native country with great reputation, and was made a privy counsellor, and his majesty's lieutenant in the north. And in the year 1589 was sent ambassador extraordinary to Denmark, to espouse Anne, a daughter of that crown, in name of King James VI. in which he appeared with all the lustre the wealth of Scotland could adorn him; all or most being upon his own proper charges. These who attended him were Andrew Keith Lord Dingwall, Sir James Scrimgeour of Dudhope, Mr John Skene, the King's Advocate, and Mr George Young, Archdean of St Andrews. After this embassy, most honourably discharged by him, the king received him graciously, and esteemed him very much as a man to be relied on in the point of honour and fidelity, as appears by an act of his Majesty's Privy Council, of date the 25th of November 1589, where he exonerates and discharges him with much thankfulness; a part of which I shall here insert. " And for that the abbacy of Deer, being erected by his Majesty in " a temporal lordship, was by his highness disposed to his said cousin, and incorporated in his said earldom, in consideration of his designation at that time for the " said service, and the exorbitant expences which the honourable discharge thereof would crave and put him to, which now it has pleased God to effectuate by his means: Therefore his Majesty, and Lords foresaid, have declared, " and by the tenor of this present act, declare his highness's cousin foresaid, to " have honourably, dutifully, and to his greatest charges and expences, effected " and fulfilled the cause and motive of the said erection and union specified in his " infestment. And that, in the performance thereof, he has most worthily deserved the foresaid benefit, in a perpetual monument of his said service, to him " and his forever: Promising, in that respect, in his highness's princely and inviolable word, to cause this said discharge and declaration to be confirmed and " ratified by his highness's three estates in the next Parliament. And ordaining, " in the mean time, this present act to be insert and registrate in the books of " of secret council, *ad perpetuam rei memoriam.*"

In the year 1593, his Lordship made a noble foundation of a College at Aberdeen, which he endowed with sufficient funds towards the support and maintenance of a Principal and four Professors of Philosophy: And though other professors have been since added, by the piety and bounty of other great and learned men, yet the Earls Marischal are perpetual patrons of this college, which bears their name, being the first founders. And by the seal of the college, the arms of the family are marshalled with that of the town of Aberdeen thus: first and fourth, *argent* on a chief, three pales *gules*, for Keith; second and third, *gules*, a tower embattled *argent*; crest, the sun in his glory, with the word *luceo*; and the legend round the seal, *Insignia Academ. Marischal. Abredon.* The Earl being the first founder of the college, where many learned men of all professions have been educated, his memory, on that account, ought to be always honoured by all lovers of learning, with that gratitude and respect which so signal a piece of service to his country and posterity deserves. King James the VI. when in England, conferred upon him the highest mark of honour of which a subject could be capable, clothed him with royal authority; so that he was High Commissioner or Viceroy to the Parliament of Scotland, *anno* 1609. And after he had served his king and country in many eminent stations, mostly upon his own charges, his estate being one of the best in Scotland, he died at his castle of Dunotter the 2d of April 1623, aged 70 years.

This noble lord married first Margaret, daughter of Alexander Lord Home, by whom he had William his successor, and a daughter Anne, married to William Earl of Morton. 2dly, Margaret, daughter of James Lord Ogilvie, by whom he had Sir Robert Keith of Benholm.

XXIII. Earl WILLIAM succeeded his father Earl George. King Charles I. finding him a man of great honour and fidelity, called him to his Privy Council, where he carried himself very well in every thing relating to the crown and to the go-

vernment, in church and state. He died in the prime of his age, the 28th of October 1635, leaving issue by Mary his wife, daughter of John Earl of Marr and his lady, Mary Stewart, daughter to the Duke of Lennox and Richmond, three sons, William and George, both Earls Marischal successively, and John, who, for saving the honours of the kingdom from the hands of the English, was by King Charles II. created Knight Marischal, and afterwards Earl of Kintore, of whom immediately.

XXIV. Which WILLIAM Earl MARISCHAL, in the time of the civil wars, adhered to the king; and upon his own charges levied a troop of horse for his majesty's service, and marched with others for the king's liberation, in the year 1643, to Preston, where the king's army was defeated, and he hardly escaped with his life, returned to Dunotter Castle, where, in the year 1650, he entertained King Charles II. with the Duke of Buckingham, and other persons of quality, and attended on his Majesty all the time he was in Scotland, and designed to have accompanied him to England, but the king commanded him to stay at home with the Earls of Crawford and Glencarin, to govern the nation. And when some of the king's friends had assembled at Elliot, in Angus, for concerting measures to support the royal cause, they were surprised by a great body of English horse, and the Earl Marischal, with some others, sent prisoners to the Tower of London by sea; where, after ten years imprisonment, sustained with great firmness and constancy, though the English possessed his estate, and allowed him no maintenance, except what he received from his mother the Countess Marischal, he lived to see the happy Restoration of King Charles, and to receive some reward of his merit; for the king made him first a Privy Counsellor, and afterwards Lord Privy Seal: which office he discharged to his death, *anno* 1671. He married first Elizabeth, daughter of George Earl of Winton, by whom he had three daughters, Margaret, married to Sir James Hope of Hopetoun, and again to Sir Archibald Murray of Blackbarony; Mary, to Robert Viscount of Arbuthnot, and Jean, to George Lord Banfil. *2dly*, He married Anna, daughter of Robert Earl of Morton, but by her he had no issue.

XXV. To William Earl Marischal succeeded GEORGE KEITH his brother, who had been a colonel in France; a person of undaunted courage, a great loyalist, and sufferer for the royal cause. He married Mary, daughter to the Earl of Kinross, by whom he had only one son, who succeeded him; and he died at Inverurie in the year 1694.

XXVI. WILLIAM succeeded his father Earl George, a nobleman of a great and active spirit, a clear and penetrating judgment, a ready wit, and easy and lovely expression, magnificent and noble in his way of living, generous and liberal, strictly just in his dealings, firm to his principles, bountiful to his servants, zealous to support those that depended upon him, compassionate and charitable to those that were in distress, a great patron of learning, and lover of the welfare of his country. He was very opposite to the Union of the kingdoms: For, besides what other reasons he might have for his opposition, he thought his family might suffer by the suppressing his heritable office of Great Marischal of Scotland; with relation to which he entered a protestation in Parliament, before the conclusion of the Union, in these words, (which I take from the ingenious Mr Crawford, his Peerage of Scotland) "I do hereby protest, that whatever is contained in any article of the treaty of Union betwixt Scotland and England, shall in no manner of way derogate from, or be prejudicial to me or my successors, in our heritable office of Great Marischal of Scotland, in all time coming; or in the full and free enjoyment and exercise of the whole rights, dignities, titles, honours, powers, and privileges thereto belonging, which my ancestors and I have possessed and exercised, as rights of property these 700 years. And I do further protest, That the Parliament of Scotland, and constitution thereof, may remain and continue as formerly. And I desire this my protestation to be inserted in the minutes, and recorded in the books of Parliament; and thereupon I take instruments."—

The Earl died the 27th day of May 1712, leaving issue by Mary his wife, daughter of James Earl of Perth, George his successor, James Keith, Esquire, Lady Mary, married to John Earl of Wigton, and Lady Anne Keith, married to Alexander Lord Gairlies, eldest son to the Earl of Galloway.

XXVII. Which GEORGE being a young nobleman of very bright parts, succeeded his father Earl William. His genius leading him to a military life, when he was Lord Keith, and only a youth, Queen Anne gave him a troop of horse, and then preferred him to be Captain of her Majesty's Guards; in which post he continued, till, some time after the accession of King George to the crown, his Lordship was removed, and his command given to another.

The achievement armorial of this noble family has always been carried plain, without being composed or marshalled with any other arms, having only the paternal arms of Keith, upon the occasion before-mentioned, viz. *argent*, a chief paly of six pieces, *or* and *gules*, adorned with crown, helmet, and mantling, suitable to their quality; and upon a wreath of their tinctures (and sometimes in place of the wreath, a ducal coronet) for crest, a hart's head erased proper, armed with ten tynes, *or*; supporters, two harts proper, armed as the crest: and for motto, *Veritas vincit*. Behind the shield, two battons *gules*, *semé* of thistles *or*, ensigned on the tops with imperial crowns placed saltier-ways, as badges of the office of High Marischal of Scotland.

#### KEITH, EARL OF KINTORE.

THE first of this family (as I have said before) was Sir John Keith, third son of William Earl Marischal, by the Lady Mary Erskine his wife, daughter of John Earl of Marr, and his Lady, Mary Stewart, sister to Ludovick Duke of Lennox and Richmond; who was very assisting in preserving the regalia of Scotland (the crown, sword and sceptre) from falling into the hands of Oliver Cromwell. Before the Castle of Dunotter (whether they had been conveyed from the Castle of Edinburgh for security) was surrendered to the English army, they were privately conveyed forth thereof, and deposited under ground in the church of King-Kenneth, (commonly called Kineff) about four miles distant, by some trusty persons, and Sir John went abroad, and from thence (according to concert) wrote to his friends in Scotland, that he was safely arrived with the regalia. This letter was industriously suffered to fall into the hands of the English, who, thereupon, gave over all hopes of finding them. In consideration whereof, and of his singular loyalty and faithful services to King Charles II. he was, upon the restoration of that monarch, *anno* 1660, created Knight Marischal; which dignity is entailed upon his family, with a pension suitable to the office, and got a coat of augmentation, with the regalia, added to his paternal bearing, as in the following blazon. Afterwards his majesty called him to his council, and honoured him with the title of Earl of Kintore, Lord Keith of Inverury and Keith-hall, on the 26th of June 1677. And thereafter was made Lord Treasurer-Depute, and one of the Lords of his Majesty's Privy Council, in the year 1682. In which office he was continued till the treasury was turned into a commission some time after King James his accession to the throne.

He married Margaret, daughter to Thomas Earl of Haddington, by whom he had William Lord Inverury, his eldest son and heir, with several others, who died without issue, and two daughters, Jean and Margaret, the first married to Sir William Forbes of Monymusk, and the second to Gavin Hamilton of Raploch.

Which William (a man of valour and entire loyalty to his death) succeeded his father in the above estate and honours. He married Katharine, daughter to David Viscount of Stormont, and had with her two sons, John, his eldest son and successor (the present Earl of Kintore) and William; and two daughters, Lady Katharine, married to David Falconer of Newton, now Lord Halkerton; and Lady Jean.

The achievement of this noble family, I have mentioned several times before, and shall here again add its blazon, viz. quarterly, first and fourth, *gules*, a sceptre and sword saltier-ways, with an imperial crown in chief, all proper, within an angle of eight thistles *or*, as a coat of augmentation for preserving of the regalia. Second and third *argent*, a chief paly of six pieces, *gules* and *or*, the paternal coat

of Keith; which arms are supported by two chevaliers completely armed, with pikes in their hands, all proper; and for crest, an aged lady from the middle upwards, holding in her right hand a garland of laurel, proper: motto, *Que amissa salva.*

OF THE FAMILY OF DUNDAS OF THAT ILK, AND THEIR DESCENDANTS.

THE achievement of this family, by their seals of arms, and our old records of blazons, is *argent*, a lion rampant *gules*: crest, a lion full-faced issuing out of an oak bush, proper, with the motto, *Essayez*; supporters, two lions, and below the shield a salamander in flames of fire, all proper.

The first of this ancient family of the surname of Dundas, in the shire of West Lothian, was HUTTRED, a younger son of Cospatricius, grandfather to Cospatricius the first Earl of Dunbar or March, as is evident by comparing Dundas's original charter, after inserted, with a charter granted by King David I. to the abbacy of Melrose, wherein this Huttredus is designed *Filius Cospatricii*; and he goes under the same designation in other charters, granted during the said reign, wherein he is witness. This charter of Melrose is found recorded among the chartularies of that abbacy, now kept in the Library of the Faculty of Advocates at Edinburgh; and the principal charter is in the hands of Mr James Anderson, Writer to the Signet, that learned antiquary.

HUTTRED got from his father the lands of Dundas, from whence the family afterwards took their surname, when surnames came to be used; and they also took the arms of the family of *Cospatricius Comes*, to show their original, with a suitable difference used at that time, by transmutation of the tinctures, and wanting the bordure of eight roses, which was peculiar to that noble family, being given to them by our kings for their maintaining the peace of the Borders. The first of the family of Home, descended of another younger son of the Earls of March, did also distinguish their arms from the chief family, by only changing the tincture of the field, as I have observed before, and in the chapter of Marks of Cadency.

HELIAS DE DUNDAS succeeded his father Huttred, and for establishing his right to the lands, in the manner but just about that time come in practice, he took the following charter of the same from his father's eldest brother Waldevus, son to Cospatricius; which charter I have seen, and the same is in the charter-chest of Dundas, and I have set down an exact copy of it as follows: "Waldevus, filius "Cospatricii, omnibus probis hominibus suis, & omnibus amicis suis tam futuris "quam presentibus, salutem, sciatis me dedisse & concessisse, & hac carta mea "confirmasse, Helie filio Huttredi Dundas pro servitio dimidii militis, illum et "hæredes suos tenendum de me et hæredibus meis in feudo et hæreditate, in moris, "in aquis, in stagnis, in molendinis, in pratis, in pasturis, cum omnibus rectis divisis et pertinentiis, concedo itaque. Quare volo et præcipio, ut iste prædictus "Helias istam terram habeat et teneat tam quiete et tam libere et tam honorifice, "ut ullus miles de barone tenet, liberius et quietius et honorificentius in tota "terra Regis Scotie. His testibus, Johanne filio Orm, Waldevo filio Baldwin, "Roberto de Sancto Michæle, Helia de Hadstandena, Wilhelmo de Coupland, "Wilhelmo de Heiebet, Allano Dapifero, Gerharo Milite, Johanne de Graggin."

Though this charter has no particular date, as neither for the most part had other old ones granted about the time it was given, yet, by the granter and witnesses, it is known to have been in the latter end of the reign of King Alexander I. or in the beginning of the reign of King David I. before or about the year 1124, or at farthest before the year 1145, which was the 21st year of King David's reign; for *Waldevus filius Cospatricii*, the granter, died the 12th day

of July that year, as by the records kept in the Castle of Edinburgh, and is observed by Ochiltree: And that the granter was Waldevus, father to *Cospatricius Comes*, and not *Waldevus Comes*, the son of *Cospatricius Comes*, is evident, because had it been granted by the last Waldevus, he had been designed *Comes*, or *Filius Cospatricii Comitis*, as he is in all the charters granted by King David wherein he is mentioned; particularly in several charters granted by that king to the abbacy of Dunfermline: for his father *Cospatricius* was made earl in the time of David I.

And further, it is without doubt that this charter was granted at least in the reign of King David, because the granter, *Waldevus, filius Cospatricii*, gives a charter to the abbacy of Dunfermline of the church of Inverkeithing, wherein *Helii de Dundas* is a witness, and with him *Duncanus Comes*, *Rob. Avenel*, and *Johan. de Graggin*; which *Johan. de Graggin* is one of the witnesses in *Dundas's* charter, and the other persons are witnesses in charters granted by king David to the said abbacy: So that it is evident the said *Helias de Dundas* was cotemporary with the foresaid persons, and that his charter of *Dundas* was granted, at least, in the reign of the said King David.

The succession of the family of *Dundas* from the above-mentioned *Helias* is lineal and uninterrupted; for the said *Helias* was succeeded by his son *SERLE DE DUNDAS*, who is mentioned in some of the transactions of King William the Lion, who began his reign in the year 1165, as in the Collections of Alexander Baillie of Castlecary, a curious antiquary.

This *SERLE* was succeeded by his son *Helias de Dundas*, who is mentioned as a witness in a charter of Philip de Mowbray, of the lands of Inverkeithing, to the abbacy of Dunfermline, in the reign of King Alexander II. And Sir James Dalrymple, in his Collections of the Scottish History, page 381, says, He has met with this second *Helias de Dundas*, mentioned in an enrolment of court, by Roger Mowbray, in the year 1229: For the family of *Dundas* held a small parcel of land in Dalmeny off the Mowbrays of Barnbogle, and still hold the same off the Earl of Rosebery, as their successor.

And after this *Helias*, says Sir James, is to be found *RADULPHUS DE DUNDAS*, who succeeded the said *Helias*; and which *Radulphus* is frequently a witness in the charters of King Alexander III. as in the Earl of Haddington's Collections. And the said Sir James Dalrymple says, That he has found him mentioned in *Registro Calchoensi*, or Chartularies of Kelso, which are now kept in the Advocates' Library.

This *Radulphus* was succeeded by his son *SAER DE DUNDAS*, in the year 1276; he is found mentioned in Prynne's History of England, in the reign of King Edward I. To whom succeeded *Hugo de Dundas* his son.

He was succeeded by his son *RADULPHUS DE DUNDAS*. This second *Radulphus* is witness to a charter, sometime in Sir James Dalrymple's custody, granted by King Robert II. to the Laird of Maclean; which second *Radulphus* was succeeded by James his son; and to this James, John his son succeeded, as appears by the charters in the present Laird of *Dundas's* custody.

*JOHN* was succeeded in his lands and estate by James *Dundas* his son, whose son (likewise James) succeeded to him. This last mentioned James had at least three sons, James, Archibald, and Duncan, by his first wife. In the year 1423, he was married to Christian Stewart, daughter to Stewart of Innermeth and Lorn, his second wife; when, by charters of resignation, (as his predecessors had formerly done) he infefted his eldest son James, and his heirs whatsoever, in all the lands then belonging to the family of *Dundas*, (*Fingask* and *Dumbarne* excepted), and within a month thereafter he took a charter of resignation of the lands of *Fingask* to himself, and the heirs-male to be procreate betwixt him and the said Christian Stewart his spouse; which failing, to his nearest heirs whatsoever: And, upon his death, James his eldest son was retoured heir in special to his father in the lands of *Dumbarne*, in the year 1437. This last James dying without children, his brother Archibald (afterwards Sir Archibald) *Dundas* succeeded to him in the year 1452, and was High Sheriff of the county of Linlithgow in the reigns of King James II. and III. Sir Archibald married Agnes Borthwick, daughter to Borthwick of that Ilk, (afterwards Lord Borthwick) and had by her

John Dundas his son, who, having been infeft on charters of resignation in the whole estate of Dundas, (the half of the lands of Barnton excepted) was retoured heir in special to his father Sir Archibald in the said lands of Barnton, in the year 1480. This Sir Archibald's second son was Lord St John.

WILLIAM DUNDAS, son to the said John, was served heir to him in the year 1495. He married Margaret Wauchope, daughter to Wauchope of Niddry, and had with her two sons, Sir James the eldest, and William Dundas, predecessor to the Dundasses of Duddingston.

This Sir JAMES was served and retoured heir to his father in the year 1513. He married Dame Margaret Sandilands, daughter to Sandilands of Calder, now Lord Torphichen, and with her had a son, George Dundas, who was served heir to his father in the year 1554. He married twice; first Elizabeth Boswell, daughter to Boswell of Balmuto, by whom he had Sir Walter Dundas, who succeeded, and George, who died unmarried; and next he married Katharine Oliphant, daughter to the Lord Oliphant, by whom he had Sir James Dundas of Arniston.

This Sir WALTER was knighted at Stirling by King James VI. at Prince Henry's baptism. He married Dame Anna Monteith, daughter to Monteith of Kerse, and had with her three sons, George, who succeeded him in the estate of Dundas, William his second, and Mr Walter his youngest son.

The said GEORGE, the eldest, married Elizabeth Hamilton, daughter to Hamilton of Innerwick, and had with her three sons, Walter, George, and James.

WALTER, the eldest son of the said second George, married Lady Christian Leslie, daughter to the Earl of Leven, and had with her three sons, Alexander, Ralph, and Walter; the said Walter elder, and Alexander, his eldest son, died before George the grandfather; and Ralph, the second son of Walter elder, being prodigal, the said George the grandfather, who had the fee of the estate still in his person, did entail the same to the youngest grandson Walter; and failing him, to his own second son George above mentioned; and failing him, to the said James his third son, and their heirs-male, and to other heirs of entail; the said Walter, the grandson, having died without issue, the above-mentioned George, the uncle, is served heir of tailzie to him.

Which GEORGE married Margaret Hay, daughter to Hay of Monkton, and with her had two sons; George, who succeeded as heir of tailzie in the estate, and has several children by Alison Bruce, eldest daughter to Brigadier James Bruce of Kennet; and Walter Dundas his second son, who is a merchant in Glasgow.

The said JAMES DUNDAS, third son to the said second George, married Elizabeth Haliburton, daughter to John Haliburton of Garvoek, with whom he had four sons, George, John, James, and Walter; John, the only surviving son, is at present advocate for the church of Scotland, and principal clerk to her General Assemblies.

There was a very accurate and distinct account and tree of this family of Dundas handed down to the death of this second George, showing not only its descent, the succession of the heads of the family as above, and of their issue from one generation to another, and of their alliances by marriages, both with their ladies and of their children, all which were very honourable; but also noticing the several remarkable events that had happened to the family; which account, by occasion of the troubles the family fell into, after that time, is now amissing; but it is expected the same may yet be recovered.

#### OF THE FAMILIES OF DUNDAS OF NEWLISTON, PHILPSTON, AND BREASTMILL.

DUNCAN DUNDAS, third son of James Dundas of that Ilk, by his first marriage, and younger brother of Sir Archibald Dundas of that Ilk, got the lands of Craigton, and thereafter the lands of Newliston, in West Lothian, from the family of Dundas, to whom succeeded his son William Dundas; and to the said William succeeded James his son, and to the said James succeeded George his son, and to the said George succeeded his son John Dundas of Newliston.

This JOHN married Margaret Crichton, daughter to Crichton of Lugton, with whom he had Sir James his eldest son, who succeeded him in his estate of Newliston; David his second son, to whom he gave the greatest part of the lands of Philpston; Mr George his third son, who got from him the lands of Morton, and a part of the lands of Philpston; and Patrick, the fourth and youngest son, who got the lands of Breastmill.

The eldest son Sir JAMES, above mentioned, succeeded his father in the estate of Newliston. He married Elizabeth Dundas, daughter to Sir Walter Dundas of that ilk, and with her had three sons; Sir John, who succeeded him in the lands of Newliston; George, the second, who purchased the lands of Dubend, and married Oliphant, daughter to Oliphant of Kirkhill, and had with her a son, John, who died without lawful issue; and James, the third, who was a merchant in Edinburgh, and died unmarried.

Sir JOHN of Newliston married Agnes Gray, daughter to the Lord Gray, by whom he had a daughter, named Elizabeth Dundas, who succeeded him in his estate of Newliston, and was married to John Earl of Stair. Their son and successor is the present John Earl of Stair, Viscount of Dalrymple, and Lord Newliston, whose arms I have given with those of Dundas of Newliston, in my Essay on the Ancient and Modern Use of Armories, and in the First Part of this System of Heraldry.

DAVID DUNDAS, elder of Philpston, second son of John Dundas of Newliston, had only one son, Lieutenant-Colonel John Dundas, by Elizabeth Hamilton, daughter to Hamilton of Binning, who dying before his father without lawful issue, the said David's share of the lands of Philpston devolved to James Dundas of Morton, his nephew, by the said Mr George his brother. The foresaid Mr George, the third son of John of Newliston, married Susanna Brown, daughter to Brown of Coalston, with whom he had four sons; James, who succeeded him in his estate of Philpston and Morton, Alexander, William, and Patrick; which last three all died without lawful issue.

The said JAMES, the eldest, married Elizabeth Hamilton, daughter to Hamilton of Westport, and with her he had six sons, James, George, David, William, Thomas, and Walter; James died unmarried, and his brother David succeeded to him, who having only daughters by Katharine Swinton, daughter to George Swinton of Chesters, third son to Swinton of that ilk, was succeeded by Euphame Dundas, his eldest daughter, married to the above-mentioned Mr John Dundas, Advocate, grandchild to the aforesaid second George Dundas of that ilk, by the said James Dundas his third son, who have had several children, of which two sons and three daughters are still living. George and Walter died without issue, and William was Brigadier in the Third Troop of Royal Horse-Guards, and died also without issue.

THOMAS, the fifth son of the said James Dundas of Philpston and Morton, has now purchased the Mains of Drumcross in West Lothian, and has several sons by his wife Jean Wishart, daughter to Captain Patrick Wishart, son to Dr George Wishart, sometime Lord Bishop of Edinburgh.

The above-mentioned Patrick Dundas, fourth son of the above John Dundas of Newliston, left the estate of Breastmill to James Dundas his son, who married Elizabeth Reid, daughter to George Reid, merchant, and sometime one of the bailies of Edinburgh, with whom he had five sons, Patrick, George, William, James, and John.

PATRICK, his eldest son and heir, married Rachel Baillie, daughter to Baillie of Jerviswood, and with her had his son James Dundas, who succeeded his father in the estate of Breastmill, and has now married Elizabeth Baillie, heiress of Castlecary, in the shire of Stirling.

GEORGE, the second, was a chirurgeon-apothecary; he married in England, and died there, having several children.

JAMES, the fourth son, married Marion Monteith, daughter to George Monteith, the representative of the family of Kerse, and with her had only one son called George; and William and John live still unmarried.

I have given the arms of these families in the First Part of this System.

## MEMORIAL FOR WILLIAM DUNDAS, ESQ. HEIR-MALE OF THE FAMILY OF DUNDAS OF THAT ILK.

THE author of the memorial for the present laird having omitted to take any notice of the issue of RALPH DUNDAS, late of that Ilk, and wholly passed over in silence Mr William Dundas, his eldest son, the lineal heir-male and representative of the House of Dundas, from Archibald Dundas of Liston, and Agnes Borthwick, who lived in the reign of King James II. In justice to that gentleman and his family, lately returned from abroad, this memorial is offered, both to instruct his right preferable to that of the present possessor of the estate of Dundas, and account for the manner wherein he was divested of that estate, to which he might have otherwise succeeded.

GEORGE DUNDAS of that Ilk, cotemporary with King Charles II. and eldest son of Sir Walter Dundas of that Ilk, married Elizabeth, daughter to Hamilton of Innerwick, by whom he had three sons, Walter his heir, George, father to George Dundas presently of that Ilk, and James, father to John Dundas late of Philipston.

WALTER DUNDAS, the eldest son, married Lady Christian Leslie, daughter to Alexander first Earl of Leven, by whom he had Ralph, his eldest son, and Walter: Their father, Walter, having deceased before George the grandfather, the fee of the estate came in the person of Ralph the eldest son.

RALPH DUNDAS of that Ilk married Mrs Elizabeth Sharp, daughter to William Sharp of Houston, by whom he had Christian, Walter, and William, the only surviving child of the marriage: But the above George Dundas of that Ilk, after the death of his eldest son Walter, having taken some exceptions at the conduct of his grandson Ralph, executed a deed of tailzie of his estate, affected with several irritant and resolute clauses, particularly prohibiting the heir of entail to burden the estate with debts exceeding a certain sum. Ralph Dundas incautiously incurred that irritancy; and afterwards dying, his uncle George, above noticed, insisted in a process of declarator before the Lords of Session, against William, Ralph's eldest son and heir; and, having prevailed therein, dispossessed him. From whence it appears, that though the above George Dundas wrested the estate from his nephew, by using the severity of the law against him, yet the right of primogeniture still remains with the said William Dundas and his heirs, who must be considered as the chief and only representatives, and lineal heirs-male of the said Archibald Dundas of Dundas, cotemporary with King James II. *anno* 1450, whoever be in possession of the estate.

The aforesaid WILLIAM DUNDAS married Jean Stewart, daughter to Dr Stewart, son of Grandtully, by whom he had two sons alive,

THOMAS, his eldest, Merchant in Rotterdam; and

WILLIAM, the second, Doctor of Medicine.

## OF THE FAMILIES OF DUNDAS OF DUDDINGSTON AND MANOR.

WILLIAM DUNDAS, second son of William Dundas of that Ilk, and his lady, Margaret Wauchope, daughter to Wauchope of Niddry, married Marjory Lindsay, portioner of Duddingston, and with her had two sons, William and David. WILLIAM, the eldest, was many years in Sweden, married a Swedish woman, and with her had only two daughters. The eldest, Margaret, was married to Mr James Donaldson, a minister; and the second, Grissel, to Drummond of Carlowrie.

DAVID, the second son, purchased the lands of Priestinch, and thereafter the rest of the lands of Duddingston. He married Marjory Hamilton, daughter to Hamilton of Orbiston, and with her had two sons; James, who succeeded in the

lands of Duddingston; and George, his second son, who purchased the lands of Manor in Perthshire.

This JAMES of Duddingston married Isabel Maule, brother-daughter to Maule of Panmure, and with her had two sons, George, who succeeded, and William, who died without issue.

GEORGE of Duddingston married Katharine Monypenny, daughter to Monypenny of Pitmillie, and was succeeded by his son John, who married Anne Carmichael, only daughter to Sir David Carmichael of Balmedy, and Anne Carmichael, daughter to James Lord Carmichael, and with her had many sons; the eldest, George, who married Magdalen Lindsay, daughter to Mr Patrick Lindsay, *alias* Crawford of Kilbirnie, second son to the Earl of Crawford, with whom he has several children. David, the second son of the said John, was an advocate and clerk to the General Assembly: He, and all the rest of the sons, died unmarried, except John, the fifth son, who is Presenter of the Signatures in Exchequer, and has married Christian Mure, daughter to Adam Mure of Blackhall, apothecary, Burgess of Edinburgh.

GEORGE DUNDAS of Manor, second son to David Dundas of Duddingston, married Margaret Livingston, daughter to Livingston of Westquarter, and had with her one son, John Dundas, who succeeded his father in his estate of Manor; he married Elizabeth Hamilton, daughter to Hamilton of Kilbrackmont, and with her had two sons, Ralph, who succeeded his father in the lands of Manor, and married Helen Burnet, daughter to Sir Thomas Burnet, sometime physician to King William, by whom he has many children. John, the second son of the above-mentioned John Dundas of Manor, is a surgeon-apothecary, has purchased the lands of Wester-Bogie in the shire of Fife, and has married Elizabeth Fergusson, daughter to James Fergusson, merchant and bailie of Inverkeithing. The arms of the family of Duddingston are given in the First Part of this System.

#### OF THE FAMILIES OF DUNDAS OF ARNISTON AND HARVIESTON.

SIR JAMES DUNDAS, the first of Arniston, was second son to the first George Dundas of that ilk, and his second lady, Katharine Oliphant, daughter to the Lord Oliphant: He married first Dame Katharine Douglas, daughter to the Lord Torthorwald, by whom he had several sons, who all died without issue, and seven daughters, all honourably married: Afterwards he married Dame Mary Home, daughter to Home of Wedderburn, by whom he had two sons, Sir James, his eldest, who succeeded him in his estate of Arniston, and Robert Dundas of Harvieston his second.

This Sir JAMES was one of the Senators of the College of Justice; he first married Dame Marion Boyd, daughter to the Lord Boyd, by whom he had Robert his successor; and thereafter he married Dame Janet Hepburn, daughter to Hepburn of Humberie, by whom he had James Dundas, merchant, Doctor Alexander Dundas, his Majesty's Physician, and Captain Charles Dundas.

This ROBERT DUNDAS of Arniston is also one of the Senators of the College of Justice; he married Margaret Sinclair, daughter to Sir Robert Sinclair of Stevenston, with whom he had several children, Mr James and Mr Robert Dundasses, advocates, Alexander, John, and Charles Dundasses, merchants, and Thomas Dundas.

JAMES, his eldest son, married Mary Hope, daughter to Sir Alexander Hope of Kerse, and died, leaving only one daughter, Margaret.

MR ROBERT DUNDAS, now his eldest son, is at present his Majesty's Advocate for Scotland, and has several children by his lady, Elizabeth Watson, daughter to Watson of Muirhouse.

Robert Dundas of Harvieston, above mentioned, second son of the first Sir James Dundas of Arniston, married first ——— Borthwick, daughter to the Lord Borthwick, by whom he had John, his eldest son, who died without issue; afterwards he married Katharine Hamilton, daughter to Hamilton of Preston, with

whom he had three sons, Alexander, and Walter, who died without issue, and George, the youngest, who is a chirurgion-apothecary in Edinburgh, and has several children by Anne Somerville, daughter to Mr John Somerville, sometime minister at Cramond.

The above-mentioned James Dundas, merchant, eldest son of the second marriage to the said Sir James Dundas of Arniston, one of the Senators of the College of Justice, married Janet Riddel, daughter to Mr Archibald Riddel, lately one of the ministers of Edinburgh, and brother-german to Sir John Riddel of that Ilk, and has with her one son, Robert Dundas, a merchant.

Doctor Alexander Dundas, his Majesty's Physician, the second son, lives still unmarried; Captain Charles, the third son of the said Margaret, married Helen Dundas, daughter to George Dundas, merchant in Leith, who is after-mentioned, and has with her two sons, Captain George Dundas, the eldest, who is an officer in the royal navy, and Dr James Dundas, the second, who is a physician.

#### OF THE DUNDASSES OF KINCAVIL, AIRTH, AND MAGDALENS.

THE above-mentioned William Dundas, second son to the foresaid Sir Walter Dundas of that Ilk, married Katharine Murray, daughter to Murray of Pennyland, and had with with her two sons, Mr WILLIAM DUNDAS, Advocate, who purchased the lands of Kincavil in West Lothian, and George Dundas, merchant in Leith. The said Mr William Dundas of Kincavil married Margaret Edmonstone, daughter to Edmonstone of Ednam, and had with her only two daughters, Anne, the eldest, who was married to Lieutenant-Colonel John Erskine of Carnock, uncle to the Earl of Buchan, who hath several children; and Christian, the second, who was married to James Earl of Bute, who had with her one son, Mr John Stewart.

The said George Dundas, merchant, second son of the first mentioned William Dundas, married Helen Cooper, daughter to Cooper of Gogar, and had by her several sons; John, the eldest, married Alison Burnet, daughter to Burnet, merchant in Leith, and had by her several children.

WILLIAM, the second son of the said George Dundas, merchant, married Elizabeth Elphinston, heiress of Airth, in the shire of Stirling, and has with her several children; he has now purchased the lands of Blair in Perthshire, near Culross, which he calls New-Airth.

James, the third son of the said George, died unmarried.

The said Mr WALTER DUNDAS, third son of the foresaid Sir Walter Dundas of that Ilk, purchased the lands of Magdalens in West Lothian; he married Elizabeth Bruce, daughter to Bruce of Earlsall, and by her had two sons and several daughters. He afterwards went with his whole family to Ireland, and they still continue there.

#### FOULIS OF COLLINGTON.

THESE of the name of FOULIS, for their arms bear *argent*, three bay leaves, slipped *vert*, 2 and 1. The name is from the French word *feuilles*, which signifies leaves; whence these of the name are of a French extract, from one Foulis, who came to Scotland in King Malcolm Canmore's time; as Lesly, in his History, lib. 6. pag. 210. edit. Rossie, 4to, says, *Reginaldus de Foulis* is witness in charters in the reign of Alexander the II. The lands of Foulis in Angus belonged of old to those of this name; of whom was descended WILLIAM FOULIS, who was Secretary to King James the I. anno 1424, and was made Keeper of the Privy-Seal, anno 1427; as by the registers of the kingdom. He had a son,

WILLIAM FOULIS, who married Elizabeth Ogilvie, daughter to Sir Walter Ogilvie, and with her had two sons, William and James. The last named married Margaret Henderson, daughter to Sir Thomas Henderson of Fordel, and had a son named James, who succeeded to his uncle William, who died without children. He purchased the lands of Collington, *anno* 1519. There is a commission to this James, and Adam Otterburn of Auldham, conjunctly and severally, and the longest liver of them two, to be Advocates to the King, dated *anno* 1526; and in *anno* 1531, he was made Clerk Register during life: which commission is renewed by Queen Mary, *anno* 1542. He married Katharine Brown, daughter to Brown of Hartree, and was succeeded by his son

HENRY FOULIS, who married Mary Haldane, daughter to Gleneagles. There is a letter from Prince Henry and Queen Mary, presenting him to be one of the Senators of the Session, as soon as a place in the temporal state should happen to vaick, dated *anno regni* 2. and 24.; which letter is in the Advocates' Library. He was succeeded by his son

JAMES FOULIS, who married Anna Heriot, heiress of Lumphoy; with her he had issue seven sons, James, who succeeded; George, the first laird of Ravelston; and David who went to England with King James VI. and was made knight baronet 6th February 1619, and got, by favour of the king, the lands of Inglesby in the county of York, which are possessed by his descendants to this day. The fifth son, John Foulis, apothecary, whose grandson, John Foulis, in the Sasine Chamber, is servant to Mr William Foulis, clerk, after-mentioned; and the seventh son Foulis of Ratho.

Sir JAMES, the eldest son, succeeded his father, who married Mary Lauder, a daughter of Lauder of Hatton, and relict of the Laird of Cunninghamhead; and was succeeded by his son

Sir ALEXANDER FOULIS, made Knight Baronet 7th June 1634; married Elizabeth Hepburn, relict of the sheriff of Bute. Her father was son to Riccarton, who was son to the Earl of Bothwell; and was succeeded by his son

Sir JAMES FOULIS, who was eminently loyal for his Sovereign King Charles II. married Barbara Ainslie, daughter to Andrew Ainslie, one of the magistrates of Edinburgh. He was made a Senator of the College of Justice, *anno* 1661, and Justice Clerk, *anno* 1684. In which offices he continued till his death, the 19th of January 1688, and was succeeded by his son

Sir JAMES FOULIS, who married Margaret Boyd, daughter to John Boyd, Dean of Guild of Edinburgh. He was one of the Senators of the College of Justice in the year 1674, and continued in that office till 1688; died 1711, and is succeeded by his son Sir JAMES.

The eldest cadet of the family of Collington was the above-mentioned George Foulis, second son of James Foulis of Collington, and his lady Anne Heriot. He was Master of his Majesty's Mint, and purchased the lands of Ravelston, and married Janet Bannatyne, daughter to George Bannatyne of Newtyle, 1st June 1603. With her he had several children; George his eldest son, and Mr Alexander a younger one, who purchased the lands of Ratho, now possessed by his grandson Alexander Foulis of Ratho, who carries *argent*, on a cheveron between three laurel leaves, *vert*, as many besants *argent*; crest, a dove holding an olive branch in her beak, proper: motto, *Pax*.

GEORGE, the eldest son, succeeded his father in the lands of Ravelston; he married Jean Sinclair, daughter to Sir John Sinclair of Stevenson; and was succeeded by his son

Sir JOHN FOULIS, dignified in *anno* 1661 Baronet. He married Margaret Primrose, daughter to Sir Archibald Primrose of Chester, Clerk Register, and his lady Elizabeth Keith, daughter to James Keith of Benholm, second son to George Earl Marischal. Sir Archibald Primrose having purchased the estate of Dunipace, tailzied the same to Sir John's eldest son, on condition that he should bear the name and arms of Primrose. Sir John Foulis, that he might have one of his sons to represent himself, bearing his name and arms, gave to his second son, William Foulis, the lands of Woodhall. Sir John Foulis was Clerk to the General Register of Seasins, Renunciations, &c. and to other particular registers, from the year 1661, to the year 1701, that he dimitted those offices in favour of his second son.

William Foulis, now of Woodhall. His father's arms were *argent*, on a fesse, between three bay leaves *vert*, a primrose *or*; crest, a dove *volant*, holding a leaf in her beak, proper: motto, *Tbere & jure*.

Sir JOHN FOULIS of Ravelston; his eldest son George took upon him the name and arms of Primrose, by the destination of his grandfather, Sir Archibald Primrose. His son Sir Archibald Primrose possesseth the lands of Dunipace and Ravelston, grandson of Sir John Foulis.

WILLIAM FOULIS of Woodhall, second son of Sir John, carries the arms of Foulis, *argent*, three bay leaves slipped *vert*, within a bordure *ermine*; crest, a flower-pot with a branch of laurel springing out of it: motto, *Non deficit*.

#### CHALMERS OF GAITGIRTH.

CHALMERS or CHAMBERS of Gaitgirth, sometimes designed Chalmers of that Ilk, as in the First Volume of this Treatise, is one of the ancientest families in the shire of Ayr, and chief of the name; of old, wrote in Latin, *De Camera*, especially in our ancient records.

Sir George Mackenzie, in his Manuscript of Families, says, It is more than probable that this family took the surname *de Camera*, when surnames first began in the reign of Malcolm Canmore, from the office *Camerarius Regis*, i. e. the King's Chamberlain; and says he has seen a charter granted by King William to the abbacy of Paisley; amongst the witnesses there is one *Herbert de Camera*, which, no doubt, was then his surname, and not his office; for in King William's time, he who had the office of chamberlain, beside his surname, was designed *Camerarius Regis*; so it is probable the surname *de Camera* was occasioned by the office being anciently in this family.

In the records of charters in the Parliament House, there are several granted to them of the name of *Camera*, as, *Charta Willielmi de Camera*, in the year 1369. As also to the name of *Chalmer*, as *Charta Joannis Chalmer*, under the Great Seal, erecting the lands of Gaitgirth and Culreath into one barony, in the shire of Ayr, 1468. These names *Camera* and *Chalmer* are the same; the one in Latin, the other in English.

I have seen a birth-brieve in the reign of King James VI. with the consent of his privy council, past under the Great Seal to Sir James Boyd of Trochrig, the 16th of August 1609, showing his mother, Margaret Chalmer, daughter of James Chalmer, Baron of Gaitgirth, chief of his family, and of the name, as also his progenitors, barons of Gaitgirth, these 500 years bygone, which is evident by authentic documents of the family in Latin, thus, "In prosapia, Margareta Camera filia "domini Jacobi Camerii, Baronis de Gaitgirth, familiæ suæ principis. Qui quidem "Camerii, Baronis de Gaitgirth, ab annis jam amplius quingentis, illius nominis "principes claruerunt, ut ex authenticis liquet illius domus monumentis."

One of the family surnamed *de Camera* (as Sir George Mackenzie) went to France, and called himself *Camerarius*, in Latin, and in French, *de la Chambre*, and after his return home, in English, Chalmers. This tradition, says he, seems to be confirmed by the flower-de-luce which the family carries in their arms. It is very probable it was granted by the King of France when John Chalmers of Gaitgirth, in the year 1423, accompanied Archibald Earl of Douglas to France, who was made Duke of Touraine, and Marechal of France, by King Charles VII.; he quartered the arms of that dukedom, being *azure*, *semé* of flower-de-luces *or*, with his own arms. And John Chalmer probably had one flower-de-luce granted to him for his valour, which the family ever since have continued. The name CHALMERS is since more frequently used than *Camera* in all their charters that I have seen, by which I give the genealogical account of the family.

Sir JOHN CHALMERS of Gaitgirth, son to the above-mentioned John, as by his charter in the year 1468. He is frequently mentioned in the records of Parliament, in the year 1484, which continued to the first of October 1487. *Dominus de*

*Gaitgirth*; and is ranked amongst the barons betwixt *Dominus de Ker*, and *Dominus de Balcomy*; he was succeeded by his son

JAMES, who gets his sasine of the lands and barony of Gaitgirth, Culraith, and Chalmer-house, (from the last of these lands the family has been designed Chalmers of that Ilk) as heir to his father, Sir John Chalmers, upon a precept of the Chancery, dated the 1st of October 1501. He married Annabel, daughter to Cunningham of Caprington, a second son of the family of Glencairn. Their son and successor was

ROBERT CHALMERS, Baron of Gaitgirth, who married a daughter of Campbell Lord Loudon, afterwards Earl; and was succeeded by his son

JAMES, who gets a charter of confirmation, under the Great Seal, of the barony of Gaitgirth, the 6th of January 1541; and a charter of twenty-pound lands of Thorny-bank, *alias* Chalmer-house; as also a charter of the lands of New-Park de Glenken, in the lordship of Galloway, and stewarty of Kircudbright, the 10th of August 1588: his lady was a daughter of Fullarton of Corsbie; and was succeeded by his son

JAMES CHALMERS of Gaitgirth, who was also infest in Corsflet and Auldhouseburn, as heir to his father, the 8th of May 1608. He married a daughter of Houston of that Ilk. He was succeeded by his son

JAMES, Baron of Gaitgirth, Sheriff-Principal of Ayr, by commission under the Great Seal, dated the 8th of September 1632. His lady was Isabel Blair, daughter to Blair of that Ilk, and with her had his son and successor

JOHN CHALMERS of Gaitgirth, who married Mrs Mary Campbell, eldest lawful daughter to Sir Duncan Campbell of Auchinbreck, father and mother of the present JOHN CHALMERS of Gaitgirth, who married Mrs Margaret Montgomery, eldest lawful daughter to Colonel James Montgomery of Coilsfield, second son of Alexander Earl of Eglinton, whose eldest son and apparent heir is

Captain JOHN CHALMERS, who, during the course of the late war, served in Lieutenant-General George Hamilton's regiment abroad in Flanders.

The achievement of this family is *argent*, a demi-lion *rampant* issuing out of a fesse, and, in base, a flower-de-luce *sable*; crest, a falcon rising, with the motto, *Spero*. These arms have been supported, of old, by a sagittary drawing a bow on the right, and, on the left, by a syren or mermaid, all proper; as on the frontispiece of their house, and other utensils belonging thereto: which supporters the family has assumed when barons of Parliament, as above mentioned.

There are several families cadets of this, and I shall here mention one honourable one in France, viz. Chalmers, baron of Tartas, as by his birth-brieve under the Great Seal, and the Lyon Register, descended of Chalmers of Gaitgirth, or that Ilk, carries the same with Gaitgirth, within a bordure *gules*, for his difference; crest, a falcon belled, proper; motto, *Non præda sed victoria*. The first of this family was one of the seven brothers, younger sons of the family of Gaitgirth, or of that Ilk, who, in the year 1440, or thereabout, were forced to go abroad for a slaughter committed by them. The predecessor of Tartas continued still in France, as does his issue. Other three of the seven returned from abroad, and quietly took up their residence in Stirlingshire, where the eldest of the three purchased a piece of land, which he called Chalmerston. The second purchased the lands called Ashentrees, in the said shire, which they possessed for a considerable time; and some of the issue of that family are there remaining at this time: and the third brother had the Mill of Guidie.

From Chalmers of Ashentrees was descended James Chalmers, Advocate, who had three wives, and with each of them had issue; with the first, Margaret, a daughter of Mr Alexander Nicolson, an Advocate, he had a son, Thomas, who married Mrs Mary Cooper, daughter to Sir John Cooper of Gogar, who entailed his estate upon John, the eldest son of Mr Thomas, and his daughter; which John was ensign a considerable time in the regiment of the Scots Guards: he has two brothers in the service of the government; those carry the arms of Gaitgirth, above blazoned, with a suitable difference; crest, a hand holding up a pair of scales, with the motto, *Virtute & labore*, and, of late, *Lanx mihi clausus*.

## MOWBRAY.

NOTWITHSTANDING of what I said of the ancient family of MOWBRAY in the First Volume of this work, whom, for want of vouchers to prove the contrary, I was obliged to conclude as extinguished in the person of the last Sir Robert Mowbray of Barnbogle, who died about the year 1675, having, through debts and other misfortunes, lost the remains of a very fair and ancient inheritance, and died without issue of his own body.

These baronies of Dalmeny, Barnbogle, and Inverkeithing, the paternal inheritance of that family, being now in the possession of Primrose Earl of Rosebery.

Historians and heralds must write according to information and vouchers: when these are silent, or hid from us, we must also be silent. Nor is the injury done to families, through silence or ignorance, imputable to us, but to the owners or concealers of such documents, who neglect to furnish us with suitable materials, whereby themselves and predecessors might be perpetuate to posterity.

As, for instance, this old family of Mowbray of Barnbogle, &c. whom we have in this kingdom, upon undoubted record, as valourous and honourable people above 500 years ago, had been left without a representative or heir-male, known to this, and probably to after generations; if I had not been very lately furnished with three old parchments, very clean and clearly wrote in Latin, with whole and entire seals of arms appended to two of them, belonging to John Mowbray of Cockairny in Fife, and brought to my hands by his brother-german, Robert Mowbray, his majesty's master-carpenter for North Britain, and late conveener of the trades of Edinburgh. They plainly prove, that William Mowbray of Cockairny was a younger son of the family of Barnbogle, who were also at that time proprietors of the lordship of Inverkeithing, and barony of Dalmeny. The said William was born, or descended of them about the year 1460, who is the undoubted heir-male and representer of that family. I shall first give you a short transumpt of the parchments themselves, and next blazon the seals.

The first is a charter granted (in the reign of King James the IV.) by Sir John Mowbray of Barnbogle, Knight, and lord or proprietor of the lordship of Inverkeithing, in favours of William Mowbray, his beloved father's brother, of the lands of Cockairny, in the shire of Fife, as a part of the lordship of Inverkeithing, to his heirs or assignees whatsoever, holding feu blanch, dated at Barnbogle, the 24th of September 1511, before these witnesses, James Logan, Sheriff-depute of Edinburgh, cousin to the said Sir John Mowbray, James Mowbray, Philip Mowbray, and John Mowbray, also cousins to the said Sir John, Patrick Sinclair, William Scougal, Thomas Gibson. Signed thus, John Mowbray, Knight of Barnbogle.

The second is a precept of sasine, granted by the said Sir John Mowbray of Barnbogle, lord of the barony of Inverkeithing, following on the said charter, directed to his beloved cousin, James Logan, Sheriff-depute of Edinburgh, Philip Mowbray, John Mowbray, Patrick Sinclair, William Scougal, and William Brown, and to any of them, conjunctly and severally, his bailies, to give infestment and possession to his beloved uncle, William Mowbray, of the lands of Cockairny, with pertinents; in which precept he narrates the above charter. The precept is dated at Edinburgh the 25th of September 1511, and signed thus, John Mowbray, Knight, with my hand.

The third is a sasine following the said charter and precept, in favours of the said William Mowbray, of the lands of Cockairny; wherein the said charter and precept are faithfully narrated, written and signed by Thomas Ottir, presbyter of the diocese of St Andrews, and, by imperial authority, notar-public, dated at the principal messuage or manor-house of Cockairny, at two afternoon, or thereabouts, the 9th day of October 1511, the 14th indiction, and 8th year of the popedom of Julius II. before these witnesses, Robert Logan, Knight, son and heir to John Logan of Restalrig, Philip Mowbray, John Mowbray, James Mowbray, George Hueson, (whom, by the by, I take to be the predecessor of this present Hueson of

Braehead) Patrick Cromnoy, Alexander Newton, John Brown, Robert Brown, William Brown, John Finlaw, and James Murdo, with many others. The reader, I hope, will excuse that, for the satisfaction of all or any concerned in these surnames, I have industriously kept in all the witnesses' names, and kept close to the orthography of these times.

From all which, it is to a demonstration evident, that this WILLIAM MOWBRAY of Cockairny, and second son of the family of Barnbougale, born about the year 1460, as above, was the grandson of David Mowbray of Barnbougale, who was one of the hostages for the ransom of King James I. mentioned in my First Volume; for that king was detained eighteen years prisoner in England, and came home in the year 1423.

It was the daughter of this David Mowbray who was heiress of Barnbougale, and was married to Robert Drummond, second son to Sir John Drummond of Stobhall, who changed his name, and bore the arms of Mowbray, and took for title their old patrimonial stile of Dalmeny; which is plain by the legend about the seal, appended by Sir John Mowbray to the above parchments, viz. *S. Jobannis Moubra de Dumain*. By the old characters of this seal it appears to be cut early in the year 1400.

The arms upon the seal is a lion rampant, as expressed in my First Volume, yet there is a singular addition, viz. a crown above the head of the lion, of which crown there is no mention made in any account of the arms of the Mowbrays upon record before the year 1400; wherefore it is more than probable that it was conferred upon them as an additional mark of honour at David Mowbray's return from England with his prince, anno 1423, in perpetual memory of his services done for the crown in that expedition.

This good action done for King James I. is not the first signal service performed by them for their country and sovereign: for I find that Roger Mowbray is among these noble patriots, dukes, earls, lords, and barons, and is the first baron who signed that incomparable piece, asserting their religion, loyalty, and liberty, directed by way of letter to Pope John XXIII. dated at the Abbey of Aberbrothick the 6th April 1320, and 15th year of King Robert the Bruce's reign.

The race of the family of Barnbougale failed in the year 1675, as above mentioned; but the race of William Mowbray of Cockairny are still in being, and present possessors of that inheritance; from whom this present John Mowbray of Cockairny is the undoubted heir, in a direct and uninterrupted male line.

The paternal bearing of the name of Mowbray is *gules*, a lion rampant *argent*, crowned *or*, armed and langued *azure*, and has been in use to be supported by a man on the right, and a woman on the left, in fashionable habits; crest, a woman's head: motto, *Audentes fortuna juvat*.

ROBERT MOWBRAY above mentioned, brother to the present John Mowbray of Cockairny, carries the arms of the family, with a crescent *gules* upon the shoulder of the lion; and, for crest, a hand with a hand-saw, proper, with the motto, *La bore et industria*.

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#### MOODIE OF MELSETTER.

CAPTAIN JAMES MOODIE, late Commander of his Majesty's ship the Prince George, a son of Moodie of Melsetter, an ancient family in Orkney, upwards of 400 years standing, who have possessed several lands in Caithness since the year 1460. Captain James, for his merit and great services done to her late Majesty Queen Anne, and, in particular, for relieving the town and Castle of Denia in Spain, when besieged by the French in the years 1707, and 1708, was by her majesty honoured with a coat of augmentation, which is quartered in the first and fourth place before his paternal coat, as in Plate of Achievements thus blazoned, viz. quarterly, first and fourth, parted per fesse wavy; first *gules*, a castle ensigned

with a ducal crown, proper; second *azure*, three ships under sail, proper; second and third quarter, *azure*, a cheveron *ermine* between three pheons, *argent*, and in the middle chief point a hunting horn *or*, for the name of Moodie: which arms are adorned with mantling and helmet suitable to his dignity, ensigned with a naval coronet, and thereupon, for crest, is placed a lion *passant guardant or*, holding up in his dexter paw a flag *gules*, and a canton *or*, charged with a double eagle displayed *sable*; with this motto, *The reward of valour*.

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#### ROSS OF CRAIGIE.

ROSS of Craigie carries *or*, a fesse *chequé*, *sable* and *argent*, between three water-buckets of the last, as in Sir James Balfour's MSS. There is no certain record how, or from whom this family had its beginning; it is certain, it was a great and flourishing family in the reigns of Kings Robert and David Bruce; in the last of these reigns a daughter of this family was married to Sir John Drummond of Conraig, steward of Strathern, predecessor of the Earls of Perth; and thereafter Drummond of Balloch married another daughter of Ross of Craigie, who was mother of John Drummond first Laird of Milnab, as in the Genealogical History of the Family of Perth, written by William Drummond Viscount of Strathallan.

This family continued eminent till about the middle of King James VI.'s reign, when it began to decline, and was entirely ruined, and their estate carried off by many creditors in the beginning of King Charles I.'s reign.

JOHN ROSS Laird of Craigie was a principal favourite to King James V. (Knox's History) and was taken prisoner by the English at Solway Moss. He is also mentioned in Baker's Chronicle (by an easy mistake) John Ross Lord of Gray, instead of Laird of Craigie. They had a great estate near the town of Perth, and had intermarriages with several honourable families in that country, as Drummond of Conraig, steward of Strathern, Drummond of Balloch, Murray of Balvaird, now Viscount of Stormont, Seaton of Lathrisk, Ogilvie of Inchmartin, and many others.

From this family is descended PATRICK ROSS of Innernethy, whose great-grandfather, Patrick Ross, Sheriff-Clerk of Perth, purchased these lands. He was grandchild to Alexander Ross, second son to the Laird of Craigie. This family of Innernethy have always carried the arms of Craigie, as appears from their seals, and on the funeral monument of the said Patrick Ross, in the Grey Friars of Perth, where the arms are very well cut, but without crest or motto. They are allied in this and the preceding generations, since their descent from that House, with the families of Norie of Norieston in Monteith, Moncrieff of Easter Moncrieff, Clark of Pitteuchar, Lindsay of Evelick, Seaton of Lathrisk, Lindsay of Kilspindy, Pitcairn of Pitlour, Osburn of Peppermill, Sinclair of Balgreigie, Douglas of Strathennie, Balfour of Denmill.

Mr GEORGE ROSS, Advocate, a son of Innernethie, married the eldest daughter and co-heir of Mr John Sinclair of Balgreigie, a late cadet of the Lord Sinclair, for which Mr George quarters the arms of Sinclair of Balgreigie with his paternal one; and, for crest, a cross engrailed *fimbé sable*, with the motto, *Cruce delector*. And for verity of the above descent and bearing, the Lyon King at Arms has given a patent under his hand and seal of office to John Ross, younger of Balgreigie, eldest lawful son of Mr John Ross of Balgreigie, advocate, (lawful son of Mr Robert Ross of Innernethie, lawfully descended of the family of Ross of Craigie, in the sheriffdom of Perth) by Anna Sinclair, his wife, eldest lawful daughter and co-heir of Mr John Sinclair of Balgreigie, lawfully descended of a second son of the Lord Sinclair, to carry two coats, quarterly, first and fourth *or*, a fesse *chequé*, *sable* and *argent*, betwixt three water-buckets, within a bordure of the second, as his paternal bearing of the name of ROSS; second and third, quarterly, first and fourth *azure*, a ship at anchor, within a double tressure. flowered and counter-

flowered with flower-de-luces *or*; second and third *azure*, a ship under sail *or*; over all an escutcheon *argent*, a cross ingrailed *sable*, with a crescent for difference, by the name of Sinclair, in right of his mother; crest, a cross ingrailed *sable*: motto, *Cruce delector*.

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#### SPREUL OF COWDEN.

IN the First Part of the System of Heraldry I have given the arms of SPREUL of Cowden, with a short memorial of the family, page 437, and I shall here insist a little on the descendants of that family, which appears to have been eminent of old in the shire of Renfrew: For, in the reign of Alexander III. Walter Spreul of Cowden, and Senescal of Lennox, had a grant of the lands of Dalquharn in Dumbartonshire from the Earl of Lennox.

The family continued from that time, till about the year 1622, that William Lord Cochran of Cowden, father of the first Earl of Dundonald, purchased the lands of Cowden from John Spreul, proprietor thereof.

Of this family there were several branches, as the Spreuls of Ladymuir, Castlehill and Blachairne. Mr John Spreul, a younger son of the family of Cowden, in the reign of King James IV. being bred to learning, in view of the service of the church, took holy orders, and was first made Vicar of Dundonald, 1507, and at the same time was one of the Professors of Philosophy in the University of Glasgow, and thereafter Rector of the said university, as in the Register of the College of Glasgow: He was thereafter advanced, by Bishop Dunbar of Glasgow, to be one of the prebends of his metropolitan church, to which the rectory of Ancrum was annexed.

By these offices Mr John Spreul made several acquisitions of lands; first, he acquired from Gabriel Semple, brother to the Lord Semple, the lands of Ladymuir, Castlehill and King's-Meadows, and that with consent of Janet Spreul, his spouse, who was Mr Spreul's sister: Likewise he purchased the lands of Blachairn, within the lordship of Provan, and a fair lodging within the city of Glasgow; of all which he put his brother Robert, burgess of Glasgow, and John Spreul, his brother's son, in the fee, by his disposition, dated 1541, and by a charter of confirmation, under the Great Seal, 1542, in the minority of Queen Mary. Of which lands John, the nephew, came to the possession, upon his uncle's death, which happened in the year 1555. Upon the Reformation he was made rector of Cambuslang, and was so designed in his infeftment of the foresaid lands, in the year 1588. He was succeeded by his heir and son John Spreul, and he by his son John, who was Provost of Renfrew, about the beginning of Charles I.'s reign; and he again by his son Mr John Spreul, who, being bred to the law, was first made town-clerk of Glasgow, and thereafter one of the principal clerks of Session. He was succeeded by his son John Spreul of Blachairn, who married Agnes Spreul, daughter to Andrew Spreul of Milton. There son is Andrew Spreul of Blachairn, writer in Edinburgh, who carries the principal arms of Cowden, as representer thereof, and, out of gratitude to the memory of the above-mentioned Mr John Spreul, the canon, he adds, by way of crest, to his arms, a book expanded; with the motto, *Manet in aeternum*.

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#### FARQUHARSON OF INVERCAULD.

FARQUHARSON, a considerable clan and family in the Braes of Marr, and adjacent countries, in Irish called *manicula*, deriving their descent from Shaw,

son to Macduff Thane of Fife, which makes them related to M'Intosh, and has been the first arise of their being reckoned one of the clans of Chatton.

FARQUHARSON of Invercauld is the chieftain of the name, whose coat of arms I have given in my First Volume, as recorded in the Lyon Register. The immediate sons of the family (that acquired lands and possessions) in order as they descended, are, Monaltrie, Brochdergo, Achriachan, and Revernis. The sons of Monaltrie, in their order, are, Finzean, Alenquhoich, Inverey, and Whitehouse. The sons of Brochdergo are, Richaillie, Shanelie, and Alrick. The sons of Achriachan are Camdel and Altinlaige. The sons of Revernis are Kirkton of Aboyne, Weston and Coultis. The sons of Finzean are Kirkton of Birss and Balfour. The sons of Alenquhoich are Tom and Micras. The sons of Inverey are Achindryne and Balmurrel; and of Achindryne is Tullochcoy.

#### WHITEFORD OF BLAIRQUHAN.

IN the First Volume, page 368, I gave the arms and alliances of the House of WHITEFORD of Blairquhan, which, since, I find to have also matched with Cathcart of Carleton; and likewise, that Sir Adam Whiteford of Blairquhan disposed to his brother Bryce Whiteford the lands of Dundaff and Cloncaird.

#### GRAHAM OF BALGOWAN.

GRAHAM of Balgowan, in the shire of Perth, descended of the family of Mon-trose, being a fourth son of William Lord Graham, and his second lady, Mary Stewart, daughter of King Robert III. hath been in use to carry, for arms, *or*, on a chief indented *sable*, three escalops of the first, and in the centre a martlet of the second, within the double tressure of Scotland, as a badge of their maternal descent from the royal family, and so carried by the branches descended from the above-mentioned lady, as I observed before; for crest, a dove; with the motto, *Candide & secure*.

JOHN GRAHAM of Balgowan, upon account of his loyalty and assistance given to King James VI. against the conspiracy of William Earl of Gowry, got from that king several lands belonging to that earl, viz. Nether-Pitcairnes, Craigengall, half lands of Monedy, half lands of Legelurie, and half of Codrachie-Mill, with the patronage of the kirk of Monedy, as the charter bears, the 24th day of August 1584, which I have seen.

#### KINLOCH OF THAT ILK.

KINLOCH of that Ilk, in the shire of Fife, seems to be very ancient, and the name amongst the earliest surnames in the kingdom. Their arms are *azure*, a boar's head couped, betwixt three mascles *or*, as in Sir David Lindsay of the Mount, his Illuminated Manuscript, and in Esplin's Illuminated Manuscript. Mr Pont, in his Collections, gives the same arms, with others, viz. *azure*, a bishop's pall *or*, between three laurel leaves *argent*. It seems the family hath sometimes made use

of the last arms, upon the account that one Kellach, or Killoch, was the second Archbishop of St Andrews, as Mr Martin in his MS. *Reliquia Sanctæ Andree*. This bishop built a chapel to St Anna, near St Andrews, called after him Kinkel, as Sir Robert Sibbald says in his History of Fife, page 134. There was afterwards another bishop of St Andrews of the name of Kinloch, in the reign of Gregory the Great. They derive the name of Kinloch from their lands situate at the head of a loch: And in the old Scottish language *kian*, or *kin*, signifies the head: From hence the surname Kinloch designed of the same.

As for ancient charters belonging to this family, they are yet extant in the hands of Hamilton of Wishaw, a learned antiquary, he being in possession of the barony of Weatherby, joining to Kinloch, and a part of that old estate, which are five charters, two of which granted by *Roger Quincy Comes Wintoniæ & Constabularius Scotiæ*, to *John de Kindeloch*, of the lands of Birking, without a date: Also another charter by the same Roger Quincy to the said *John de Kindeloch* and his heirs, of the lands and mill of Peclouhyn, which Myles, the son of William, gave Uthred, his grandfather; which charter has also no date; but Roger Quincy's seal is appended, with his arms, being seven mascles 3, 3 and 1; which mascles the name of Kinloch now carrying, took their 3 from Roger Quincy as their patron or superior of some of those lands so disposed by him to them, and laid aside the old arms, the bishop's pall, above mentioned; but bears a boar's head erased, betwixt two mascles, as it is to be seen carved upon the seat in the church of Creigh, belonging to the predecessors of David Kinloch of Conland; and on the gate-head of their house in Lithrie, anno 1591, done by John Kinloch, son and heir to George the immediate son of Kinloch.

The third charter, in the hands of the Laird of Wishaw, is that of William M'Brab to *John de Kindeloch*, of the lands of Collessin, and lands of Peclouhyn, having no date, and blench.

Fourth charter, *Walter Oliphard*, son to *Walter Oliphard*, to Allan son of Allan, of the lands of Cullison, and lands of Abarnethen, having no date. This charter is confirmed by King William in the year 1165.

The fifth charter is granted by John Ogilvie, with consent of William Lamber-ton, Bishop of St Andrews, to *William de Kindeloch*, of the lands of Parbroth and Kinsleif; which lands march with Lithrie.

So much for the antiquity of the family, which continued for a long time very considerable, and had a great part of the lands of Lithrie and Brunton near joining with Kinloch and the barony of Cruvie, about three miles distance from Lithrie.

Sir ALEXANDER KINLOCH of that Ilk had two brothers; Andrew and George Kinlochs got from their father different portions of the lands of Lithrie and Brunton: Sir Alexander sold the town and lands of Kinloch to Balfour of Balgarvie, predecessor to the Lord Burleigh; but retained the barony of Weatherby, and built a strong house on Cruvie, being at feud with his neighbours. The greatest part of the house is yet standing. Sir Alexander having three sons, who were killed by his said neighbours and their associates, so that he had only remaining two daughters, Isabel and Jean Kinlochs. The first was married to Ramsay of Leuchars, and got with her the barony of Cruvie; she had only one daughter, who was married to Sir David Carnegie, predecessor of the Earl of Southesk, who got with her the estate of Leuchars and Cruvie. The other daughter, Jean Kinloch, was married to Sandilands of Abercromby, and he got with her the barony of Weatherby, and some other feus about it; the old writs of which are in the hands of the above-mentioned Laird of Wishaw, possessor of these lands.

Sir Alexander Kinloch of that Ilk died without male issue, so that the above-mentioned Andrew Kinloch, his brother, came to be heir-male and representer of the family of Kinloch and Cruvie. I have seen a disposition by the abbot and monks of Balmerino of the lands of Little-Kinnire, to and in favours of an honourable man, Andrew Kinloch in Lithrie, for the sum of 200 merks, and for upholding the walls of that abbacy, dated at Balmerino the 5th of May 1529; he had no sons, but one daughter, Elizabeth, who was married to Robert Paterson of Dunmure, with whom he got with her the above-mentioned lands, upon condition that he and his heirs, with his wife, took upon them the name and arms of Kinloch;

which failing, the lands were to return to George Kinloch the uncle, as by the contract of marriage. Robert performed the condition of the contract, in taking on the name of Kinloch and arms with his lady: He had a son, Andrew, who, after coming to be a man, enters into a contract with his grand-uncle George Kinloch, portioner of Lithrie, that he might freely return to the name of Paterson, and that the said George should take no advantage of him by virtue of his mother's contract of marriage. Which contract I have seen in the hands of Mr David Kinloch of Conland, in the shire of Fife, son of Mr George Kinloch, portioner of Lithrie, great-grandson of the above George, with whom Andrew Paterson of Dunmure made the last contract: So that the said David is the heir-male and representor of the ancient family of Kinloch and Cruvie.

In the New Register, DAVID KINLOCH of Aberborthie, descended of Cruvie, bears *azure*, a boar's head erased betwixt three mascles *or*; for crest, a young eagle perching, and looking up to the sun in its splendour: motto, *Non degener*. (L. R.) Of him is descended Sir James Kinloch of that Ilk in Angus.

DAVID KINLOCH of Gourdie bears *azure*, on a chevron between three mascles *or*, a boar's head erased of the field, and a flower-de-luce of the second; crest, an eagle soaring aloft, proper: motto, *Yet bigger*. L. R.

#### MACKENZIE OF GARLOCH.

THE first of this family was HECTOR MACKENZIE, eldest lawful son by a second marriage of Alexander Mackenzie, seventh Laird and Baron of Kintail, (one of the progenitors of the noble family of Seaforth) procreate betwixt him and Margaret, daughter of Macdonald of Morell, his second wife.

This Hector, by a charter under the Great Seal granted by King James IV. dated at Edinburgh the 8th day of April 1513 years, and 25th of his majesty's reign, had the lands and barony of Garloch, Glassletter, and pertinents, heritably disposed to him and his heirs-male, for military service. He was at the battle of Flodden with the said king, and was thereafter tutor of Kintail. He married Anne, daughter to Macdonald of Moydart, by whom he had

JOHN, his eldest son and successor in the above lands, who married Agnes Fraser, daughter to James Fraser, tutor of Lovat, and second lawful son of Hugh Lord Fraser of Lovat; by which marriage he got the lands of Kinkell, and several others in the low country; for which the family has been in use to quarter the Fraser's arms with their own. She bare to him several children, the eldest whereof was

JOHN MACKENZIE of Garloch, who succeeded his father, and married Anne, daughter to Æneas Macdonald of Glengary, by whom he had

ALEXANDER MACKENZIE of Garloch, who married Mackenzie, daughter to Roderick Mackenzie of Redcastle. The eldest son of which marriage was

KENNETH MACKENZIE of Garloch, who, *anno* 1635, married Catharine, daughter to Sir Donald Macdonald of Slate, by whom he had no issue, and by a second marriage with Anne, daughter to Grant of that Ilk, by a daughter of Ogilvie Earl of Findlater, *anno* 1640, he had for his son and successor,

ALEXANDER MACKENZIE of Garloch, who, in *anno* 1670, married Barbara Mackenzie, daughter of Sir John Mackenzie of Tarbet, by whom he had one son,

KENNETH MACKENZIE, who succeeded his father, and, in *anno* 1700, married Margaret, daughter of Sir Rorie Mackenzie of Findon. The eldest son of which marriage is

ALEXANDER MACKENZIE, now of Garloch, who succeeded his father, *anno* 1704, while an infant.

The achievement of the family, as recorded in the Lyon Register, is, quarterly, first and fourth *azure*, a hart's head cabossed, and attired with ten tynes, *or*; se-

cond and third *azure*, three frasiers *argent*. Which shield is timbred with helmet and mantlings befitting his quality; and, on a wreath of his colours is set, for crest, a dexter arm, holding a garland of laurel, all proper; with the motto, *Vir-tute et valore*.

Of this family are descended the Mackenzies of Balmaduthy, Letterew, and Mountgerald, and Mr William Mackenzie of Davachairny, and John Mackenzie of Lochend, uncles to the present Garloch, who have right to carry the above arms with suitable differences.

## MELVILLE.

THE surname of MELVILLE is ancient with us, and of old designed *De Mala Villa*. An account of which I here subjoin, having omitted it accidentally in the first part of the System of Heraldry. Some say, the first of the name came from France (as Sir George Mackenzie in his manuscript.) But others, more rightly, from a gentleman who accompanied Queen Margaret, the wife of King Malcolm III. from Hungary; as in a manuscript of the family of Melville, which I did see in the custody of Captain George Melville of Crescent-Hall.

The first of the name of MELVILLE got several lands in Lothian from King Malcolm II. which he called after his own name. But be this as it will, the Melvilles were very considerable in the reign of King William, both for the many lands they enjoyed, and great offices they held under the crown.

In the above-mentioned manuscript there is a short abstract of a charter of confirmation by King William, to Galfrid Melville, and his son George, of some lands which formerly belonged to Macbeth, which shows their antiquity.

About which time there were three considerable families of the name: As MELVILLE of Melville-Castle in Lothian, MELVILLE of Raith in Fife, and MELVILLE of Glenbervie, in the county of Kincardine.

MELVILLE of Melville-Castle seems to have been the principal family. *Galfred de Maleville*, in the reign of King William, gave the church of Maleville to the monks of Dunfermline, for prayers to be said *pro animabus Davidis regis, et Malcomi junioris, et pro animabus antecessorum meorum coram sepultura predictorum regum*: As appears from a copy of the charter, to be found in my Lord Haddington's Collections, in the Lawyers' Library; where there are also several other charters of *John de Melville, Gregorie de Melevil, and William de Melvil* of Melville Castle; but the family ended in an heiress, Agnes Melville, married to Sir John Ross of Halkhead, ancestor to the Lord Ross.

*Philip de Maleville, Vicecomes de Merns*, in the reign of King Alexander II. was ancestor of the Melvilles of Glenbervie. King David II. grants a charter to John Melville of the barony of Glenbervie (in Ret. R. Dav. II.) This family, in the reign of King James II. ended in an heir-female, Giles Melville, married to Sir John Auchinleck of that ilk, by whose grandchild and heir-female, in the time of King James IV. the barony of Glenbervie went by marriage to Sir William Douglas of Braidwood, son to Archibald Earl of Angus. MELVILLE of Glenbervie carried, *argent*, a fesse betwixt three crescents, *gules*; as also did MELVILLE of Dysart, and MELVILLE of Carnbie, by our old books of blazons.

The only remaining branch of the ancient family of MELVILLE is that of Raith: The first of which was *Walter de Maleville*, a son of the above-mentioned *Galfred de Maleville*, whose successor, *Sir John de Maleville*, in the county of Fife, is one of the barons in the Ragman Roll who swore fealty to King Edward I. of England, anno 1296. From whom descended John Melville of Raith, to whom William Scott of Balwryie grants a charter of the lands of Pitscottie, which is without a date. The witnesses are *Robertus Senescallus, Thomas Sibbald, John of Weems, William of Lundon, Knights; John of Glen, John of B.wei, and Duncan Ramsay, Armigeri*. I likewise saw, in the hands of Captain Melville of Crescent-Hall, a

mutual contract betwixt the Laird of Wemyss, and John Melville of Raith, anent a water-gang to Schaw's mill, of the date 1420.

From whom was descended WILLIAM MELVILLE of Raith, whose son and heir Sir JOHN, a great favourite of King James V., in the reign of Queen Mary, for professing the protestant religion, lost his life in the year 1549, leaving behind him, by his lady Helen, daughter of Alexander Napier of Merchiston, ancestor to the Lord Napier, six sons and two daughters, first, JOHN, Laird of Raith; second, Robert, Lord Melville; third, Sir James Melville of Halhill, a great statesman and courtier, who wrote memoirs exactly of his own time. Fourth, Mr William, Commendator of Tongland and Kilwinning, one of the Senators of the College of Justice. Fifth, Sir Andrew Melvill of Garvock, who was steward of the household to Queen Mary and King James VI. The sixth son was Captain David Melville of Newmill. The two daughters, Janet, the eldest, was married to Sir William Kirkaldy of Grange, and Margaret to Sir James Johnstone of Elphinston. The second son, Robert, was Vice-Chancellor of Scotland, Treasurer-depute, and a Lord of Session, in the reign of King James VI. and by that king was made a peer, by the title of Lord MELVILLE, in the year 1616. He was succeeded by his son ROBERT Lord MELVILLE, who died without issue 1635. The honour, by reason of an entail, came to JOHN MELVILLE of Raith, the great-grandson to John Melville of Raith, elder brother to Robert first Lord Melville.

Which John Melville of Raith, the third Lord Melville, was succeeded by his son GEORGE Lord Melville, who, in the year 1690, was made Earl of MELVILLE Lord RAITH, was sole Secretary of State, and Lord High Commissioner to the first and second sessions of the Parliament 1690. He married Katharine, daughter of Alexander Lord Balgonie, son of Alexander first Earl of Leven, and with her had three sons, first, Alexander Lord Raith, who died without issue; second, David, who succeeded his father in his estate and honour; third, Mr James Melville of Balgarvie.

MELVILLE Earl of Melville, Viscount of Kirkcaldy, Lord Raith, Monimail, and Balwylie, carries, quarterly, first and fourth *argent*, a fesse *gules*; second and third *gules*, three crescents within a bordure, *argent*, charged with eight roses of the first, supported on the dexter with a ratch-hound, and on the sinister by an eagle proper; crest, a ratch head erased, *sable*: Motto, *Denique cælum*.

DAVID succeeded his father in his estate and honour; but the dignity of LEVEN being the elder peerage, his lordship now goes by that title, and carries the arms of the Earls of Leven and Melville. He was a long time Governor of the Castle of Edinburgh. He was, by her majesty Queen Anne, made General of the forces in Scotland, General of the Ordnance, and thereafter was constituted Lieutenant General, and Commander in Chief of all her majesty's forces in this kingdom. All which stations his lordship held till the year 1712. He married Anne, daughter of Margaret Countess of Wemyss, by whom he has George Lord Balgony and Raith, and a son Alexander.

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#### MONCRIEF OF THAT ILK,

AN ancient family in the shire of Perth, carries *argent*, a lion rampant, *gules*, armed and langued *azure*, and a chief *ermine*; crest, a demi-lion as the former; supporters, two men armed cap-a-pee, bearing pikes on their shoulders proper: motto, *Sur esperance*, as in the Lyon Register.

Which arms I gave before in the First Volume, page 68 and page 251, where this family had anciently other supporters, viz. two lions, as in Workman, a herald, his manuscript 1604; when Sir John Moncrief of that Ilk assisted as one of the knights, when Sir Andrew Murray of Balvaird was, with all solemnity, created Lord Scone, by Alexander Seaton Earl of Dunfermline, his Majesty's Viceroy for the time.

This family was of great antiquity, and had an opulent fortune in lands, called Moncrief, from which they took their surname, and was the original family of the name. There is a charter of confirmation, yet extant, of the lands of Moncrief to John de Moncrief, by King Alexander III. Which family continued since in possession of these lands, and as chief of the name, till of late, that Sir John Moncrief of that Ilk, Baronet, sold the estate to Sir Thomas Moncrief, one of the Clerks of Exchequer. He was succeeded in the chieftainry and honour of baronet by his brother-german, Sir James Moncrief, colonel of a regiment of foot. Upon the death of Sir James without male-issue, the honours of the family devolved upon Sir John Moncrief of Tippermalloch, eldest son of Mr Hugh Moncrief of Tippermalloch, the famous physician, second lawful son of Sir William Moncrief of that Ilk, and Dame Anna Murray, daughter to the Laird of Abercairny; and the said Mr Hugh married Isabel Hay, daughter to the Laird of Megginch. Her mother was married, after her first husband's death, to Hay of Keillor, afterwards Earl of Errol.

The said Sir John married his cousin Nicolas Moncrief, daughter to the Laird of Easter Moncrief, descended of a second son of Moncrief of that Ilk, and had Sir HUGH MONCRIEF of Tippermalloch, Baronet, the chief and representer of the family of Moncrief of that Ilk, who carries the principal coat of the family as above blazoned from the Lyon Register.

The family has not only been ancient, but very considerable in the country, being allied with many great and honourable families, such as Athol, Abercairny, Oliphant, Ross of Craigie, and many others, which may be seen at length in the Genealogical History of their families.

There are several cadets of this family, some of whom I shall here mention, whose arms are in the Lyon Register.

MONCRIEF, Commissar in the king of France his army, a fourth son of Moncrief of that Ilk in Scotland, carries the same with the chief, with a martlet for difference.

JAMES MONCRIEF, merchant in Edinburgh, descended of a second brother of Thomas Moncrief of that Ilk, bears *argent*, a lion rampant, holding in his dexter paw a rose, between two mullets *gules* a chief *ermine*; crest, a gillyflower proper: motto, *Diligentia cresco*.

GEORGE MONCRIEF of Reidie, descended of Moncrief of that Ilk, carries as his chief, crest, and motto, the same; and, for difference, a red rose on the chief *ermine*.

JOHN MONCRIEF of Murnipea, descended of a second son of Reidie, carries as Reidie, with a crescent for his difference.

DAVID MONCRIEF of Boghall, lineally descended of Sir James Moncrief of Easter Moncrief, who was a brother-german to Sir John Moncrief of that Ilk, bears *argent*, a lion rampant *gules*, a chief *ermine*, all within a bordure inverted of the second, charged with six crescents of the first: motto, *Firma spes*.

GEORGE MONCRIEF of Sauchope, sometime Bailie of Craill, bears *argent*, a lion rampant *gules*, a chief *ermine*, all within a bordure indented of the second, charged with eight besants *or*; crest, three ears of rye banded together, proper.

Sir THOMAS MONCRIEF, designed of that Ilk, (who purchased these lands) bears *argent*, a lion rampant betwixt two mullets in fesse *gules*, a chief *ermine*; crest, a demi-lion, as the former: motto, *Sur esperance*, 1679. For all which see Lyon Register.

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#### GIFFORD OF BUSTA.

IN my former volume of this System, page 59, I mentioned the ancient name of GIFFORD, said to have come from England to Scotland in the reign of Malcolm Canmore; and also of one HUGO DE GIFFORD, a witness in the charters of

William King of Scotland. The chief family of the name was GIFFORD of Gifford-hall and Yester, in East Lothian, which had for arms, *gules*, three bars *ermine*. The family ended in four daughters about the year 1412. The eldest of them was married to Sir William Hay, Sheriff of Peebles. He got with her the lands of Yester and Gifford-hall, of whom is descended the present Marquis of Tweeddale, whose family has ever since quartered the Gifford's arms with their own. The other three daughters were married to Thomas Boyd of Kilmarnock, Eustache Maxwell of Teyling, and another to Macdowall of Makerston, all eminent barons.

There was another family of the name GIFFORD of Sheriff-hall, in Mid-Lothian, which carried the foresaid arms, and ended in the reign of King James III. And of late I am informed that there is a gentleman's family yet extant of the name of Gifford, in the island of Zetland, now represented by THOMAS GIFFORD of Busta, as lineally descended from, and only heir-male of the ancient family of Wethersta in that island, who has about these 200 years past carried the name and arms of Gifford, viz. *gules*, three bars *ermine*; crest, a hart's head proper; motto, *Spare when you have naught*; being the same used by the Marquis of Tweeddale; but whether the crest and motto belonged to the Giffords of Gifford-hall and Yester, I know not, but the arms did, and the same are used now by Thomas Gifford of Busta.

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#### WEMYSS EARL OF WEMYSS.

IN my first volume of this System, page 276, I mentioned the ancient and honourable family of WEMYSS, and there hinted the strong tradition of their descent from the illustrious hero MACDUFF Thane of Fife; which tradition has been universally owned and acknowledged by all our antiquaries, though they are not so certain as to the precise time of their descent.

Sir Robert Sibbald and the author of the Genealogy of the Macintoshes allege, That the first of the family was a son of Duncan, the third of that name, and sixth Earl of Fife. But, that their cadency is older, appears from the charter of *Joannes de Linsly, Miles*, mentioned by me in the foresaid place, which charter mentions *terram Domini Michaelis de Wemyss*, and is dated 1165; whereas the foresaid Duncan the third succeeded to his father, only in the year 1154, and died 1203: As Mr Crawford in his Peerage says of the family of the earls of Fife; so it is improbable that the first of that family could be the son of this Duncan.

And therefore I think that what I have already asserted in the First Volume is most probable, to wit, That the first of them was an immediate son of the great Macduff, who, being obliged to escape Macbeth's fury, hid himself in those coves which are yet to be seen in the estate of Wemyss, and are very proper lurking places; and from thence derived afterwards the surname to himself and posterity: for *Wemyss* is but the Highland word for coves: And it is ordinary still among the Highlanders (whose language and customs then obtained in Fife) to design a man from some extraordinary circumstance of his life, such as this, of his lurking in the coves.

But though we cannot with certainty determine the precise time when the Earl of Wemyss came of Macduff, because the original writs of the family are lost, yet that he is truly descended of that illustrious stock, I think there are very good arguments to prove: As

*Imo.* The constant tradition of the family, together with the propriety of the ancient monuments of Macduff's valour, such as his target and other armour, and the scull of Macbeth's head, which Macduff cut off at Lumphannon, and carried south with him as a trophy; which are still preserved (as I am informed) by the family, and were probably committed to them, as the principal branch in the

collateral male line, when the direct male line failed ; hence are those lines of Mr Johnston in his character of Macduff :

Addo decus prisicis meritis, monumenta vetusta  
Servat adhuc rerum WEMYSSIANA domus.

2do. That they have always bore the ensigns armorial of Macduff: For arms are reckoned surer marks of cadency than surnames, especially in descents of that antiquity. Before the marriage with the heiress of Inchmartin, the barons of Wemyss bore the simple armorial of Macduff, with the marks of cadency: But then these marks were laid aside, and the coat of Glen of Inchmartin was quartered with their paternal coat; and have so stood upon their seals (as you have them described by me in the First Volume) from 1423 to 1707, when DAVID the second Earl of WEMYSS, considering himself as chief of the name of Wemyss, and true representative of the ancient Macduff, thought fit to disuse the coat of alliance, and to retain only the single armorial of Macduff and Wemyss; which I have blazoned and cut in copper, in the Fourth Plate of Achievements of the First Volume; and is thus described, *or*, a lion rampant *gules*, armed and langued *azure*, supported by two lions, and a swan for crest, all proper, with the motto, *Je pense*.

3tio. A third argument of the Earl of Wemyss's descent, is the ancient holding of their original estate of the Earls of Fife; which, together with the other two proofs above mentioned, are a good evidence that the first of them was a son of that family, to whom the father disposed that part of his estate, to hold of himself and his successors in the direct line, since there is not the least appearance of the estate coming from any other hands, or that it was in any other family prior to them. But this shall be further cleared, as I come to give a particular account of the family of Wemyss, at least of the most remarkable persons of them, whom Mr Crawford has omitted.

The first of the name I find on record is the foresaid MICHAEL DE WEMYSS, in the said charter of *Joannes de Ainsly*; and the said Michael (as I am informed) is a witness in the charter of mortification to the abbacy of Aberbrothock, *de terra inter Eckkar & Kaldonar, per Thomam filium Tankardi*; and this is confirmed by King William in the beginning of his reign, as in chartulary of Aberbrothock; Mr Crawford tells of a charter of Alexander II. his reign, in the custody of the Duke of Athol, wherein *Michael de Wemyss, miles* is a witness, but whether he was the same Michael, or a son of his, I know not.

The next we find is DAVID DE WEMYSS, who was Sheriff-Principal of Fife, *anno* 1239; for in the chartulary of the abbacy of Dunfermline, there is a precept directed *Domino Davidi de Wemyss, Vice-comiti de Fife*, to pay the eighth part of the americiaments of Fife and Fotherife, imposed in the Justice Air at Cupar, to that abbacy, according to their rights, dated at Perth, 7th October 1239, and of the king's reign the 25th.

In the chartulary of the abbacy of Aberbrothock, *Dominus Hugo de Wemyss* is witness in a charter by that abbot to Sir John Wishart of the Mill of Coneveth, dated *anno* 1242.

This is all of the surname that I have seen upon record; prior to that honourable person that went ambassador for the Maiden of Norway, mentioned in the First Volume by the name of David, from all our historians that I have seen; though I am since informed by the family that his name is Michael and not David, which my informer says is clear, by an indenture between *Dominum Michael de Wemyss & Dominum Michaelem Scot de Balweerie, milites, in presentia Joannis Ballioli Regis, apud monasterium de Lundores*, dated 1294.

This *Dominus Michael de Wemyss*, as my informer says, sat in the Parliament at Ayr 1315, which settled the succession of the crown, failing heirs-male of King Robert the I. upon Edward Bruce his brother.

HIS SON DAVID DE WEMYSS succeeded him, who was one of the barons that, in the Parliament 1320, signed the famous letter to the pope.

He was married first to Annabel, daughter to Sir William St Clair, probably the same that married the heiress of Orkney: for there is an authentic copy of a

charter signed by a notar, among the Earl of Wemyss's writs, wherein *David de Wemyss, filius & heres Domini Michaelis de Wemyss*, grants *Dominæ Annabelle, filix Domini Gulielmi de Sto. Claro militis, sponsæ suæ*, and to the heirs procreate betwixt them, several lands in Lochoreshire.

He was married next to *Marjory de Ramsay*, daughter to *Walter de Ramsay*; and there is an original charter (which was lent by the late Earl of Wemyss to Mr Simson the Queen's Historiographer, but not returned) wherein King Robert I. confirms to *David de Wemyss, miles*, and *Marjory* his spouse, the lands of Glassmont in tenements of *Kingborn*, erected to him in *liberam Baroniam*. This charter is dated *anno regni 23, anno Domini 1329*. It was this Sir David, and not his great-grandchild, (as Mr Crawford supposeth) that in an original charter, without date, (which was likewise lent to Mr Simson) is designed *filius et heres Domini Michaelis de Wemyss, militis*, wherein he makes over the lands of Raith, in the barony of Lochore, *Domino Johanni de Wemyss, avunculo suo*. For *Walter de Ramsay*, one of the witnesses in the charter is designed *Socero meo*; and *Matthew de Crambeth* Bishop of Dunkeld, another of them, died in 1312, and consequently long before David, the grandchild or great-grandchild, succeeded.

His son MICHAEL DE WEMYSS, *miles*, succeeded about the year 1332, who obtained a charter from Duncan Earl of Fife, of Easter Monechy and Wester Dron, (which was likewise lent out to Mr Simson) wherein he is designed *Filius quondam Davidis de Wemyss, militis*. This Michael, and his father David, and grandfather Michael, knights, are, all three, witnesses to a charter by Duncan Earl of Fife to *John de Clephan* of Carslogie. In Rymer's *Fœdera* there is, *anno 1336*, a precept by King Edward III. of England to his Treasurer to deliver to Michael de Wemyss knight, coming from Scotland to our Parliament at London, Forty pounds Sterling, and to Henry de Ramsay Ten pounds.

He was succeeded by his son Sir DAVID DE WEMYSS, who in 1343 is designed *David de Wemyss miles, tunc Vicecomes de Fife*, as witness in a charter by Duncan Earl of Fife, to Green of Fairny; and so likewise in a charter by *D. Helena de Maxwell, Domina de Kelly*, to John Dick Strang of Easter Pitcorthie; and this last is confirmed by King David II. *Anno Reg. 29. Anno Dom. 1358*.

To him succeeded Sir DAVID DE WEMYSS his son, who, in Rymer's *Fœdera 1357*, is designed *David de Wemyss miles, filius & heres Davidis de Wemyss militis*; and was one of the twenty Scots heirs that were sent hostages for payment of one hundred thousand merks Sterling, for King David's liberty.

This Sir DAVID, having no heirs-male of his body, tailzied his estate to Sir John Wemyss of Rires, and to Isabel his wife, eldest daughter of Isabel of Inchmartin his heir-female, and to the heirs of their body; which failing, to return to the collateral heir-male. And in consequence of this tailzie Sir David resigns his lands in the hands of Robert Stewart Earl of Fife, holden *de predicto suo comite*, in favours of the said Sir John. This resignation was solemnly made in the parish church of Wemyss, *anno 1373*, about two years before he died, and is recorded at more length, with the witnesses' names, by Mr Crawford in his Peerage of the family of Wemyss. After Sir David's death, Sir Allan Erskine confirmed some lands resigned by the said Sir David, to the said Sir John, and Isabel his wife, and their heirs; which failing, *dictæ terræ* (saith the charter) *veris hæredibus revertentur*. And by an indenture between the said Sir John Wemyss of Rires and one *Duncan de Wemyss*, who seems to have been the heir-male, dated 1376, the said Sir John binds himself to keep the tailzie of all the lands which belonged to umquhile David of Wemyss, and to infest Duncan; and Duncan is to put into the said talzie Over-Cambron; and a duty out of the mill of Methil, and he is to have Rires and Cambron from Sir John. And, in *anno 1419*, the said Duncan actually got Kincaldrum from Sir John.

Whether Isabel of Inchmartin was a niece of Sir David's, or what degree of relation she bore to him, does not appear from any writs that I have seen. But it would seem that Sir Robert Livingston of Drumrey, or his lady, stood in the same propinquity to him, and that he was not satisfied with his disposition in favours of Sir John of Rires: For, by an instrument dated 1385, it appears that the said Sir Robert took infestment in the lands of Wemyss, and that the Lady Inchmartin went to the House of Wemyss and tore his sasine in pieces. And it is probable.

that, to compose the differences, Sir Robert got the lands of East-Wemyss, (which were reckoned a third part of Wemyss-shire) and a third of the coal and salt of West-Wemyss, and the east half of Lochore-shire; all which I find to have gone from the family to the Livingstons of Drumrey about this time.

After Sir DAVID's death, which was before December 1376, Sir Allan Erskine, and Isabel of Inchmartin, his wife, served heirs to him in the estate of Wemyss, as appears by their two daughters serving to them. And Sir John of Rires seems to have possessed it more in their right than by the disposition and resignation made by Sir David: And therefore we find by authentic writs in the Earl of Wemyss's custody, which were showed to me by Mr Mackenzie his chaplain, that after their death, Isabel, spouse to Sir John Wemyss of Rires, together with her sister Margaret, spouse to Sir John Glen of Balmuto, are served heiresses, in May 1400, to Sir Allan Erskine their father, and to Isabel of Inchmartin their mother, in the estate of Wemyss, and lands of Pitconachie, within the shire of Fife; and in June the same year they demanded of Robert Earl of Fife, a precept of sasine in these lands, which the said earl either neglected or refused to grant. And in June 1419, he pursued Sir John Wemyss of Rires (whose lady was then dead) and the lady Glen, before the council, for uplifting the revenues of Wemyss, before he, as superior, had entered them. However Sir John, in his lady's right, and the Lady Glen, are adjudged to be in the legal possession of the estate, because they had taken precept out of the King's Chapel, and presented it to the superior, *anno* 1401: The same ladies are retoured heiresses to their mother Isabel of Inchmartin, in the lands of Auchleven and Ardoven in Marr. *Anno* 1403, King Robert III. gives a protection to Sir John of Wemyss for the lands he had in Athol by his wife.

Sir JOHN DE WEMYSS got by his lady (as appears by the confirmation-charter of King Robert III. to him) the lands of Wemyss, Wester-Raith, Glenniston and Powgild, Myre-Cairny, Newton, Markinch, Nether-Cambron, Methil, Tulliebreek, Wester-Tarvat, Innerleven, Muir-Cambus, Dron, Lochore, Elcho, Strathardel and Inchmartin.

Sir JOHN having built the chapel of St Mary of Reires, and mortified lands to a chaplain *anno* 1404, died about *anno* 1428, leaving issue behind him, by the heiress Isabel, first David, his successor in the estate of Wemyss, designed David of Methil in his father's time: Second, Michael his successor in the estate of Reires, which estate went with a daughter to Arthur Forbes of Pitsligo *anno* 1479. Third, Andrew. Fourth, John Wemyss of Kilmany, who married Janet Wardlaw, niece to Henry Wardlaw Bishop of St Andrews, and got with her the lands of Lathocker and Muirton, and of him are the Wemysses of Lathocker. He left besides two daughters, the one married to Sir Andrew Gray of Foulis, and the other to Hugh Fraser of Lovat.

Sir DAVID DE WEMYSS, Sir John's eldest son, married *Christiana de Douglas*, daughter of Sir William Douglas, February 1423; and, leaving issue by her, John, his successor, and Euphame; he died *anno* 1431.

Sir JOHN was minor at his father's death, and when scarce eleven years old was made, by his uncle and tutor *Michael de Wemyss*, to marry Christian, daughter to Sir Patrick Ogilvie of Auchterhouse; but he was divorced from her *anno* 1441, and next married Margaret, daughter to Sir Robert Livingston of Drumrey and East-Wemyss, by whom he had John his successor, designed in his father's time John of Strathardel, and Grissel, married to David Boswell of Balmuto; he died 1502.

This Sir JOHN WEMYSS married Christian, daughter to the Lord Abernethy of Rothiemay, upon whom he begot five sons and one daughter, particularly David his successor, designed in his father's life David of Dron, and Thomas, who, in *anno* 1545 and 1550, is designed Mr Thomas Wemyss of Winthank, and Lord of Session, and John, of whom was descended Henry Wemyss, Bishop of Galloway, and of the Chapel-Royal at Stirling: Sir John died 1506.

And his son, Sir DAVID DE WEMYSS, is retoured heir to him in May 1508, who obtained a charter from King James IV. dated 28th August 1511, erecting the following lands into one barony of Wemyss, viz. the lands of Wemyss-shire, Little-Lun, Tilliebreek, Cameron-Mill, the Haugh, Dunniface, Pitconochie and West-

Tarvat in Fife, West-Dron, Hill-Dron, Elcho, Bathabron, Strathardel, Ardargie and Kinnaird in Perth, and Balhavel in Forfarshire. He married first Anna, daughter to Alexander Earl of Huntly, by whom he had three sons and one daughter, particularly David his successor. And next he married Janet, daughter of Andrew Lord Gray, by whom he had John Wemyss, who got in appanage Balhavel in Forfar, and Kinnaird in Perth: This Sir David was killed at the battle of Flodden, 9th September 1513. And in May 1514

His son Sir DAVID WEMYSS of that Ilk is retoured heir to him; who married first Katharine daughter of Henry Lord St Clair, *anno* 1511, and had by her principally, John, his successor, and James, the first of the family of Caskieberry, of whom my Lord Burntisland was descended; as are also Count Wemyss of Brescia, in the territory of Venice, and several other illustrious persons abroad. He married next Mariota Towers, daughter of Innerleith, *anno* 1525, and had by her Captain David Wemyss, who got of the family Strathardel in Perthshire, and Grissel, married first to David Boswell of Balmuto, and then to Patrick Kynninmonth of that Ilk. Sir David died April 1544, and was succeeded by his son

Sir JOHN, who, *anno* 1530, married Margaret, daughter to Sir Adam Otterburn of Redhall, Lord Advocate to King James V. by whom he had David his successor, and four daughters, married, as in Crawford. He married next Janet Trail, a daughter of Blebo, *anno* 1558, and had by her Gavin Wemyss of Powgild, who married Katharine Wemyss, heiress of David Wemyss of Winthank, the son of the above Mr Thomas, of whom are the Wemysses of Winthank. He had likewise by her a daughter called Margaret, married to Andrew Ferny of that Ilk.

This Sir JOHN made a considerable figure in his time; for, in *anno* 1547, he, at the head of the Fife gentlemen, (as Bishop Lesley says) defeated the English that landed in Fife, and killed seven hundred of them. And the same author tells us, that, in 1556, he, with the Laird of Calder, were sent commissioners from the three hundred barons met at Edinburgh, to the Queen Regent and Council, to dissuade them from imposing a tax, and levying of foreign troops, and prevailed. By his commission, dated the 9th January 1559, he was appointed, by Francis and Mary, king and queen, to be the Lieutenant of Fife, Kinross and Clackmanan shires, for suppressing of the rebels. He was very liberal to the nunnery of Elcho, and protected them from insults; therefore, and for a sum of money, and a yearly pension during life, they disposed to him all their rents, and made him their heritable baillie. He died at Elcho, January 1571, and was succeeded by his son

Sir DAVID, who married Cecil Ruthven, daughter to William Lord Ruthven, *anno* 1556, and had by her John his successor, styled, in his father's life, of Tullibreck; James of Bogie, the first of the family of Bogie; David of Fingask, the first of the Wemysses of Fingask; Patrick of Rungaly, and Henry of Westerfudie, the first of the Wemysses of Fudie: He had likewise five daughters honourably married. Sir David died *anno* 1597, to whom his eldest son John, called *Birkenflower*, succeeded; who, in *anno* 1574, married Margaret, daughter to Sir William Douglas of Lochleven, but died without issue. And next, in 1581, he married Mary, daughter to James Lord Doune, by whom he had David his eldest son, married to Elizabeth, daughter to Andrew Earl of Rothes, *anno* 1608; but he died without issue *anno* 1610. Second, John his successor. Third, Cecilia, married to William Earl of Tullibardin: Fourth, Jean, to Robert Lord Colvill. Fifth, Isabel, married to Hugh Lord Lovat: And, sixth, Katharine, married to John Haldane of Gleneagles. This Sir JOHN had the admiralty betwixt Dysart and the water of Leven disposed to him by the Duke of Lennox, *anno* 1610, and died, *anno* 1616, aged eighty-five.

Sir JOHN his successor was, by the favour of King Charles I. made a baronet, 25th May 1625, then created Lord Wemyss of Elcho, 1st April 1628, and afterwards Earl of Wemyss 25th June 1633. He married Jean, daughter to Patrick Lord Gray, *anno* 1610, and had by her David his successor, and five daughters, married, as in Crawford. *Anno* 1630 he purchased from James Lord Colvill the barony of East-Wemyss, which went from the family to the Livingstons of Drumrey, from about the year 1385, and died 22d November 1649.

DAVID Earl of Wemyss succeeded, who married first Anna, daughter to Robert Lord Burleigh, by whom he had only Lady Jean, married first to Archibald Earl of Angus, and next to George Earl of Sutherland: Then Eleanor, daughter to John Earl of Wigton, by whom he had no issue. But, by his third wife, Lady Margaret Leslie, my Lady Dowager of Balgonie and of Buccleugh, he had a daughter, Margaret, in whose favour he resigned the honours of the family, and thereupon obtained a patent from the king, with the precedency of her grandfather's creation, as appears by a charter, recorded in the Chancellery *ad annum* 1672. The said Earl David died *anno* 1680, and was succeeded by the said

MARGARET Countess of WEMYSS, who, in her father's lifetime, was married to Sir James Wemyss, knight, descended of the family of Caskieberry, who thereupon was dignified with the title of Lord Burntisland for life. And, dying in 1683, left issue by the said Countess David Lord Elcho, and two daughters, married, as in Crawford's Peerage. Countess Margaret died *anno* 1705, and was succeeded by her son David, the second Earl of Wemyss, who, in March 1705, was made Lord High Admiral of Scotland, and admitted to the Privy Council by Queen Anne. He married first Anne, daughter to William Duke of Queensberry, *anno* 1697, by whom he had David Lord Elcho, who died 16th December 1715, not turned of seventeen, and James his successor: Then Mrs Mary Robinson, a rich English lady, by whom he had no issue: And last of all Elizabeth, daughter to Henry Lord St Clair, by whom he has living two daughters. He died 11th March 1720, and was succeeded by his son

JAMES, the present Earl of Wemyss, who married Janet, daughter to Colonel Francis Charteris of Amisfield, and his lady, Helen, daughter to Mr Alexander Swinton, one of the Senators of the College of Justice, a second son of the ancient family of Swinton of that Ilk, in the shire of Berwick.

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#### HAMILTON OF OLIVESTOB.

JAMES HAMILTON of Olivestob, Advocate, son and heir of Captain Thomas Hamilton of Olivestob, and Grissel his wife, daughter of Hamilton of Westport, and Anne his wife, daughter of Sir Patrick Hamilton of Little-Preston, brother to Thomas first Earl of Haddington.

ALEXANDER DE HAMILTON is designed in a charter, dated *penult* day of November 1452, *armiger, frater-germanus Domino de Hamilton*, and was the first of the family of Westport.

The said Captain THOMAS HAMILTON was third son to John Hamilton of Muirhouse in Mid-Lothian, and Anne his wife, only daughter to Elphinstone of Innerdivot, who was a son of the Lord Elphinstone.

Which JOHN was a son of Mr William Hamilton of Bardanock, a second son of Hamilton of Boardlan, the first of which family was fourth son of Sir David Hamilton of that Ilk.

The said JAMES HAMILTON of Olivestob, male descended of Hamilton of Boardlan, carries *gules*, three cinquefoils *argent*, within a bordure embattled *or*; crest, an antelope's head coupéd *argent*, gorged and attired *gules*: motto, *In via virtutis per via*.

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#### OF THE RISE OF THE ANCIENT AND PRINCIPAL FAMILY OF KENNEDY EARLS OF CASSILIS, WITH AN ACCOUNT OF SOME OF THEIR DESCENDANTS.

IN the First Part of this System, page 158, following Mr Crawford's Peerage, I brought the first of the name and family from one Kenneth, an Irish or Highland

Scotsman, whose posterity were surnamed Kennedy from him; which I find to be a groundless conjecture, after better vouched information: For I find those of the family to have been ancient proprietors and possessors in the bailiary of Carrick, before patronimies were in use: and had their first name from that country they possessed, but afterwards changed their names from Carrick to Kennedy; as appears by the following connection of charters from father to son, still extant.

The first of which is a grant by NICOLAUS of Carrick, son to Duncan of Carrick, to the nuns of North-Berwick, in and to the lands and church of St Cuthbert at Maybale, *anno* 1220, in the reign of King William; so that his father Duncan must have lived in the reign of King Malcolm IV. which began 1153.

NIGELLUS, Earl of Carrick, grants to Rolland of Carrick, son of the above Nicolaus of Carrick, and to his heirs, the bailiary of Carrick, to be *caput totius progeniei suæ*, i. e. chief of his name, and to have the command of all the men in Carrick, under the said Earl and his successors. Which grant King Alexander III. confirms: and, after him, Robert III. confirms the same grant to his family, being then called Kennedies.

GILBERT of Carrick, son of Rolland of Carrick, submits a difference between him and the nuns of North-Berwick, 1285, to Robert Bruce Earl of Carrick, father to King Robert I and to Robert, Bishop of Glasgow, to which Gilbert of Carrick's seal is appended, having the very same shield of arms which the family of Cassilis carries at this day; Which shows that they had the double tressure, fleury and contre-fleury, with flower-de-luces to their arms, long before they matched with the royal family.

In the the 17th chapter, of the *Cheveron*, in the first volume, I gave the arms of the old Earls of Carrick, viz. *argent*, a cheveron, *gules*, as in the manuscripts of Sir David Lindsay of the Mount, and Sir James Balfour's blazons, both principal heralds, who give the same to the old Earls of Carrick, before the M'Dougals or Bruces had that title, and who carried different arms from those. So that it appears that the family of the name of Carrick were of the old Earls, and carried, *argent*, a cheveron *gules*; but afterwards accompanied the cheveron with three cross crozlets fitched *sable*; so that they were great men anciently: And of late, by marriage with Mary Stewart, daughter to King Robert III.

DUNCAN of Carrick, son to Gilbert of Carrick, gives the patronage of Kirkbride in Carrick, to the nuns of North-Berwick; to which grant Malcolm Earl of Fife was a witness.

King Robert I. gave a remission to Sir Gilbert of Carrick, son of the above Duncan, for his surrendering of Lochdune Castle to the English; and restores him to the government thereof, with the lands thereto belonging: Which, from that time to this day, continues still a part of the Earl of Cassilis' property.

At this time, and a little before, they began to take the name of Kennedy, because of their grant, as *caput totius progeniei suæ*, being chief of the name mentioned before, which the Irish words *Kean na-ty* signifies; for *Kean* is the head, and *na* of, *ty* the house or family, and *Ken-nedy* is to this day pronounced *Kean-naty* by the people of Carrick; and also several charters in record have Carrick in the bosom, and *Kennedy* on the margin. They had taken the name of *Kennity*, or *Kennedy*, before the time mentioned; for John Kennedy, Chancellor to King John Baliol, is mentioned in Prynne's History, and *Dominus Alexander Kennedy*, with several others of that name, page 652.

Sir John Kennedy, son of the above Sir Gilbert of Carrick, is one of the commissioners (mentioned in Rymer's *Fædera Angliæ*) upon the treaty at Newcastle, for delivering up to the Scots King David Bruce, in the year 1354.

Sir Gilbert Kennedy, Sir John's son, is delivered as one of the hostages for King David, in *anno* 1357.

King Robert II. confirms to Sir John Kennedy, son to the above Sir Gilbert, the lands of Denure, in the second year of his reign; to which his son Sir Gilbert Kennedy is a witness.

King Robert III. confirms to James Kennedy, son of his beloved cousin Sir Gilbert Kennedy, the bailiary of Carrick, chief of his name, and the command of the militia in Carrick, under the Earl of Carrick, dated at Dundonald 28th Janu-

ary 1405; where also the king gives the lands of Dalrymple to James Kennedy and Mary Stewart his spouse, daughter to the said King Robert III.

These are the Earl of Cassilis' predecessors, which can easily be vouched from the public records. Many of the eldest of these charters were put in the hands of Mr Hay of Drumboot, which he is printing in a pamphlet.

#### KENNEDY OF BENNAN.

KENNEDY of Bennan is an old family of the name; for John Kennedy, son of Henry Kennedy of Bennan, obtained a charter from King James II. in the year 1450, as in the general register; which shows they were then a standing family.

His successors continued in the natural possession of this estate, from father to son, until the year 1560, that Katharine Kennedy, heiress of Bennan, was married to Hugh Kennedy, second son of Thomas Kennedy of Bargeny, whose original contract of marriage is still to be seen in the possession of that family, and bears date at Bargeny the 8th of June 1560; to which contract Thomas Kennedy, elder and younger of Bargeny, subscribe their names, and M<sup>r</sup> Alexander of Dalroch is a witness.

The eldest son of this marriage married a daughter of Ross of Galston and Henning, and his eldest son and successor, Hugh, married Margaret Cathcart, daughter to James Cathcart of Gnoch, whose eldest son and heir, Hugh, married Isabel Wardlaw, niece to Sir John Wardlaw of Pitrevie: Their son is Hugh Kennedy now of Bennen.

This family has claimed the armorial bearing of Kennedy of Bargeny, ever since that family was extinct, as being the last cadet of that family, which were, quarterly, first and fourth *argent*, a cheveron *gules*, between three cross crolets fitch-ed, *sable*; second and third *azure*, three flower-de-luces *or*, as by Esplin and other illuminate books.

#### KENNEDY OF BALMACLANACHAN.

KENNEDY of Balmaclanachan, vulgarly called Barclanachan, and now Kilkerran, lies on the south side of the Water of Girvan, in the baliary of Carrick, shire of Ayr, and parish of Daillie.

In the year 1361, JOHN KENNEDY received a charter of confirmation to these lands, dated at Dumbriton in the 32d year of King David's reign; as in the general register.

This man's heirs male were served and retoured in common form as heirs and proprietors thereof, until Elizabeth Kennedy became heiress, whereby the male line was interrupted; but she dying without issue, it was again restored in the person of Gilbert Kennedy her father's brother, who infest himself as her nearest heir, at the tower of Balmaclanachan, the 16th day of June 1517. He again resigns his lands to his son George, reserving a liferent to himself, and a tierce to Elizabeth Blair his wife, dated at Balmaclanachan the 28th of June 1538. Whereupon his son George infests himself, and Janet Kennedy his wife, who was daughter of Patrick Kennedy of Bargalton and Camciscan, in the lands of Balmaclanachan: The lands of Camciscan fell afterwards into the hands of Balmaclanachan, and were sold to Robert Wallace, son of Hugh Wallace of Cairnhill, by Janet Kennedy, Lady Balmaclanachan, with consent of George Kennedy her husband, and her sister Egidia Kennedy, widow of John Grierson of Lag. Two of their seals are appended to the resignation, dated at Edinburgh the 5th of May 1562, and at Drumlanrig the 4th of April 1563. This George Kennedy of Balmaclanachan bought the lands of Glenmuck, Bellimore, &c. from John Mure of Rowallan, whose disposition is dated at Balmaclanachan the 24th September 1551.

In the year 1566, he disposes his heritable estate to his eldest son Gilbert, dated at Balmaclanachan, May 10th.

GILBERT disposes his lands to his second son David, reserving a liferent to himself and his wife Margaret Kennedy, daughter to Gilbert Kennedy of Girvanmains, dated at Edinburgh 23d December 1617. (Secretary's Register.) David Kennedy infests himself, and Janet Kennedy his spouse, daughter to David Kennedy in Maxwellston: And in the year 1633, on the 3d of February, at Holyroodhouse, he, with consent of his brother Oliver Kennedy, father of the late deceased John Kennedy of Craig, resigns his lands to his son David, who infests himself, and Jean Hunter his spouse, daughter to Hunter of Hunterston. He died on the 30th of July 1689, and was succeeded by his eldest son Robert, still alive. The arms which this family has always been in use to bear, as by their seals, and that above mentioned, are, *argent*, a cheveron *gules*, betwixt three cross crozlets fitched *sable*, and in chief a lymphad, with a star proper in the sinister point, contained within a double tressure flowered, and for crest an anchor and cable in the sea, Motto, *God be guide*. These arms are yet to be seen carved on his seal of arms, to a resignation in Queen Mary's time, and on stone, upon the entry to the tower of Balmaclanachan, and several other places which are still standing. The tower was the mansion-house of that family before the year 1517.

#### KENNEDY OF GLENMUCK AND BELLIMORE.

GEORGE KENNEDY of Glenmuck, &c. obtained a charter, as second son to George Kennedy of Balmaclanachan, from Queen Mary and her husband Prince Henry, dated at Dalkeith the 31st December 1565; as in the general register.

GEORGE dying without issue, Oliver Kennedy, his brother, serves himself heir to him, *anno* 1605. (As in the secretary's register.) And he disposes the fee of Bellimore and Glenmuck, &c. to his son George, the 15th of February 1606, and is confirmed by a charter at Edinburgh the May thereafter. (As in the general register.) And upon the 12th of July 1608, he infests his wife Isabel Wallace in a liferent, which she renounces to her eldest son George, upon the 2d of December 1629. And he is infest in the whole estate of Bellimore, &c. upon the 15th of October 1633. (As in the secretary's register.)

He dying without children, his brother JOHN KENNEDY succeeded, who married Elizabeth Kennedy, daughter to Doctor Hugh Kennedy, son of Hugh Kennedy of Girvanmains; by whom he had William Kennedy of Dangar, who married Mary Kennedy, daughter to William Kennedy, third son to Oliver Kennedy of Bellimore, *anno* 1672. Her mother was Agnes M'Clurg, daughter to John M'Clurg of Kilmores.

BELLIMORE and his lineal heirs-male carried arms as the eldest cadet of Balmaclanachan, with a suitable difference; crest, an anchor draying out of the sea by a cable, with the motto, *Resurgo*.

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#### MILLAR OF TEMPLE.

IN the First Part of this System of Heraldry, page 125 and 126, I gave the arms of Milne and Miller, of those which occurred to me at the time; since which time I have met with an account of a good old family of the surname of Millar of Temple and Killoch, in the sheriffdom of Ayr, and parish of Ochiltree, one of whom viz. Andrew Millar of Temple, matched with Anne Stewart, daughter of Andrew Lord Ochiltree, about the time of the reformation, by whom he had Andrew Millar of Temple, who married Elizabeth Lockhart, daughter to Lockhart of Bar; she bore him two sons, Mr Andrew, Henry, and a daughter Mary.

Mr Andrew Millar, eldest son of Temple, took upon him holy orders, and was

minister at Alloa, and afterwards at Girvan in Carrick; he married first Giles, daughter to William Hunter of Drumdow, as appears by their contract of marriage in the year 1629: With her he had four sons; Mr Andrew the eldest, of whose issue afterwards.

Second son, Mr Robert, Minister of the Gospel at Ochiltree, who being thrust from his charge, travelled to Holland and France, and commenced Doctor of Medicine *anno* 1668. Upon his return, he was indulged in his former charge at Ochiltree, and married Grissel Cochran, daughter to Colonel Hugh Cochran, brother-german to the first Earl of Dundonald; by her he had issue, first, Mr William, Doctor of Medicine; second, Mr John, Minister of the Gospel at Nielston, who married Janet Adam, daughter to James Adam of Kirkton, and with her had a daughter named Grissel; third, Mr Robert, Minister at St Quivox; fourth, Hugh, and also three daughters.

The above Mr Andrew Millar's third son was Mr Henry Millar, who travelled abroad with his brother Mr Robert above mentioned, and studied the Oriental languages, and other useful parts of learning: Returning to London, he was helpful to Mr Poole in his writings, and had a hand in preparing other useful books for the press: Afterwards, upon account of his learning, he was chosen governor to several young English gentlemen, and made ten times the grand tour of Europe. He died in London 1718. Mr Andrew's fourth son, Alexander, died at Glasgow.

The said Mr Andrew married to his second wife Agnes Spreul, daughter to Mr Robert Spreul, minister at Dalrymple, and had with her one son, Mr Thomas, who was minister at Kirkliston; who married Jean Muir, daughter to Muir of Thornton, by whom he had Mr William, a minister, who died at Barbadoes, Archibald, a chirurgeon at London, Thomas, who died young, and three daughters: the said Mr Andrew died at Girvan in the year 1648.

His eldest son, Mr Andrew Millar, was minister first at Daillie, in the presbytery of Ayr, and afterwards at Neilston, in the presbytery of Paisley; but being thrust from his charge 1662, sold the lands which he got in heritages, being descended of the eldest son, as above. He married Margaret Montgomery, sister to David Montgomery of Lainshaw, now Lord Lyle, and with her had two sons and three daughters, Andrew, who died young, and Mr Robert who succeeded his father, who died at Neilston 1686.

Which Mr Robert Millar was ordained minister at Port-Glasgow, August 18. 1697; from which charge he was transported to Paisley, November 6. 1709. He married Elizabeth Kelso, daughter to Mr John Kelso, eldest son to Robert Kelso of Kelsoland: with her he had fourteen children, of whom nine are alive; John, Andrew, Henry, Robert, William, Archibald, James, Anne, and Elizabeth.

The said Mr Robert, minister at Paisley, as now the representative of the ancient family of Millar of Temple and Killoch, carries for arms, *argent*, a cross moline *gules*, within a bordure *chequé azure*, and of the first, as descended on the maternal line from the ancient family of Stewart Lord Ochiltree; crest, a dexter hand holding a book open, with the motto, *Felicem reddiit religio*.

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#### CUNNINGHAM OF GLENCAIRN.

IN the 18th chap. and page 193. of the First Volume, I treated of the *Pairle*, showing what it represented in armories, according to the opinion of the best writers of heraldry; and I mentioned there, that such a figure was carried with us by the name of Cunningham, and gave the several opinions of our antiquaries and heralds anent it; as also of the rise of the surname of Cunningham of Glencairn, with a short deduction of the descent of that noble family, with the several cadets of the name descended from it, and their blazons from the Lyon Register: whence the name and family of Cunningham (whereof the Earls of Glen-

cairn, Lords Cunningham of Kilmaurs, and their progenitors, have ever been counted chiefs) had their origin and rise, which, as in all other matters of antiquity, is obscure and uncertain.

I thought fit to give here the opinion of a learned and judicious lawyer, anent the rise of the name, anciently wrote *Konigham*, being Danish, which signifies, (according to Buchanan and Camden) *regium domicilium*, i. e. King's-home; and it is also uncertain, whether that jurisdiction, the bailiary of Cunningham, in the shire of Ayr in Scotland, has taken its designation from a person of that name, or if the persons have taken their name from the designation of these lands, which seems to be more probable; in respect that the whole tract of lands comprehending Galloway, Kyle, Carrick, and Cunningham, was anciently called, *Chersonesus Novantum*, about the year 800. In the days of Kenneth M'Alpin, that tract of land was known under those several designations long before any surname was used to distinguish families, tribes, or clans in Scotland, except some patronimics, as *Mac's*; or some *agnomina*, as Bane, Roy, Dow, from colour, or some other extrinsic note, according to the Irish custom, seeing *cognomina*, or surnames, were only known in Britain after the conquest of England by the Normans, about the year 1100, in so far as the surname of none of our kings of Scotland can be condescended upon before King Robert the Bruce.

Such surnames as were used anciently by the inhabitants of Scotland, were ordinarily taken from the designation of their lands and estates; as for those other surnames, not from lands, they were brought in by strangers from England, France, or other countries.

Whatever has been the name of this old family, whether *O'Roy* or *Cuninghame*, as ancient tradition hath delivered, it is probable the Cunninghams have taken their surname from their possessions; because, in the ancient writs of the family of Glencairn, the heads of the family were designed a *Cuninghame* or *Cuninghame*.

I. The first upon record is, WARNEBALD CUNNINGHAM, Predecessor to the Earls of Glencairn, who possessed the lands of Kilmaurs, about 1100 years after the birth of Christ.

II. ROBERT, the son of Warnebald, with the consent of Richinda Barclay, his spouse, daughter and heiress to Humphrey Barclay of Gartilly, mortifies the lands of Glenferchartland to the abbacy of Arbroath: He gives also his village of Cunningham, the kirk of Kilmaurs, and half a carrucate of land belonging to the said kirk, to the abbacy of Kelso; which gift is confirmed by Richard Morville, Constable of Scotland, *anno* 1162. Robert is to be found likewise a witness in a charter granted by Richard Morville, of the lands of Hermiston, to Henry Sinclair.

III. ROBERT, the son of Robert, confirms the grant made by his father to the abbacy of Kelso.

IV. STEPHEN DE CUNNINGHAM, is one of the fifteen hostages given to King Henry II. of England, for King William's liberation, *anno* 1174.

V. RICHARD CUNNINGHAM is witness to a charter granted by Allan, Lord of Galloway, of the lands of Stevenston, Corsbie, and Monoch, to Hugh Crawford, the Earl of Loudon's predecessor.

VI. FERGUS CUNNINGHAM is mentioned in the Register of Paisley.

VII. HERVY CUNNINGHAM gets a charter of the lands of Kilmaurs from King Alexander III. after the battle of the Largs, *anno* 1264.

VIII. EDWARD, the son of Hervy, mortifies the lands of Grange, in Kilmarnock parish, to the abbacy of Kilwinning.

IX. GILMORE, the son of Edward, renounces the league with France, and swears allegiance to the King of England. He had two sons, Robert and James, who got the lands of Bassenden, from whom the families of the Cunninghams of Belton and Barns are descended.

X. Sir ROBERT gets a charter from King Robert Bruce of the lands of Lambruchton, *anno* 1319.

XI. Sir WILLIAM was Earl of Carrick, in right of his wife Helen Bruce, sister and heir to Thomas Earl of Carrick.

XII. Sir WILLIAM married Elizabeth, daughter and heir to Sir Robert Denniston, and got with her a very great estate. He had two sons, Robert and William, Laird of Cunninghamhead.

XIII. ROBERT gets a charter of the lands of Kilmaurs from Robert Duke of Albany, Governor of Scotland, on his father Sir William's resignation, in *anno* 1413. He married Janet, daughter to the Lord Montgomery, by whom he had Alexander, and William of Waterston.

XIV. ALEXANDER disposes the heritable bailliary of Cunningham, to his uncle Alexander Lord Montgomery, in *anno* 1454. He was made Lord Kilmaurs by King James II. and Earl of Glencairn by King James III. the 28th May 1488. He married Margaret Hepburn, daughter to Lord Hailes, and sister to the first Earl of Bothwell; and had issue by her,

XV. ROBERT, who married Elizabeth Lindsay, daughter to the Lord Lindsay of Byres, the Earl of Crawford's predecessor.

XVI. CUTHBERT married Marion Douglas, daughter to the Earl of Angus, and Duke of Douglas's predecessor, and had a daughter, Marion, married to the Lord Lyle.

XVII. WILLIAM, who married Margaret Campbell, heiress of Stevenston, had Alexander his successor, and Andrew, Laird of Corshill, Hugh, Laird of Carlung, and Elizabeth, Lady Cunninghamhead.

XVIII. ALEXANDER married Jean Hamilton, daughter to the Earl of Arran, Duke of Chatelherault, had William, and Margaret Lady Craigie. His second wife was Jean Cunningham, daughter to the Laird of Caprington, by whom he had Alexander, Laird of Montgreenan, and Jean, married to the Earl of Argyle, and after his death to the Laird of Luss.

XIX. WILLIAM married Janet Gordon, daughter to the Laird of Lochinvar, predecessor to the Viscount of Kenmure, by whom he had James, and John of Ross, and four daughters. Jean the eldest, married to Haldane of Gleneagles, after his death, to Kirkpatrick of Closeburn, and thirdly, to Fergusson of Craigdarroch; Margaret, the second daughter, married the Laird of M'Lean; Elizabeth the third, married first, Auchinames; secondly, Craighends: the fourth, Susan, married Kilmahew.

XX. JAMES married Margaret Campbell, daughter to the Laird of Glenorchy, by whom he had William, and John of Cambus-Keith, and six daughters; Jean, the eldest, contracted to the Earl of Cassilis; but he married another lady, and she died on his marriage day; second, Catharine, married to Sir James Cunningham of Glengarnoch; third, Margaret, to the Lord Evandale, and after his death to the Laird of Calderwood; fourth, Anne, to the Marquis of Hamilton; fifth, Susan, to the Laird of Hatton; and sixth, Margaret, to Kilbirnie.

XXI. WILLIAM married Janet Ker, daughter to the Earl of Lothian, by whom he had William, and Colonel Robert, and five daughters; Margaret, married to Stewart of Minto; Elizabeth to Beaton of Creigh, afterwards to Chisholm of Cromlicks; Jean, to the Laird of Blair; Anne, never married; Marion, married to the Earl of Findlater, and after his death to Fraser of Philorth, predecessor to the Lord Salton.

XXII. WILLIAM, Lord Chancellor of Scotland, married Anne Ogilvie, daughter to the Earl of Findlater, had William Lord Kilmaurs, who died unmarried; and James married Elizabeth, daughter to the Duke of Hamilton; he died Lord Kilmaurs, without children; Alexander and John successive earls: the daughters were Jean, married to the Earl of Kilmarnock, Mary to Lord Bargeny, Elizabeth to the Laird of Orbiston, and Anne died unmarried.

XXIII. Earl ALEXANDER married Nicolas Stewart, daughter to the Laird of Kirkhill, a Lord of the Session, and had by her Margaret Countess of Lauderdale.

XXIV. Earl JOHN married Mary Erskine, daughter to the Earl of Marr, and had by her

XXV. WILLIAM married to Henrietta Stewart, daughter to the Earl of Gallogway, and had issue, William Lord Kilmaurs, John, Alexander, and James; Margaret, Henrietta, Mary, and Catherine. The achievement of the family is *argent*, a shake-fork *sable*, supporters, two conies, proper; crest, an unicorn's head *argent*,

maned and horned or; and, for motto, *Over fork over*; which see in Plate of Achievements.

The cadets of this family are CUNNINGHAM of Glengarnock, the first descended from *Galfred de Cuninghame*, witness to King Malcolm IV. his charter of foundation to the abbacy of Balmerino.

*Gilbert de Coningsburg*, who was one of the arbitrators in the controversy at Berwick betwixt Bruce and Bahol for the crown. He renounced the league with France, and swore allegiance to Edward of England, as also his son Donald did. The cadets of his family are Skuloch, Drumquhise, Achtermarhar, Caddel, Quarrelton, Bellearhim, Newton, &c.

The Marquiss of Congie and Count Cunningham, in France, are of Glencairn.

The Lairds of Polquhairn, Bonnington, Auchenhavy, Polmaise, Caprington, Cunninghamhead, Waterston, Craigends, Corshill, Carlung, Mountgreenand, Ross, and Cambuskeith, are from Glencairn.

Ramfurly is from Fergus Cunningham, mentioned in the Register of Paisley, and the next cadet to Glengarnock.

Bassenden, Belton, and Barns next to him.

Aikat is of Belton.

Muln-Craig from Polquhairn.

Buquhan from Auchenhavy.

Legland, Lochermis, Collenen, Dalkeith, from Caprington..

Killybeggs in Ireland, and Tourlands from Cunninghamhead.

Robertland, Cairncuren, Baidland, Auchenyards from Craigends.

Clunbath and Hill from Aikat.

Enterkin and the present Caprington from Legland.

Suads from Glencairn, Birkshaw from Suads.

Kirkland, South-hook, Auchinsheith from Robertland.

For the arms of many of these cadets I have blazoned in the First Volume, page 192.

#### MACKINTOSH OF THAT ILK, CAPTAIN OF CLAN-CHATTAN.

IN the First Volume of this Treatise, page 277, I gave a brief account of the origin of this family, with a blazon of their armorial bearings, and what at that time I knew concerning it; but since the publishing of it I have got a full account of the family sent me by the present Laird of Mackintosh, which is as follows.

I. The first of the family was one SHAW, second son to Duncan, the second of that name, Earl of Fife, who accompanied King Malcolm IV. in his expedition for suppressing the rebels in Murray, in the year 1163; and for his good services was rewarded with many lands in the north, and made Constable of the castle of Inverness. He was commonly called *Mackintoshich vic Duifh*; that is to say, Thane Macduff's son; from which the name MACINTOSH became a surname to his posterity. He married Giles Montgomery, daughter to Hugh Montgomery, a favourite of the king, by whom he had three sons, Shaw, Malcolm, and Duncan. He died in the year 1179.

II. SHAW, his eldest son, succeeded his father, married Mary Sandilands, daughter to Sir Harry Sandilands of that Ilk, and had with her four sons, Malcolm, Farquhar, William and Edward. In the reign of King William he defended the castle of Inverness against Donald of the Isles; and for his fidelity and bravery was made chamberlain of all the king's revenue in the north. His eldest son Malcolm dying before himself without issue, he was succeeded by his second son.

III. FARQUHARD, who married Sarah Macduff, daughter to Malcolm (the fourth of that name) Earl of Fife: He was succeeded (having no issue) by

IV. SHAW his brother, William's son, who married Helena Calder, daughter to the Thane of Calder; and by her had five sons, Farquhard, Duncan, Alexander, Shaw oig, and Malcolm.

V. FARQUHARD succeeded his father, and married Mora Macdonald, daughter to Angus oig Macdonald of the Isles, by whom he had but one son called Angus.

VI. This ANGUS, sixth Laird of Macintosh, in the year 1291 married Eva, the only daughter and heiress of *Gillipatrick Macdougald vic Gillichattan*, Captain of Clan-Chattan, and with her got the lands of Glenluy and Locharkaik in Lochaber, with the command and chieftainry of the whole Clan-Chattan: And accordingly, from that time forward, for the space of three hundred years and upward, his successors, lairds of Macintosh, were designed by their stiles, Captains of Clan-Chattan; and were, for near four hundred years, owned, acknowledged, and submitted to, (as their rightful and undoubted chief) by all the branches and cadets of the said clan, as they are by them all at this day.

That they have been designed Captains of Clan-Chattan is evident from the charters and records of the family; some of which were sent me: I shall here mention them with other principal ones, being in the custody of the chief of the family, which they could not adventure to transmit so long and dangerous a way. I took their relation for truth, for the honour of the family would not impose upon the public and me for all the matter.

VII. WILLIAM, the seventh Laird of Macintosh, succeeded his father Angus, and was the first of that surname that was designed Captain of Clan-Chattan, as by a charter granted by the Lord of the Isles, of the lands of Glenluy and Locharkaik, to the said William Macintosh *anno* 1337, and a confirmation of the same right from King David Bruce, dated at Scone, the last day of February, the 29th year of his reign, *anno* 1359, in the which he is designed *Gulielmus Macintosh, Capitanius de Clan-Chattan*: He was the first of the family that added a galley or lymphad, for the Clan-Chattan, to his paternal arms, the lion rampant, and a dexter hand. He married first Florence Calder, daughter to the Thane of Calder, by whom he had a son called Lachlan, and one daughter. After his first wife's death he married Margaret Macleod, daughter to Rory-more Macleod of the Lewis, by whom he had a son, Malcolm, that afterwards came to the estate and chieftainry.

VIII. LACHLAN succeeded his father in his estate and chieftainry. He married Agnes Fraser, daughter to the Lord Lovat, by whom he had a son called Farquhard: It was in this laird's time that the famous engagement in the Inch of Perth, recorded by all our historians, was fought betwixt the Clan-Chattan and the Clan-Kay; the former being commanded in that action by one Shaw Macintosh, cousin-german to the then laird.

IX. FARQUHARD succeeds his father Lachlan: But being an inactive and indolent man, and thereby unfit to command an active and stubborn people, resigned the estate and chieftainry to his uncle Malcolm.

X. Which MALCOLM, the tenth Laird of Macintosh, married Mora Macdonald, daughter to Ronald Macdonald, Laird of Moydart, and was one of the principal commanders of Donald of the Isles' army at the battle of Harlaw, in the year 1411, as Boethius records, where he commanded the Clan-Chattan, under which name are comprehended the Macphersons, Shaws, Farquharsons, Macgilvrays, Macqueens, Macbeans, Macphails, Davidsons, *alias* Clanduy, Clarks, *alias* Clancherlich, Tarrals, &c. For his service in this action he got the lands in Brae-lochaber, with the heritable bailiary and stewartry of that whole lordship, which the Clan-Chattan never had before his time, notwithstanding what is storied in the second volume of Mr Collier's Genealogical and Historical Dictionary. This Malcolm was made Governor of the castle of Inverness, by King James I. in the year 1429: By his majesty's desire he ordered the Clan-Chattan (whom Alexander Lord of the Isles had seduced to his party) to desert and join the king's army, which accordingly they did, upon which Alexander's army dispersed; as in John Major's History, book 6. chap. 12.

XI. DUNCAN MACINTOSH succeeded his father Malcolm. He got a charter of the lands of Braelochaber, in the year 1466, from John Earl of Ross, and chief of all the Macdonalds: In which charter he is designed *Duncanus Macintosh, consanguineus noster, Capitanius de Clan-Chattan*. There is a charter of confirmation, and a sasine given (upon the said lands of Braelochaber) to the said Duncan, by King James III. dated the fourth day of July 1476, wherein he is designed *Dilectus noster Duncanus Macintosh Capitanius de Clan-Chattan*. He married Florence Macdonald, daughter to the Earl of Ross, and had by her several children.

XII. FARQUHARD, who succeeded him, had to wife Giles Fraser, daughter to the Lord Lovat, by whom he had but one son who died young: He was succeeded by his cousin-german

XIII. WILLIAM MACINTOSH, who married Isabel M'Niven, heiress of the barony of Dunaughton, by whom he had no issue. He was succeeded by his brother

XIV. LACHLAN MACINTOSH, who in the year 1520 married Jean Gordon, only daughter and heir of line to the Laird of Lochinvar, afterwards Viscount of Kenmure, for which the family has since been in use to marshal the arms of Lochinvar with their own: With her he had but one son, William, and two daughters.

XV. WILLIAM succeeds his father, gets a charter from Queen Mary, dated the 19th July 1545, of the lands of Braelochaber, in which he is designed *Capitanius de Clan-Chattan*, and a commission from George Earl of Huntly, Lieutenant-General of the North of Scotland, as his deputy, dated at Inverness the penult day of October 1544, in which he is designed William Macintosh of Dunaughton, Captain of Clan-Chattan: He married Margaret Ogilvie, daughter to the Laird of Findlater, who bore to him two sons and one daughter. The eldest son

XVI. LACHLAN succeeded his father, married Agnes, daughter to Kenneth Mackenzie of Kintail, by whom he had seven sons and six daughters: His eldest son, Angus, married Lady Jean Campbell, daughter to Archibald Earl of Argyle, by whom he had two sons and one daughter: He died before his father, who was succeeded by his grandchild

XVII. LACHLAN, son of Angus, who married Agnes Grant, eldest daughter to the Laird of Grant. He got a letter from King Charles II. dated at Perth, the 24th December 1650, directed thus: *To our Right Trusty and Well-Beloved the Laird of Macintosh, and the Gentlemen of his kin of Clan-Chattan*. Besides these documents already adduced for proving the Laids of Macintosh their title to be captains of Clan-Chattan, there are to be seen among Macintosh's papers several obligations of mutual friendship betwixt the lairds of his family and several noblemen and gentlemen, as the Earl of Huntly, the Earl of Argyle, the Earl of Athol, the Earl of Murray, Lord Forbes, Sir Donald Macdonald of Slate, the Laird of Macleod, the Laird of Kilravock, the Laird of Foulis, the Laird of Calder: In every one of which obligations Macintosh is designed Captain of Clan-Chattan: All our historians design them after the same manner; as Lesley in his ninth book *De Gestis Scotorum*, writing of the Clan-Chattan, says, *Tribus Clanchattana vulgo nuncupata, Macintoshiana principe Macintoshio*: And in his 10th book he calls William Macintosh *Clanchattaniae tribus duces*; Hollinshed calls the same William, head and chief of the Clan-Chattan; and Buchanan calls him *Magnæ inter prisicos Scotos familie principem*; and in his 16th book *Cattanae familie principem*: And Sir George Mackenzie, in the 67th page of his Heraldry, speaking of Macintosh's arms, calls him chief of the Clan-Chattan. There are also several bonds of man-rent, (in the custody of the Laird of Macintosh) given by the heads of the several branches of that clan to his predecessors; the first is granted by the Macphersons, as well as others of the Clan-Chattan, to the Laird of Macintosh, in which they acknowledge Macintosh the principal captain of the haill kin of Clan-Chattan, and oblige themselves to concur with, maintain, and defend him, against whomsoever shall happen to oppose him. This bond is dated the 28th February 1396. There is a second bond, dated the 4th of April 1609, of the same nature, granted by the said Macphersons, and all the other branches of the Clan-Chattan, in which they give the laird of Macintosh the designation of Principal Captain of the haill kin of Clan-Chattan, according to the king's gift of chieftainry of the

whole Clan-Chattan. The third bond of the same nature is of the date the 19th November 1664, subscribed by Andrew Macpherson of Clunie, Lachlan Macpherson of Pitmean, John Macpherson of Inneressie, and several others; in which bond Lachlan Macintosh of Torcastle is designed our chief. There is likewise a declaration from the Lord Lyon, in the year 1672, in favour of the Laird of Macintosh, which is as follows; " I Sir Charles Areskine of Cambu, Knight Baronet, Lord Lyon King at Arms, having perused and seen sufficient evidents and testimonies from our histories, my own register, and bonds of man-rent, do hereby declare, That I find the Laird of Macintosh to be the only undoubted chief of the name of Macintosh, and of the Clan-Chattan, comprehending the Macphersons, Macgilvrays, Farquharsons, Macqueens, Macphails, Macbanes, and others: And that I have given, and will give, none of these families any arms, but as cadets of Macintosh's family, whose predecessor married the heiress of Clan-Chattan in *anno* 1291; and, in particular, I declare, That I have given Duncan Macpherson of Clunie a coat of arms as cadet of the said family. And that this may remain to posterity, and may be known to all concerned, whether of the said name or others, I have subscribed thir presents at Edinburgh, the 10th day of November 1672." And in full demonstration of what has been already adduced, for proving the lairds of Macintosh the only undoubted chieftains of Clan-Chattan, ever since their marrying the heiress of the said clan, the present Lachlan Macpherson of Clunie, with the special advice and consent of his friends of the name of Macpherson, (who were the only branch of the Clan-Chattan that did at any time desert the laird of Macintosh, or disown his undoubted right to the chieftainry) do, for himself, his heirs, and successors, not only own and acknowledge the Laird of Macintosh as his and their undoubted chief, but likewise disclaim and utterly renounce whatever has been (at any time past) wrote, said, or done, to the contrary; as is to be seen in a writ to that purpose. This Lachlan, the seventeenth Laird of Macintosh, had issue by his above-named lady, three sons and one daughter. He was knighted by King James VI. and made Gentleman of the Bed-chamber to the Prince, and was succeeded by his son

XVIII. WILLIAM Laird of Macintosh, who married Margaret Graham, daughter to the Laird of Fintray, by whom he had two sons, Lachlan and William, and two daughters, Elizabeth and Jean.

XIX. LACHLAN succeeded his father, and married Magdalen Lindsay, only daughter to the Laird of Edgehill, mother to the present laird; and after her death he married Anna Monro, daughter to Sir George Monro, and relict of the Lord Reay.

XX. LACHLAN, the present Laird of Macintosh, succeeded his father, and married Anna Duff, daughter to the Laird of Drummuir, the 28th April 1702.

The achievement of the family of Macintosh is, quarterly, first quarter *or*, a lion rampant *gules*, armed and langued *azure*, the paternal bearing as descended of Macduff Earl of Fife; second *argent*, a dexter hand couped fesse-ways, grasping a man's heart pale-ways, *gules*, for a notable action for the king and country; third *azure*, a boar's head couped *or*, for Gordon of Lochinvar; fourth *or*, a lymphad, her oars in saltier *sable*, for marrying the heiress of Clan-Chattan: Which shield of arms is adorned with helmet and mantling *gules*, doubled *argent*, and on a wreath of his tinctures is set, for crest, a cat *seiant*, proper, and, for supporters, two cats of the same; with the motto, *Touch not the cat but a glove*.

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#### SCRYMGEOURS OF DUDOP.

IN the First Volume of this System, page 286, I gave a short account of the rise of the name of SCRYMGEOUR, and of the family with their armorial bearings: But I,

not being well informed, said, That the family was now extinct; whereas, by better information, the heir-male of tailzie, as also of line, viz. Dr Alexander Scrymgeour, Professor of Divinity in the University of St Andrews, with several others of the family, are extant, and have their arms matriculated in the Lyon Register, which I have given in the above-cited place.

As to the rise of this ancient and honourable name, (which the English spell *Scrimzeour*, and some families in Scotland *Scrimseour*) our historians agree that it was upon occasion of a signal service done the king by Sir Alexander Carron, whose name was therefore changed into Scrymgeour, *i. e.* a sharp fighter, and is the first knight we read of in our history.

Buchanan places it in the reign of Malcolm III. in these words: "Hostium ibi (ad Spæam) tantum numerum, quantum ex illis regionibus cogi posse nunquam credidisset, in ulteriore ripa, ad transitum prohibendum, stare conspicatus (Rex Milcolumbus Tertius) signifero cunctante flumen ingredi, signum ei ablatum, Alexandro Carroni, equiti notæ fortitudinis dedit; posterisque ejus is honos habitus est, ut regium in bello vexillum ferrent, ei pro Carrone, postea nomen Scrymigeri positum; quod magistrum tractandorum armorum, multum sibi ex eo studio arrogantem, ipse vera virtute fretus, artisque ejus penitus imperitus vicisset."

Others, viz. Dr Abercromby and Crawford place this action in Alexander I. his time, anno 1107, thus, There having been a plot discovered against King Alexander I. his life, the rebels betook themselves to flight, and were pursued by the king and a part of his friends the length of the Water of Spey: the rebels had passed and swimm'd the water before the king and his party came up; upon which the king's small army made a stand, being afraid of the water, which had by this time run over all its banks; whereupon Sir Alexander Carron, a brave and valiant knight, took the standard, and gave encouragement to the rest to follow: Wherefore he had his name changed, and a special grant from the king to himself, and the heirs-male of his body, to be hereditary standard-bearers to the kings of Scotland, and gave him for his coat of arms a part of the royal bearing, as I mentioned, viz. *gules*, a lion rampant *or*, armed and langued *azure*, with a sword in his dexter paw, proper, hilted and pommel'd of the second; and the family, to perpetuate the action, have used the motto, *Dissipate*. Mr Johnston, the poet, has left us the following verses to the honour of his memory, by which this action is very well represented.

Quid trepidas? Da signa mihi, superabimus amnem,  
Terreat an pavidos nos fugitiva cohors?  
Dixit & arreptis signis, ruit acer in hostem,  
Nil rapidi metuens agmina torva vadi;  
Hinc decus augusto surgit sub principe, ab armis  
Scrymigeræ genti, fama decusque manent.  
Arma alius jactet, nos scimus fortibus armis  
Utier haud dici, malumus esse viri.

Buchanan, accounting for this action, says, "Verum rex a suis retentus, Alexandro Carroni, Alexandri cujus supra meminimus, filio partem exercitus dedit; qui, subito cum suis amnem ingressus audaciæ miraculo adeo conterruit hostes, ut passim in fugam statim se conjicerent."

This name hath been remarkable in our Scots History on several other occasions; particularly Sir Alexander Scrymgeour was among the first that took the field for King Robert Bruce, and faithfully adhered to him; in consideration whereof, when that valiant prince came to be established on the throne, he gave him sundry lands about the burgh of Inverkeithing: also Sir John Scrymgeour was killed at the fatal battle of Duplin, 1132. And another, Sir James Scrymgeour, Constable of Dundee, his successor, was slain in the governor's army, against Donald Lord of the Isles, at the battle of Harlaw, 1411.

This family has matched with several of the most noble families of this kingdom, as Gray, Southesk, Roxburgh, and Dalhousie; and having flourished long in the state of barons, came to the honour of peerage in the person of Sir John Scrymgeour, Constable of Dundee, who was raised to the honour of Viscount of Dudhope

and Lord Scryngeour, by King Charles I. *anno* 1641, and his son was made Earl of Dundee in the year 1661. Upon the breaking out of the civil war, he accepted of a command in those forces that were sent from Scotland to the aid of the English parliament against the king, and lost his life in the battle of Marston-muir, on the second of September 1644. "A person, says one, who for the nobleness of his extraction, and many personal endowments, deserved a better fate."

This viscount left a son JOHN, by his lady, daughter to Robert first Earl of Roxburgh, who succeeded him in his estate and honours, and put himself in arms in behalf of King Charles II. and marched with him to the battle of Worcester third September 1651, after which he suffered much for his loyalty: but, living to see the Restoration, he received some part of amends, being created Earl of Dundee 1661. His lady was Anne, daughter of William first Earl of Dalhousie: but on the twenty-third of June 1668 he died without issue.

Upon this earl's demise, the whole estates and offices should have descended to John Scrymgeour, then of Kirkton, having been tailzied to his grandfather John Scrymgeour of Kirkton, and the heirs-male of his body, by a charter of tailzie under the Great Seal, upon a resignation made personally by James Scrymgeour of Dudhope, Constable of Dundee, into King James IV. his hands, for that effect, dated at Holyroodhouse, the 25th of November 1587, in these words, "Jacobus Dei gratia Rex Scotorum, omnibus probis hominibus, &c. sciatis nos, post nostram perfectam ætatem viginti unius annorum completam, et generalem revocationem factam, dedisse, concessisse, et hac præsentī charta nostra confirmasse dilecto nostro Jacobo Scrymgeour de Dudop, Constabulario, ad nunc præposito burgi nostri de Dundee, suisque hæredibus masculis de corpore suo legitime procreatis seu procreandis; quibus deficientibus, Jacobo Scrymgeour, filio legitimo quondam Jacobi Scrymgeour, qui patronus (or rather patruus) erat dicti Jacobi Scrymgeour de Dudop, suisque hæredibus masculis de corpore suo legitime procreandis; quibus deficientibus, Joanni Scrymgeour de Kirkton, et hæredibus masculis de corpore suo legitime procreandis:" and so on to several other families, as is more fully contained in the said charter of tailzie, an extract whereof, signed by Sir Archibald Primrose, Clerk-Register, is in the hands of Dr Alexander Scrymgeour, Professor of Divinity in St Andrews, and only son to the foresaid John Scrymgeour of Kirkton.

JOHN SCRYMGEOUR of Kirkton, to whom this tailzie was made, *anno* 1587, married Marion Fotheringhamie, daughter to Mr James Fotheringham, son to the Laird of Powrie, and Margaret Lindsay, daughter to John Lord Lindsay, and Helen Stewart, daughter to John, the second Earl of Athol, by whom he had four sons, James, John, Mr Gilbert, and William, and three daughters, Magdalen, Margaret, and Janet. James dying without male issue, his brother John succeeded him, and married Jean McGill, eldest daughter to James McGill of Rankeillor, and Anna Clephan, by whom he had three sons, John, Alexander, and Mr James, and three daughters, Marion, Anna, and Margaret.

JOHN dying *anno* 1656, to him succeeded his son John, and married Magdalen Wedderburn, daughter to Alexander Wedderburn of Kingennie, and Elizabeth Ramsay, by whom he left on life only one son, Dr Alexander, formerly mentioned and one daughter, Jean. Alexander, John's brother, has no lawful issue: Mr James was minister of the Gospel at Currie, and married Elizabeth Chisholm, by whom there remains only one son, Mr Henry Scrymgeour of Wester-Lochgelly, Writer to the Signet, and one daughter Henrietta.

Though it be thus plainly evident, that there was no just ground to pretend, that upon the Earl of Dundee's death, the estate, &c. fell in the king's hands as *ultimus hæres*, yet the Duke of Lauderdale had the interest with King Charles II. to procure a gift of *ultimus hæres* in favour of his brother Hatton; and (that proving insufficient to answer his designs) thereafter a gift of recognition, in opposition to all the ties of friendship and gratitude a prince could be under to his subject; for the Earl of Dundee had not only faithfully served King Charles II. and suffered much for him, but also to serve him the more effectually, had brought his estate under those burdens upon which the recognition was founded. A most per-

micious advice to a prince to forget his friend, and ruin his family in favour of a stranger.

For this recognition not only precluded Kirkton from his just claim to the estate, but also deprived him and many other innocent creditors of their just and lawful debts, which, with the misfortune of having bought the countess's liferent, she dying soon after, so distressed Kirkton's affairs, that he was forced to sell his estate for the satisfaction of his creditors; particularly the lands of Kirkton were then sold to John Scrymgeour, merchant in Dundee, whose heir retains the possession of them to this day.

Moreover the above-designed Dr Scrymgeour is not only heir of tailzie to the Earl of Dundee, but is also heir of line to the original family of Dudhope, to which the earl's predecessor, the Laird of Glastre, succeeded as heir of tailzie, *anno* 1546: For, about the year 1525, James Scrymgeour, Constable, having no sons, only two daughters, Elizabeth and Anne, by his lady Mariot Stewart, James Scrymgeour of Kirkton married Elizabeth, and by her had five sons, John, James, William, Thomas, and Alexander. Upon an agreement betwixt the Constable and them, he disposes to them and their heirs-male his lands of Ballegarno, in full satisfaction of all hereditary right and title they might have to the untaillized lands of Dudhope or the Constabulary, by a charter dated at Dundee, October 24. 1539, which is in the Doctor's hands. John, the eldest son of this marriage, by his lady Anne Bruce, daughter to Sir William Bruce of Earlshall, and Anne Scrymgeour above mentioned, had three sons, John, Gilbert, and George, and three daughters, Margaret, Isabel, and Giles. John the eldest married Marion Fotheringham, of which marriage the doctor is heir; so that it was manifestly injurious to allege that this family was extinguished by the earl's dying without heirs-male of his own body. The achievement of Scrymgeour Earl of Dundee and Lord Dudhope, is *gules*, a lion rampant *or*, holding in his dexter paw a sword, proper: motto, *Dissipate*.

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#### STEWART OF PHISGALL:

IN my First Volume in the System of Heraldry, page 48. speaking of the noble family of the STEWARTS, I mentioned Sir John Stewart of Bonkill, second son to Alexander, High-Steward of Scotland, of whom descended our kings of the name of Stewart.

This JOHN married the daughter and heiress of Sir Alexander Bonkill of that Ilk, in the shire of Berwick; the arms which he carried on his seal with a fesse *chequé*, as Stewart, he composed with his wife's arms, surmounted with a bend *gules*, charged with three buckles, for Bunkle. With her he had several sons, heads of great families in the name of Stewart, yet extant with us; which families were and are known by the fesse *chequé*, bend and buckles, as by the ancient Stewarts Earls of Angus: which dignity came to the Douglasses by marriage of the heiress, and ever since their match have carried the arms of Bunkle *or*, a fesse *chequé*, *azure* and *argent*, surmounted with a bend engrailed *gules*, charged with three buckles of the first, for Stewart of Bonkill. The Stewarts Lords of Darnly, Earls and Dukes of Lennox, likewise descended of the said family, had buckles on the same account: and the Earls of Galloway and their progenitors, sometime designed of Dalswinton, and sometime of Garlies, as descended from the above Sir John and his lady, surmounts the fess *chequé* with the bend: but to leave this noble family and descent to others, with the honourable cadets whose arms I have given before, I here add in the supplement the descent and arms of the family of a cadet of the Earls of Galloway, viz. STEWART of Phisgall, the first of which was John Stewart, second son to Sir Alexander Stewart of Garlies, and his Lady Margaret, daughter to Patrick Dunbar of Mochrum, and full brother-german to Alexander Stewart, younger of Garlies, who was slain, at the surprise of the town of Stirling, by the Earl of

Huntly and the Laird of Buccleugh, third September 1571: he left issue a son, Sir Alexander, who was father of Sir Alexander first Earl of Galloway.

Which JOHN above mentioned was commonly called *Parson of Kirkmahoe*, because he got the patronage teinds, as part of his patrimony from his father, as appears by a liferent-tack of Larg, dated 20th March 1570, and another of the date the seventh of March 1585, granted to him by the above Sir Alexander his father, to his well-beloved son John, Parson of Kirkmahoe, with advice and consent of Alexander his eldest brother; which writs are still in the hands of the present Laird of Phisgall; as also an original letter of attorney from Alexander Stewart, younger of Garlies, to his beloved brother John Stewart, parson of Kirkmahoe, to receive 500 merks, dated at Edinburgh 1570.

Which JOHN, Parson of Kirkmahoe, married Margaret Stewart, daughter to Stewart of Barclay, in the parish of Monigaff, by whom he had two sons, Alexander who succeeded, and John who purchased the lands of Bellimoran in Ireland, of whom is descended the present Captain Stewart of Bellimoran.

ALEXANDER succeeded his father John, and married Sarah, daughter of Dunbar of Machremore, and the same laird was married to the said Alexander's sister. This Alexander was the first purchaser of the lands of Phisgall, in the sheriffdom of Wigton in Galloway, he had with his lady seven sons, Alexander who succeeded;

Second, JOHN, who continued in the Larg, he married a daughter of Captain Stewart of Bellimoran, with her he had several sons, Anthony, Andrew, Archibald, and George, who died a colonel in the third regiment of Foot-Guards.

Third son was WILLIAM of Livingston, he married Sarah, sister to Sir James Dunbar of Mochrum, whose representative is Colonel John Stewart, now of Stewartfield in Teviotdale, his eldest son.

Fourth, FRANCIS, who died an officer in the Guard *d'Escosse* in France.

Fifth, LUDIVICK, killed by Oliver's troops from England at the bridge of Palnear in the parish of Monigaff.

Sixth, JAMES in Belliquhair.

Seventh, ANTHONY of Balsmith, who commanded a troop of horse in Duke Hamilton's engagement for King Charles I.

The above mentioned ALEXANDER, the eldest of those brothers, had to wife ——— Wardlaw, a niece of the Laird of Enterkin, by whom he had John his eldest son and successor, William, merchant in London, who married a daughter of Sir Samuel Luke in Bedfordshire; Robert and Thomas who died abroad.

JOHN succeeded his father in the lands of Phisgall, married Agnes, daughter to Provost Stewart of Wigton, and his wife, daughter to Sir David Dunbar of Baldon, and with her he had many children; Alexander who died young, David who died commissar of Wigton, Thomas who died young, Robert a lieutenant in his Majesty's Royal Navy, who died before his father, and William who now represents his father, Laird of Phisgall, James, now guidon in his Majesty's second troop of Horse Grenadier Guards, and John who died young, and also seven daughters.

The arms which the family of Phisgall used to carry for many years, are to be seen in their grave-stones of their burial place at Glasserton, viz. *or*, a fesse chequé azure and argent, surmounted with a bend ingrailed gules; and in the sinister chief point a buckle of the last, to show their descent as above; and, for crest, a demi-lion, holding in his dexter paw a buckle *or*, with the motto, *Suffibulatis, majores sequor*, approved of, and recorded in the Lyon Register.

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#### M'DOWALL OF FREUGH.

IN my former Volume of this System I gave a full account, from the evidences then seen, of the ancient name of M'Dowall, of which are three families in Galloway of note, and one in Teviotdale, who claim their descents from the old

Lords of Galloway, and carry the arms as a *tessera* of their descent: the account of these are in page 284, and the two following pages; and there are several other families descended from them.

But I have received since, from PATRICK M'DOWALL of Freugh, a memorial of his descent, subscribed by his hand at Castle M'Dowall, the 15th November 1723, in my custody, for which he produces several vouchers; the purport whereof I shall here communicate, together with what observations I have discovered from other hands.

This represents that FERGUS, heir of the Dovallian line, by some historians designed Prince of Galloway, had two sons, Gilbert the eldest, whose eldest son Duncan was made Earl of Carrick, and Ethred, father of Rowland, Father of Allan Lord of Galloway, from which Ethred, (as I observed in my former Volume) Garthland, by his information, claims his descent.

The earldom of Carrick, in GILBERT's family, sometime after ending in an heiress, who married with Robert Bruce Earl of Annandale, father to Robert Bruce, competitor with Baliol, and afterwards King of Scotland.

Then the representation of the family of M'DOWALL Earl of Carrick, fell to Gilbert, second son to the said Earl, from whom Freugh derives his descent, and from whence the name of Gilbert became frequent and peculiar to several successors of this family. I observe Sir James Dalrymple in the Preface to his Collections from Fordun, says, "That Gilbert of Galloway died *anno* 1185, and that King William gave to Gilbert's son Duncan the county of Carrick, and King Alexander II. renewed the grant with the title of Earl of that name. He was succeeded by his son Neil, and he, by Martha Countess of Carrick, married as above." And this author says farther, page 363, from *Roger de Hoveden*, "That Gilbert of Galloway was younger son of the said Fergus, and that the said Ethred was eldest son."

But the above memorial urges, that the said Gilbert Earl of Carrick was eldest son of the said Fergus; as Buchanan in his Chronicles plainly asserts, page 246, in the eighth book of it, translated in English, *anno* 1695, revised by J. Fraser in these words: "Whilst William was King of Scotland, Fergus Prince of Galloway left two sons, Gilbert and Ethred: King William, to prevent the seeds of discord betwixt the two brothers, divided their father's inheritance equally betwixt them; but Gilbert, the eldest, took this highly amiss, and discorded with his second brother Ethred as his rival, whereupon Gilbert was made Earl of Carrick;" and Buchanan there also cites William of Newbury, the English writer, to have recorded the same, as in page 247, adding, "That Allan, grandson of the said Ethred, was made Lord of Galloway;" and, as I observed in my former System, page 161, in the reign of the said King William, *anno* 1183, Henry Kennedy assisted Gilbert, eldest son of Fergus, Prince of Galloway, in his wars. There is no doubt the said Gilbert was designed of Galloway, as eldest son and heir of it, till he was made Earl of Carrick; therefore Freugh claims being heir-male of Gilbert Earl of Carrick, in default of issue-male of Duncan and Neil Earls of Carrick; the barons of Dowalston being the next heirs-male.

This claim FREUGH fortifies by divers adminicles following, viz. The designations of the lands possessed by his ancestors, viz. Dowalston, from *Dovallus* of Galloway, mentioned in my former Volume; which barony (as also that of Ravinston, with that of Stephens Kirk\*, Freugh, Urril, and Lochronald, and others) have been, and most part of them are in possession of his family, who sometimes designed themselves of Dowalston, of Ravinston, and also of Freugh; which descent, from the earls of Carrick, is claimed by no other of the name, (as Freugh represents) and from which title his predecessors were secluded by Edward Bruce, brother to King Robert, then created Earl of Carrick.

And it is also observable, that no other family of the name ever had the designation of their lands from the name: and in the barony of Dowalston there is a large fresh water lake, and a pleasant isle in it, whereupon, of old, was built a castle, the ruins whereof bears marks of great antiquity, and is said, by tradition in that country, to have been the seat of the old family.

And, as I observed in my former Volume, I have seen a charter granted to a predecessor of the family of FREUGH, by King James III. *anno* 1473, upon the resigna-

\* Now called Stonny-Kirk. E.

tion of Gilbert M'Dowall, then designed of Ravinston, to Gilbert M'Dowall his son, wherein several lands are contained, with the advocacy, donation, and patronage of the parish of Stephen's Kirk, which appears to have been in the family for several years before, albeit older evidents be lost by the calamities mentioned formerly; which lands and patronage are contained in other later charters; but, it is observable, this church is the burial-place of this family, and the parish within which their mansion-house and many of their lands lie; and is also the burial-place of Garthland's family, where his mansion-house and lands also are; and is also M'Dowall of Logan's burial-place, whose lands lie in the next adjacent parish: And this honorary grant from the crown (of the patronage in this family) does import, that it has been the principal and considerable family, that grant being many years before the Reformation.

I have by me an extract of a public protest, taken by the Laird of Freugh against the Laird of Garthland, under the hand of Robert Ker, notary-public, dated the 22d of April 1721, protesting against the said Garthland, or any other of the name, claiming precedency or chiefship; and also against a pretended bond of man-rent, mentioned in Garthland's memorial of his family, inserted in my former Volume; which protest contains divers weighty reasons, and condescends upon vouchers to show, that James M'Dowall of Freugh had to lady, Florence, sister to Uthred M'Dowall of Garthland, they having no male issue alive, their daughter Margaret, sole heiress, married a gentleman of the name, and her near relation, neither of whom having attained to majority, the said Garthland, uncle and tutor to her, (for his consent to the said marriage allenary) did extort from them a paper containing several illegal and prejudicial obligations, which were still after opposed by them. And though such a bond were real, the bond produced has neither witnesses nor seal, which were necessary qualities, valid in all such writs at that time; yet these were discharged by divers acts of Parliament, and highly punishable, though they were esteemed in those days not at all as a mark of vassalage, but as mutual contracts of defence amongst clans: And, as to Garthland's claim of precedency, upon his great-grandfather John being made knight-bachelor by King Charles, and his grandfather James knighted by Oliver Cromwell, neither of these give any real title to chiefship or precedency.

And, for my vindication, I must beg my reader's pardon, to complain of a piece of injustice done me by Garthland, or his doer; for, upon production of that alleged bond of man-rent, together with the other of Logan's, mentioned by me in the same place, I was threatened with a protest if I refused to mention them in the said Volume, which I could not condescend to, unless they were recorded in public register, where they may be patent to all the lieges, as vouchers of what I was to advance; but I was prevailed with, (upon promise that they should be recorded) albeit it be not yet performed, nor safe for them to record it, as it appears.

FREUGH has sent me an account of the names of his predecessors since the year 1445, the vouchers whereof I have also seen in the hands of his doer Mr Robert Fullarton, Writer to the Signet, one of which was Gilbert M'Dowall, Baron of Dowalston and Ravinston, who also had the seventeen merk land of Stephen's Kirk, (wherein the house of Freugh lies) the ten pound land of Urril, and ten pound land of Lochronald, with the patronage of Stephen's Kirk, these being a part of the lordship of Galloway, and the twenty merk land of Barjarg, a part of the earldom of Carrick.

He was succeeded by GILBERT M'DOWALL his son, who was succeeded by a third Gilbert his son (who was remarkable for his valour and loyalty, and died in the battle of Flodden) and was succeeded by his son Fergus, who had for his lady Janet Kennedy, sister to Gilbert Lord Kennedy, then made Earl of Cassilis; which Fergus was killed in the battle of Pinky, and was succeeded by his son James, who was infest in the foresaid lands and patronage by a precept forth of the Chancellor, which bears these words, "Fergusius M'Douall de Freugh obiit ad fidem & pacem sub vexillo nostro, in campo belli apud Pinkinleugh, pater Jacobi M'Douall nunc de Freugh."

The said JAMES was succeeded by JOHN M'DOWALL his son, who, dying without heirs, was succeeded by his sister Margaret, heiress foresaid, who married John M'Dowall of Dowdowall, her kinsman, who were succeeded by John M'Dowall

their son, who, during Oliver Cromwell's Usurpation, signalized himself by his opposition to the usurper's forces in Galloway, where many of them were cut off, and he never yielded obedience; and thereupon the English took all his papers and goods which they could reach, and burnt his old house and fort of Freugh, carrying himself prisoner to England, detaining him there, till, by a happy stratagem, he made his escape a little before King Charles II. his restoration.

The said JOHN was succeeded by his son UTHRED, who was likewise remarkable for his valour, being commander of horse with the Earl of Cassilis in England, where he received several wounds in the king's service, and was afterwards commissioner for the shire of Wigton, in the first session of the first Parliament of King Charles II. in which station he continued to his death.

He was succeeded by PATRICK his eldest son, and he, by his eldest son PATRICK, present Baron of M'Dowall and Freugh, so designed in a charter I have seen under the Great Seal, uniting all his lands in one barony: The apparence of which succession is in the person of John M'Dowall his eldest son; so that I am obliged to say I have seen documents for a succession of eleven generations from the foresaid Gilbert, *anno* 1445, to the said John, now heir apparent.

It is to be noticed, that any variation which may appear betwixt this account and what was inserted in my former Volume, concerning Freugh's predecessors' names, or proper places of succession, was occasioned through his mistake, by want of some of the vouchers now produced.

It is also observable, that, by a writ past betwixt the foresaid JAMES M'DOWALL of Freugh, and the said UTHRED M'DOWALL of Garthland, dated the 26th of June 1559, which I have seen in the said Mr Fullarton's hands, wherein several other gentlemen of note are concerned and nominate, the said Freugh is designed first, and before Garthland; at which time the order of placing names by claim of distinction was very much noticed: And I have seen several writs wherein Freugh's predecessors have the epithet of honourable men, which, in those days, was only granted to considerable persons that were not nobilitate.

It is also very observable, that, by charters and sasines produced to me, and in the hands of the said Mr Fullarton, it appears, that Thomas M'Dowall of Garthland, two of the name of Uthred, and Sir John and Sir James, held as vassals of the foresaid family of Ravinston, their superior, for the space of 157 years successive, from 1479 till 1636, for some lands; and no doubt they held them in the same manner many years before, though the former vouchers are not yet found.

GARTHLAND neither condescends upon, nor produced to me any charter of his lands holding of the crown, but only a charter granted by Archibald Douglas, then Lord of Galloway and Annandale, to the said Thomas M'Dowall of Garthland, *anno* 1413, as in his memorial in my former Volume, whereby it appears they held their lands as vassals of a subject only.

FREUGH also represents, that Garthland cannot produce any document or voucher for his predecessors having any precedency or chiefship; but ever since the before-mentioned heiress of Freugh, their niece and pupil, they have been grasping at it, and by the before-mentioned indirect means took advantage of her, and he then designed spouse; he in *furor amoris*, and they mutually in love, the said bond of man-rent was obtained, and other groundless alledgeances since founded thereon, though contrary to law, and neither then (though the family fell in troubles, by their predecessors being killed in the king and country's service) nor now owned, but is renounced and disclaimed on all occasions.

This family bears for their coat of arms the lion rampant, crowned and collared with a broken crown, (in memory of their predecessor *Dovallus* having killed *Nothatus*, and setting *Reutherus* the rightful king on his throne) as in Plate of Achievements in my former System, with helmet, mantling, and supporters, and others suitable to their quality.

There were several old cadets of this family, and some of them extinct: Those remaining are Mr Andrew M'Dowall, Mr Thomas, James, Alexander, and Charles M'Dowalls, men of estates and other interests in the kingdom of Ireland, and Uthred M'Dowall of Hackburn in the shire of Roxburgh, and Captain William M'Dowall of Stratfordhall in Buckinghamshire in England, and Mr William M'Dowall, brother-german to the present Freugh, and Mr William M'Dowall, mer-

chant in Stranraer: all which cadets of this family do bear the coat of arms of the family, with their different marks of descent; as particularly the above William, brother-german to the present Patrick M'Dowall of Freugh, and son to the above Patrick, and their mother Barbara Fullarton, daughter to Fullarton of that ilk, an officer in the army in time of war, and now, in time of peace, a principal officer of his majesty's customs in Scotland, carries, as I am informed, his paternal arms of Freugh, and by way of addition, for difference, on a dexter canton, a part of his maternal coat, viz. an otter's head, and all within a bordure, charged with seven boars' heads erased, to represent his marriage with Jean, a daughter of Gordon of Schirmers, descended of Gordon of Lochinvar; and the number seven is chosen by him to represent his being a seventh son.

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#### DOUGLAS OF BONJEDWARD, AND DOUGLAS OF TYMPYNDEAN.

IN the First Volume of this System of Heraldry, page 78, I gave the arms and rise of the ancient family of DOUGLAS of Bonjedward, from the paintings of the Genealogical Tree of the House of Douglas (in Glenbervie's custody), which makes the first of this family to be a third son of William Earl of Angus, and brother of George Earl of Angus, who married the daughter of Sibbald of Balgonie, sometime treasurer of Scotland; and that this family of Bonjedward carried only the paternal coat of Douglas, with a lambel of three points *gules*, in the collar point of the shield.

There is a charter granted by Isabel Countess of Marr to THOMAS DOUGLAS the son of John, and Margaret Douglas, his spouse, of all the lands of Bonjedward, as bounded in the charter, which is confirmed by Robert Duke of Albany, Earl of Fife and Monteith, Governor of Scotland, his charter of the date the 24th of October 1407, the second year of his government. The family of Tympyndeane is as follows,

I. GEORGE DOUGLAS of Bonjedward, with consent of James Douglas his eldest son and apparent heir, gives *dilecto filio meo Andrea Douglas*, all and hail the lands of Tympyndeane, with its pertinents, lying within the territory of Bonjedward, regality of Jedworth Forest, and shire of Roxburgh, as the charter dated at Bonjedward the 1st of July 1479, to which his seal of arms is appended, having only a plain shield, a man's heart, (not crowned) and on a chief, three stars (the arms of Douglas) without any difference or additional figure, the legend round the seal *S. Georgii Douglas*; and the same day, month, and year before mentioned, by a precept of sasine, Andrew Douglas is infeft in the above lands, and was after succeeded by his son

II. ARCHIBALD DOUGLAS of Tympyndeane, who married a daughter of Peter Marshal in Lanton, and got with her some lands there, as by a precept of sasine, dated the 15th of June 1517, which the family possesses still. Their son and successor was

III. ANDREW; he married Katharine Gladstones, eldest of the three heiresses portioners, daughters of William Gladstones of Lanton, with whom he got several lands there, which the family of Tympyndeane still possesseth.

IV. ANDREW DOUGLAS of Tympyndeane succeeded his father Andrew, and married Margaret Turnbull, daughter to Gavin Turnbull of Ancrum-mill, as by their contract of marriage, dated the 10th of December 1562.

V. STEPHEN succeeded his father in the above-mentioned lands, and, by contract of marriage, 20th May 1595, married Jean, daughter to Andrew Halyburton of Muirhouseslaw, and was succeeded by his son

VI. JOHN of Tympyndeane; he married Mary, eldest daughter to William Douglas of Bonjedward, the 4th of April 1632. Their son

VII. WILLIAM succeeded, and married Alison, daughter to John Turnbull of Minto, and his lady, Elizabeth, daughter of Sir Gilbert Elliot of Stobs, and Mar-

garet, daughter to Sir Walter Scott of Harden, as by contract of marriage 27th July 1655. Their son,

VIII. JOHN DOUGLAS of Tympyndeane, married Euphame, daughter to William Turnbull of Sharpelaw, and of Christian, daughter of William Ker of Newton, whose mother was a daughter of Sir Archibald Douglas of Cavers, the 6th of December 1679. Their son and successor is the present

IX. WILLIAM DOUGLAS of Tympyndeane; he married Jean, daughter to Thomas Rutherford of that Ilk, 22d of February 1718, who carries, as I am informed, the arms of Douglas, quartered with these of Gladstones.

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#### SCOTT OF THIRLESTANE.

AS for the origin and rise of the surname of SCOTT, it is as uncertain as all other matters of antiquity, especially surnames, which could not be older than 1100, when surnames began with us. The first of the name to be met with is one *Ucbtred filius Scott*, amongst the witnesses in a charter of King David I. to the abbacy of Selkirk. He might have been the first of the surname of Scott, as Sir James Dalrymple observes in his Collections, page 354.

There is one *Herbertus Scotus*, in the foresaid king's reign, witness in a charter of Robert Bishop of St Andrews to the abbacy of Holyroodhouse. There is a charter by King William, *Waltero filio Walteri Scoti* of the lands of Alrethes. In the Register of Kelso, fol. 57 and 63, *Ricardus Scotus* is to be found in the reign of Alexander II. *Willielmus Scotus* is witness in a charter of Walter II. *Senescallus Scotia* to the abbacy of Paisley, fol. 10, concerning the church of Dundonald. In the chartulary of the priory and convent of Goldingham there is to be found *Charta Patricio Scoto de terris in Riston comparatis a domino rege, post forisfacturam antecessorum ejusdem Patricii*, before the year 1273.

I have given a short account of several ancient and honourable families of the name of Scott, in the First Volume of this Treatise, page 86 and 96, amongst whom is Scott of Thirlestane, anciently designed of Houpayslay, or Eskdale; and I shall here again subjoin the descent of this family, with its branches and inter-marriages, as far back as I am informed.

I. The first I have met with of this family was ARTHUR SCOTT of Houpayslay, or Eskdale, who married a daughter of Maxwell of Terreagles, thereafter Lord Herries, and now Earl of Nithsdale. He was succeeded by his son

II. ROBERT SCOTT of Houpayslay, (commonly called Robert of Eskdale) Warden of the Middle-Border betwixt Scotland and England. He married a daughter of Somerville Lord Somerville, and with her had issue

III. Sir WILLIAM SCOTT of Houpayslay who succeeded, and married Janet, daughter of Gladstones of Cocklaw; and he was succeeded by his eldest son

IV. Sir WALTER SCOTT of Houpayslay, knight, who married a daughter of Douglas of Cavers; she bore to him three sons; the eldest was Abbot of Melrose, the second David, and the third Adam Scott of Hassendean.

V. DAVID succeeded his father in the lands of Houpayslay, and, by the favour of his eldest brother the abbot, got the lands of Thirlestane, from which, ever since, the family took their designation. He had to wife a daughter of Scott of Robertson, with whom he had Robert, who succeeded Walter, commonly called *Hardy Watt*, who was killed at the battle of Pavia, and James, who went to Germany.

VI. ROBERT SCOTT, first designed Laird of Thirlestane, who married a daughter of Johnstone of that Ilk, now Marquis of Annandale, with whom he had five sons; John, who succeeded; second, Scott of Hundleshope, in the shire of Tweeddale, of whom is descended the present Captain David Scott of Hundleshope, whose arms are recorded in the Lyon Register, and blazoned in the First Part of this System, and Plate of Achievements; third, Scott of Dryhope; fourth, Scott of Mountbenger; and, fifth, Scott of Bowhill.

VII. JOHN SCOTT of Thirlestane succeeded his father Robert, a gentleman of singular parts, and of an entire loyalty to King James V. who, for his ready services, was honoured by that king with a part of the royal bearing, and other suitable figures to tindre his shield of arms; and, to perpetuate the memory of his seasonable services to that king, there is an order granted to the Lyon Herald and his deputies, under the hand of his Majesty and Secretary, Sir Thomas Erskine of Brechin, to record in their books: The principal of which I have seen, now in the custody of the present Sir William Scott of Thirlestane, baronet, inserted in the First Volume of this System, page 96.

This JOHN SCOTT of Thirlestane married a daughter of Scott of Allanhaugh, and with her had four sons; Robert, who succeeded; second, Simon, called *Long-pear*, was tutor of Thirlestane, and built the Tower of Gamelscleugh; third, Andrew, father of Sir John Scott of Newburgh, of whom are the Scotts of Rennelburn; and, the fourth son, Adam Scott of Gilmerscleugh.

VIII. ROBERT of Thirlestane, who was Warden-Depute of the West-Borders, married Margaret Scott, sister to the first Lord Buccleugh; he had with her two sons, Sir Robert and Walter. He had also another son called William, to whom he gave a piece of land called Merrylaws, to this day possessed by his descendants.

IX. Sir ROBERT SCOTT of Thirlestane was twice married; first, to a daughter of Cranston of that ilk, with her he had Robert Scott of Cruyton, who died without issue, and Walter, who succeeded his father; secondly, he married a daughter of Jardine of Applegirth, from whom came the Scotts of Doventon. Sir Robert Scott sold the lands of Thirlestane to Sir William Scott of Harden.

X. WALTER SCOTT, of the first marriage, married Marion, daughter to Sir Patrick Porteous of Hackshaw, and with her had

XI. PATRICK SCOTT of Thirlestane, or Houpayslay. He recovered the lands of Thirlestane from Sir William Scott of Harden, and married Isabel, daughter to Sir John Murray of Blackbarony, baronet, and with her he had Francis, who succeeded, David and Walter who died young; and three daughters, Jean, married to Sir James Hay of Linplum, Margaret, to Sir Robert Bannerman of Elsick, and Mary, to Sir William Primrose of Carrington, now Viscount of Primrose. All these daughters had issue to their husbands.

XII. Sir FRANCIS SCOTT, being first made a knight, and after honoured with the dignity of baronet in the year 1666, married Lady Henrietta Ker, daughter to William Earl of Lothian. He had with her several children, who all died young, except the eldest son who succeeded him, and one daughter called Henrietta, now living.

XIII. Sir WILLIAM SCOTT of Thirlestane, baronet, married first Elizabeth Napier, daughter to the Lady Napier, with whom he has the present Francis Lord Napier, whose arms are to be seen in the First Volume of this System. Secondly, Sir William married Dame Jean Nisbet, only daughter of Sir John Nisbet of Dirleton, and widow of Sir William Scott of Harden. She died without issue.

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#### CUMIN of COULTER.

I. THE first of which was JARDINE CUMIN, second lawful son to William Cumin Earl of Buchan. He married Margaret Ross, daughter to William Earl of Ross, and with her had Philip Cumin his son and heir. He got from his father, the Earl of Buchan, the lands of Inverallachy, in the year 1270.

II. Which PHILIP CUMIN married Marjory Wauchope, heiress and daughter to Sir Adam Wauchope of Coulter, and of Arbeck, knight. The original charter of this family of Wauchope is granted by King Alexander I. 1124, which is now in the custody of Cumin of Coulter, who got these lands by the foresaid marriage, and with her had

III. Sir WILLIAM CUMIN, his son and heir, who married Dame Marjory Douglas, daughter to James Earl of Douglas, Lord of Nithsdale, with whom he had his son and successor

IV. JAMES CUMIN, who married Elizabeth Irvine, daughter to the Laird of Lenway, and with her begot

V. WILLIAM CUMIN, who married Elizabeth Meldrum, daughter to Sir William Meldrum of Fyvie, knight, and with her begot Alexander, his eldest son, and William Cumin his second; the eldest married Christian Burnet, daughter to the Laird of Leys, his near kinswoman, and for the consanguinity procured a dispensation from the pope, dated the 11th January 1480, now in the hands of Cumin of Coulter. His father, William, disliking the marriage, did dispoise to his second son, William, the lands of Inverallachy, and others he had then in Buchan, and reserved only the barony of Coulter with the pertinents to his eldest son.

VI. Which ALEXANDER CUMIN of Coulter, with his above-mentioned spouse, begot his successor

VII. ALEXANDER, who married Elizabeth Blinshall, daughter to Sir Robert Blinshall of ——— Provost of Aberdeen, and with her had his son and heir

VIII. JOHN, who married Janet Irvine, daughter to the Laird of Drum, and with her had his son and heir

IX. ALEXANDER CUMIN of Coulter, who married Janet, daughter to James Stewart Lord Innermeth, (she having gotten from her father an assignation to the gift of Coulter's marriage, and intimate the same to him, conform to an instrument of intimation, which is in the charter-chest of Coulter) and with her he begot his son and successor

X. ALEXANDER CUMIN of Coulter, who married Helen Wood, daughter to Walter Wood of Balbegno, and with her had

XI. Sir ALEXANDER CUMIN of Coulter. He married Margaret Gordon, daughter to the Laird of Tarpersie, and with her had his son and successor

XII. ALEXANDER, who married Jean Wood, daughter to Sir Hary Wood of Bonington, and was succeeded by his son

XIII. ALEXANDER CUMIN of Coulter, who married Helen Allardice, daughter to James Allardice of that ilk, and with her had

XIV. ALEXANDER CUMIN, who was made a knight baronet, married Elizabeth Swinton, daughter to Alexander Swinton of Mersington, one of the Senators of the College of Justice. There eldest son and successor

XV. Captain ALEXANDER CUMIN, knight baronet, who married Anna Whitehall, daughter to Launcelot Whitehall, Esq. an English gentleman of the family of the Whitehalls in Shropshire, and late commissioner in the customs for Scotland, and with his lady has a son, Alexander, about five years of age.

The Lyon King at Arms recorded the arms of this family, as I mentioned before in the First Volume, page 169, viz. *azure*, three garbs *or*, within a plain bordure of the last, as being descended of a second son of Cumin Earl of Buchan; which family, being extinct, that of Coulter assumed the plain arms without any addition, and, as I am informed, are to be seen on the great hall of Inverallachy, the old mansion-house of the predecessors of Cumin of Coulter, now possessed by the Frasers: As also the same plain arms are to be seen on the House of Coulter, supported by two ostriches; crest, a garb *or*: motto, *Courage*.

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#### INGLIS OF ST LEONARDS.

I HAVE given before the arms of INGLIS of Newton, or Newtonlees, page 83. whose grandfather, Cornelius Inglis, is said to be a lawful son of Murdiston, in the Lyon Register; the blazon, thus, *azure*, a lion rampant *argent*, on a chief ingrailed of the second, three stars of the first; crest, a star environed with clouds, proper.

His son was John Inglis of Newton, and his son was Cornelius Inglis of Eastbarns, who married Janet, daughter to Mr William Kelly, writer in Edinburgh. With her he had four sons, Patrick, Thomas, William and Mr James: Which last purchased the lands of St Leonards of late, and married Elizabeth Holburne, daughter to Menstrie. He is succeeded in the lands of St Leonards by his eldest son John Inglis of St Leonards.

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#### MACFARLANE OF THAT ILK.

THE armorial bearing of this family is *argent*, a saltier ingrailed betwixt four roses *gules*, which is now exactly the coat of the old family of Lennox; and, as representative of that family, and a principal family of the name, hath been in use to assume, for supporters, two Highlandmen in belted plaids, with broad-swords, and bows and arrows in full draught, all proper; crest, a demi-savage grasping in his dexter hand a sheaf of arrows, and pointing with his sinister to an imperial crown or: motto, *This I'll defend*; and on a compartment wavey the word *Lochsloy*, which is the Macfarlane's *cri de guerre*, or slughorn: Lochsloy being a place in the Arroquhar, where this clan generally rendezvous themselves before a battle.

This family is in old writs promiscuously designed Macfarlane of that Ilk, and of Arroquhar, and sometimes both these titles are joined in one; as in the roll of the clans in the acts of Parliament, *anno* 1537, one of the heads of this family is designed the Laird of Macfarlane of the Arroquhar. *Vide* Parl. 11. King James VI.

The representer of this family being undoubtedly heir-male of the old earls of Lennox, it will not be amiss to begin the account of the family with the origin of the ancient Earls of Lennox.

Peter Walsh and Dr Keating, two Irish historians, pretend that the family of Lennox is of Irish extraction, and that the founder of it was *Mainus*, son to one of the provincial kings of Leinster, who came to Scotland in the reign of King Fincormachus, and married Mungenia that king's daughter. On the other hand, Mr Simson in his History of the Stewarts, page 5, is no less positive that this ancient family is descended from Alexander, second son to Kenneth Thane of Lochaber, and immediate younger brother to Banquo, ancestor to the royal family of Stewart. But, omitting both these accounts, as being at best but uncertain and ill-founded, I shall endeavour to give a genealogical account of this family, wherein I shall advance nothing but what is well supported, either by public papers, private charters, or some other authentic documents.

I. It is then very certain that ARKILL, one of the ancestors of this ancient family, and the first of them I can find, as in Mr Crawford's peerage, was contemporary with King Malcolm Canmore, about *anno* 1060, and he seems to have been at that time a person of considerable note.

II. His son ALUIN M'ARKILL, or *Alvinus filius Arkill*, as he is designed in old writs, made a very great figure at court in the reign of King St David, *anno* 1124; for there is scarce a public charter granted in all that reign in which he is not inserted a witness, as will easily appear to any that will give themselves the trouble of perusing the chartularies of Glasgow and Dunfermline, or Sir James Dalrymple's Historical Collections.

III. ALUIN M'ARKILL'S son and successor, called also *Aluin*, was made Earl of Lennox, by King William the Lion, upon the resignation of David Earl of Huntingdon, the said king's brother. This Earl Aluin was, according to the superstitious devotion of those times, a very liberal benefactor to the church; for he gave in pure alms to the church of Kilpatrick, in honour of St Patrick, the lands of Cochnach, Edinbernane, Dalmenach, Craigintalloch, Finbertbellach, &c. with a great deal of other lands; as is evident by a charter still extant in the register

of Dumbarton. He left issue two sons, Malduin his successor in the earldom, (whose male issue failed in three descents; and the estate of Lennox, instead of going to the heir-male, Malcolm Macfarlane of Arroquhar, went by an heiress to Walter Lord of Faslane) and Gilchrist, ancestor to the Laird of Macfarlane.

IV. Which GILCHRIST obtained, by the grant of his brother Malduin Earl of Lennox, "Terras de superiori Arrochar de Luss, jacentes intra rivulos qui vocantur Aldyvach, & Aldanchulin, ex una parte, & rivulos qui vocantur Hernan, Hyns, & Trostan ex altera parte, una cum insulis de Elanvow, Elanvanow, Elanrouglass, & Elaig:" Which land, so bounded together with the said islands, is still in the possession of his posterity to this day. This Gilchrist is a frequent witness to charters granted by his brother, Malduin Earl of Lennox, to his vassals; particularly to one granted to Anselan Macbeth Laird of Buchanan, of the isle of Clareinch in Loch-Lomond, dated *anno* 1225; and to another granted to William, son of Arthur Galbraith, of the two Carucates of Baldernock, dated at Fintray, *anno* 1238.

V. Gilchrist's son and successor was DUNCAN, who is designed in old charters *Duncanus filius Gilchristi*, or *McGilchrist*, which is one and the same; he got a charter of confirmation of the said lands of Arroquhar, from his cousin Malcolm Earl of Lennox, whereby the earl ratifies and confirms, "Donationem illam quam Malduinus avus meus fecit Gilchristi fratri suo de terris de superiori Arrochar de Luss, coram his testibus Domino Simone Flandrense, Domino Duncano filio Amelick, Domino Henrico de Vetere Ponte, & Malcolm de Drumeth." This charter, though it wants a date, (which is very usual in the oldest charters) yet by the witnesses it seems to have been granted before *anno* 1284: Both this charter and the original one granted to Gilchrist are, a long time after this, ratified by King James I. under the Great Seal. (*Charta in Rotulis Jacobi Primi.*) This Duncan is one of the subscribers to that famous bond of submission, by the lords and barons of Scotland, to Edward I. of England, commonly called *Ragman's Roll*, *anno* 1296; and he is therein designed *Duncanus filius Gilchrist de Levenax*. *Vide* Prynne, page 658. Pecia 29. He is also witness in a charter granted by Malcolm Earl of Lennox to Michael McKessan, of the lands of Garchell and Ballat. He married his own cousin Matilda, daughter to the Earl of Lennox, by whom he had Malduin his successor.

VI. Which MALDUIN, together with his friend Malcolm Earl of Lennox, were the constant companions of King Robert Bruce in all his adversity; and that king, by their means, found a safe retreat in the Lennox, even when his fortune was at the lowest ebb, and when almost all his other subjects had deserted him, and traiterously taken part with the King of England, and his vassal John Baliol.

VII. Malduin was succeeded by his son BARTHOLOMEW, or PARLAN, as he is called in the Irish language; from which proper name of *Parlan* his posterity have ever since, according to the custom in the Highlands, obtained the patronymical surname of *Macfarlane*, *i. e.* the son of Parlan or Bartholomew.

VIII. MALCOLM MACFARLANE, as he is designed in the two following charters, succeeded his father Bartholomew, and obtained from Donald Earl of Lennox, upon the resignation of his father Bartholomew, son of Malduin, a charter of confirmation of the said lands and islands, in as ample manner as his predecessors held the same, as the charter itself, yet extant, expressly bears: "Adeo, libere, plenarie, quiete, & honorifice, in omnibus et per omnia, sicut charta originalis facta per antecessores nostros, antecessoribus dicti Malcolmi, plenius in se proportat & testatur, hiis testibus Malcolmo Fleming Comite de Wigton, Joanne Steuart de Dernly, Patricio Fleeming de Weddal, militibus, &c." *Vide* Register of Dumbarton. This charter seems, by the witnesses, to have been granted about the year 1344. He got also from the said earl another charter, dated at Bellach May 4th 1354, whereby the earl freely discharges him and his heirs of four merks of feu-duty, payable yearly out of his said lands, and that not only for bygones, but even also for the time to come. He married \_\_\_\_\_ daughter to \_\_\_\_\_ by whom he had Duncan Macfarlane of Arroquhar, his successor.

IX. Which DUNCAN obtained from his cousin Duncan Earl of Lennox a charter of confirmation of the above lands, dated at the Earl's mansion-house of Inchmirin, in the year 1395; in which charter the Earl designs him, "Dilectus & specialis noster Duncanus Macfarlane, filius & hæres quondam Malcolmi Macfarlane domini de Arrochar." The witnesses to this charter are Walter Buchanan of that Ilk, Humphrey Colquhoun, first of that surname, Laird of Luss, Niel of Balnory, Duncan Campbell of Gaunan, and Malcolm M'Alpine. *Vide* Chartulary of Dumbarton. He married Christian Campbell, daughter to Sir Colin Campbell of Lochow, ancestor to the Duke of Argyle, as is evident by a liferent charter still extant in the above-cited Register of Dumbarton, granted by the said Duncan Macfarlane in favours of Christian Campbell, daughter of Sir Colin Campbell of Lochow his wife, of the lands of Keanlochlong, Inverloch, Glenluin, Portcable, &c. before these witnesses, John Campbell, Dean of Argyle, Duncan Campbell of Gaunan, John M'Colman, &c. This charter is also dated in the year 1395. He had by the above lady John Macfarlane his successor.

X. JOHN succeeded, and is witness to a charter granted in the year 1426. He married Jean, daughter to Sir Adam Mure of Rowallan, by whom he had

XI. DUNCAN MACFARLANE of that Ilk, his successor, who was served heir to his father, January 18th 1441. He married \_\_\_\_\_ daughter to \_\_\_\_\_ by whom he had

XII. WALTERUS MACFARLANE *Dominus de Arrochar*, who is to be met with under King James III. and is so designed in a charter granted to the burgh of Dumbarton in the year 1486. He married \_\_\_\_\_ Livingston, only daughter to James Lord Livingston.

XIII. HIS SUCCESSOR WAS ANDREW MACFARLANE of that Ilk, who is witness in a charter belonging to the said burgh of Dumbarton, *ad annum* 1493. He married a daughter of Stewart Earl of Lennox, by whom he had Sir John Macfarlane of that Ilk his successor.

XIV. Sir JOHN in a charter he gives of the lands of Garrowstuck to one William Macfarlane, is thus designed, "Honorabilis vir Joannes Macfarlane dominus ejusdem, miles, Capitaneus de Clan-Pharlan." He was slain in *anno* 1513, at the fatal battle of Flodden. He married first \_\_\_\_\_ daughter to James Lord Hamilton, by whom he had Andrew his successor, and Robert Macfarlane, first of the branch of Innersnait: He married, *2dly*, A daughter of the Lord Herries, by whom he had Walter Macfarlane of Ardeish, ancestor to the family of Gartartan.

XV. Sir JOHN MACFARLANE of that Ilk was succeeded by his son Andrew, who married Lady Margaret Cunningham, daughter to William Earl of Glencairn, who was Lord High Treasurer in the reign of King James V. Sir James Balfour, in his Genealogical Collections on the Scots Nobility, says, "She was the only daughter of Cuthbert Earl of Glencairn, by Lady Marion Douglas his wife, eldest daughter to the Earl of Angus." He had by her Duncan Macfarlane of that Ilk, his successor, who succeeded his father.

XVI. Which DUNCAN, by reason of his near relation to that family, was a constant adherent to Matthew Earl of Lennox, whom he frequently assisted even to the endangering of his own life and fortune; particularly in the year 1544, he joined the Earls of Lennox and Glencairn with 300 men of his own surname, and was present with them at the unlucky fight on Glasgow Muir, for which he was forfeited; but being, by the intercession of his friends, soon afterwards restored, he obtained a remission under the Privy-Seal, which is still extant. The loss of this battle obliged the Earl of Lennox, with several of his friends, to withdraw to England, where the Earl having married Lady Margaret Douglas, niece to King Henry VIII. got some English forces to assist him from that monarch. Immediately upon his return, the Laird of Macfarlane, not daring to appear for him himself in person, sent nevertheless to his assistance 140 well armed men, commanded by his own near relation Walter Macfarlane of Tarbet, who were very serviceable to the Earl in all that expedition, particularly in taking in the Isles of Bute and Arran, burning the castles of Rothsay and Dunoon, defeating the Earl of Argyle, &c. As is testified by Ralph Hollinshed, in his History of Scotland, page 463, where, speaking of these actions of the Earl of Lennox, he writes thus,

“ In these exploytes the Erle had with him Walter M'Farlane of Tarbet, and seven score of men of the head of Lennox, that spake bothe Irishe and the English Scottish tongues, light footmen well armed in shirtes of mayle, with bows and two-handed swords; and being joined with the English archers and shotte, did much avayleable service in the streyghts, marishes, and mountayne countries.” This Duncan was afterwards slain, together with a great number of his clan, valiantly fighting against the English at the fatal battle of Pinky, September 10. 1547. He married, first, Isabel Stewart, daughter to Stewart Lord Ochiltree; and, secondly, Anne, daughter to Sir John Colquhoun of Luss, and was succeeded by his son Andrew Macfarlane of that Ilk.

XVII. ANDREW was a zealous and hearty promoter of the Reformation, and one of the first in the Highlands, of any account, who threw off the superstitions of popery, and made open profession of the Protestant religion; in defence of which he made several signal appearances, particularly at the famous battle of Langside, foughten May 10. 1568. At which battle the Earl of Murray, who was then regent, being almost overpowered by the number of Queen Mary's forces, and his army ready to give way, the Laird of Macfarlane came in very seasonably to his assistance, in the very brunt of the battle, with a considerable supply of 300 men, with whom he attacked the right wing of the queen's army so furiously that they were immediately obliged to quit their ground, and betake themselves to their heels, and were soon followed by the rest of the army. Which passage is thus related by the above-cited Hollinshed, page 506. “ In this battayle the valiancie of an Hie-land gentle-man named M'Farlane, stood the Regent's part in great steede; for in the hottest brunte of the fight, he came in with three hundred of his friends and countrymen, and so manfully gave in upon the flanke of the queen's people, that he was a great cause of the disordering of them.” He took at this battle three of Queen Mary's standards, which were for a long time preserved in the family: Neither was the regent insensible of the service the Laird of Macfarlane did him at this battle; for, amongst other rewards, he gave him that honourable crest and motto, which is still enjoyed by his posterity, and recorded in the Lyon Register, viz. a demi-savage, proper, holding in his dexter hand a sheaf of arrows, and pointing with his sinister to an imperial crown or: motto, *This I'll defend*; and ever since that time (if not before this) the family have been in use to carry for supporters as above; as is to be seen on the castle of Islandvow, built in the year 1577, by the said Andrew. He married Agnes Maxwell, daughter of Sir Patrick Maxwell of Newark, by whom he had John Macfarlane of that Ilk his successor,

XVIII. Who married, first, Susanna Buchanan, daughter to Sir George Buchanan of that Ilk, *sans* issue; secondly, he married Helen, daughter to Francis Stewart Earl of Bothwell, by whom he had Walter his successor; thirdly, he married Elizabeth, daughter to the Earl of Argyle; fourthly, he married Margaret, daughter to James Murray of Struan.

XIX. His son and successor WALTER MACFARLANE of that Ilk suffered very much for his loyalty and constant adherence to his sovereign King Charles I. and was for that cause twice besieged in his own house during Cromwell's usurpation; and at the same time one of his houses, called the castle of Inverouglass, was burnt to the ground by the English, and in it several ancient writs belonging to the family. He married Margaret, daughter to Sir James Semple of Beltrees, one of the Gentlemen of the Bed-Chamber to his Majesty King James VI. and had by her John his successor, and Andrew Macfarlane of Ardess, who succeeded his brother.

Which JOHN married Grissel, daughter to Sir Colin Lamont of that Ilk, by Barbara his wife, daughter to Robert Lord Semple: But having no male issue, his fortune went to his brother

XX. ANDREW MACFARLANE of that Ilk, who married Elizabeth, daughter to John Buchanan of Drumakill, and had by her John Macfarlane of that Ilk his successor.

XXI. Which JOHN married Helen, daughter to Robert Lord Viscount of Arbutnot, by whom he had

XXII. WALTER MACFARLANE, now of that Ilk, his successor.

## ANSTRUTHER OF ANSTRUTHER.

THE family of ANSTRUTHER have probably assumed their surname from their own lands, or from the town of that name, of which they are proprietors.

This ancient family hath long flourished in the county of Fife; for we find in the (a) chartulary of the abbacy of Balmerino, which was founded by David Earl of Huntingdon, brother to King William, that *Willielmus de Candela Dominus de Anstroither* gave to the monks, "Ibidem Deo servientibus, & in perpetuum servituris, quandam terram adjacentem ex parte orientali villæ de Anstroither," on the sea-coast, by the way leading to Crail.

(b) To this WILLIAM succeeded Henry his son, who is designed *Henricus filius Willielmi de Candela Dominus de Anstroither*, when he confirms to the monks of Balmerino his father's donation, in the 7th year of the reign of King Alexander II. anno 1221.

The successor of this Henry was another HENRY, who, we find, was one of the freeholders of the county of Fife, that (c) took an oath of submission to King Edward I. of England, when John Baliol, then King of Scotland, had subjected this kingdom to that prince, anno 1292 (d). He was a benefactor to the abbacy of Dryburgh, for he confirmed, "Deo & ecclesiæ Sanctæ Mariæ de Dryburgh, & monachis ibidem Deo servientibus, illas tres bothas in villa mea de Anstroither, quas bonæ memoriæ Henricus pater meus ipsis canonicis in villa sua dedit & concessit."

(e) WILLIAM was the son of this Henry; he likewise ratified to the monks of Dryburgh these three boths that had been confirmed by Henry his father. This was confirmed by William Lamberton Bishop of St Andrews.

(f) A third HENRY succeeded to this William, who ratified to the monks of Dryburgh, "Quasdam bothas in villa mea de Anstroither, quas quidem bothas habuerunt ibidem ex donatione & confirmatione Henrici & Willielmi, quondam predecessorum meorum ab antiquo, testibus Thoma Ranulphi Comite Moraviæ, David de Weemyss Domino ejusdem, cum multis aliis." Thomas Randolph Earl of Murray was Governor of Scotland in the minority of David II. and died in the year 1332 (g). *David de Weemyss* was one of those that sent a letter to the pope, dated 6th April 1320, asserting the liberty and independency of the crown and kingdom of Scotland.

To HENRY succeeded *Richard de Anstroither Dominus loci ejusdem* (h). He gave to John Strang, and the heirs begot betwixt him and Cecilia his spouse, sister to Richard, seven acres of land lying upon the north side of the lands belonging to the Abbot of Dryburgh, within the territory of Anstruther. This donation was confirmed by King David II. (i) at St Andrews, the 24th April, the 33d year of his reign, anno 1362, "Testibus venerabili in Christo patre Patricio episcopo Brichensi Cancellario nostro, Roberto senescallo Scocie Comite de Stratherne nepote nostro, Willielmo de Keth mariscallo nostro Scocie, Roberto de Eriskyne Camerario nostro, & Archibaldo de Douglas militibus."

## ANSTRUTHER.

ROBERT ANSTRUTHER was married to Isabel Balfour.

(k) The next we find is ANDREW ANSTRUTHER. He had a charter under the Great Seal of the lands of Anstruther, on his own resignation in the year 1483. He married Christian Sandilans, a daughter of the family of Calder in Linlithgowshire, ancestor to the Lord Torphichen. He was killed in the service of his country at the battle of Flodden the 9th September 1513.

(l) JOHN ANSTRUTHER, son to Andrew, had a charter under the Great Seal to himself, and to Margaret Douglas his spouse, of lands in conjunct fee, anno 1520.

(a) Chartulary of Balmerino in the Library of the Faculty of Advocates at Edinburgh. (b) Ibidem. (c) Rymer's *Fœdera Angliæ*, and Prynne's *History*. (d) Chartulary of Dryburgh, in the Library of the Faculty of Advocates at Edinburgh. (e) Ibidem. (f) Ibidem. (g) *Charta penes Comitum de Haddington*. (h) *Charta penes Dominum Joannem Anstruther de eodem*. (i) Ibidem. (k) In publicis archivis. (l) Ibidem.

This lady was a daughter of the House of Lochleven, the ancestor of the present Earl of Morton. He was married afterwards to Elizabeth Spence, daughter to Spence of Wolmerston, an ancient family in the east of Fife that is now extinct.

(*m*) ANDREW, his son, had a charter from his father, of a provision out of the estate to himself, and to Margaret Abercromby his wife; she was daughter of Thomas Abercromby of Abercromby, an ancient and considerable family in the county of Fife, now extinct. He was killed at the battle of Pinky the 10th September 1547.

(*n*) JOHN ANSTRUTHER succeeded to his grandfather John. He married Margaret Clephane, daughter of George Clephane of Carslogie, in the county of Fife, by whom he had Sir James, of whom afterwards, and a daughter, married to ——— Forrest of Fingask. He married to his second wife Margaret Learmonth, daughter of ——— Learmonth of Dairsie, and widow of Spence of Wolmerston. He died *anno* 1610.

(*o*) Sir JAMES ANSTRUTHER had a charter under the Great Seal, upon the resignation of his father, *anno* 1583. (*p*) He was made Carver to King James VI. in the year 1585, (*q*) and was constituted one of the Master-Households *anno* 1592, with all the salaries, profits, and privileges belonging to these posts, which are hereditary in the family. In the year 1571 he married Jean Scott, daughter to Thomas Scott of Abbotshall, who was a son of the House of Balwyrie in the county of Fife, and was Justice-Clerk in the reign of King James V. By her he had two sons, William and Robert, and several daughters; one of them, Jean, was married to James Douglas, Commendator of Melrose, second son of William Earl of Morton. Sir James died in the year 1606.

(*r*) Sir WILLIAM ANSTRUTHER, his eldest son, succeeded him in his estate and office, and was made one of the Gentlemen of the Bed-Chamber to King James VI. Upon his Majesty's accession to the English throne he accompanied him into that kingdom, (*s*) and was created a Knight of the Bath at the king's coronation *anno* 1603. King Charles I. had such regard to the long and faithful services of Sir William Anstruther, that he was pleased to continue him in the Bed-Chamber after the death of King James. He married Euphame, daughter of Sir Andrew Wemyss of Myrecairny, a Lord of the Session, and died in the year 1649, leaving no lawful issue.

Sir ROBERT ANSTRUTHER, second son to Sir James Anstruther, and brother to Sir William, was one of the Gentlemen of the Privy-Chamber to King Charles I. This gentleman was employed in several honourable embassies, both by King James and his son King Charles, and likewise by Frederick King of Bohemia. In 1620 (*t*) King James sent him ambassador extraordinary to Christian, King of Denmark. (*u*) In the year 1627 he was sent ambassador by King Charles I. to the Emperor and States of Germany that were to meet at Nuremberg. (*x*) The same King, and Frederick King of Bohemia, and Elector Palatine, gave him a commission to be their ambassador and plenipotentiary at the meeting of the Diet at Ratisbon. In the year 1630 he was sent also ambassador from King Charles I. to the meeting of the Princes of Germany at Hailbrun. He married Katharine, daughter of Sir Edward Swift, knight, of the county of York, and of Ursilla his wife, daughter of ——— Danby of Masham, Esq. and sister to the Lord Viscount Carlingford, by whom he had two sons, Robert and Philip, and a daughter, Elizabeth, married to ——— Austen, Esq. near Guilford.

ROBERT succeeded his father Sir Robert in his estate of Whetly in Yorkshire. He married Anne, daughter of Sir John Corbet of Stoke in Shropshire, but died without issue-male.

Sir PHILIP ANSTRUTHER, second son to Sir Robert the ambassador, succeeded his uncle Sir William in his estate and offices in Scotland. When King Charles II. came to Scotland from Breda in 1650, he was very zealous to advance his majesty's service all he could. He had a command in the royal army when they marched

(*m*) In publicis archivis. (*n*) Charta penes Dominum Joannem Anstruther. (*o*) Ibidem. (*p*) Ibidem. (*q*) Ibidem. (*r*) Ibidem. (*s*) Anstis's History of the Order of the Bath. (*t*) Charta penes Dominum Joannem Anstruther. (*u*) Ibidem. (*x*) Ibidem.

into England, and was taken prisoner at the battle of Worcester; for which his estate was sequestrated, until the Restoration of the King in 1660. He married Christian, daughter of Major-General Lumsden of Innergelly, who served with honour in the wars of Germany, under the command of Gustavus Adolphus King of Sweden, by whom he had Sir William his heir.

Sir JAMES ANSTRUTHER of Airdrie, an Advocate and Principal Clerk to the Bills. He married Katharine, daughter of ——— Skene of Halyards, by whom he had Philip Anstruther, colonel of a regiment of foot in his majesty's service, and a daughter, Christian.

Sir ROBERT ANSTRUTHER of Balcaskie, the third son, was married to the heiress of Kinnear, in the county of Fife. He married, to his second wife, Jean Monteith, heiress of Wrae in Linlithgowshire, by whom he had six sons and two daughters. First, Philip, an advocate, and one of the principal clerks to the bills. Second, William, a captain in Brigadier-General Preston's regiment; he was killed in 1715, when General Willis attacked the rebels at Preston, and forced them to surrender. Third, Robert, a Captain in Colonel Anstruther's regiment. Fourth, George, a lieutenant in the same regiment. Fifth, John, who died young, and Alexander, who died an ensign in Brigadier-General Preston's regiment. His eldest daughter, Christian, is married to Sir John Henderson of Fordell, and Jean, to James M'Gill of Rankeillor. His third wife is Marion Preston, daughter to Sir William Preston of Valleyfield, by whom he has Charles, and several daughters.

Sir PHILIP ANSTRUTHER had to his fourth son Sir Philip, who was a captain in the Earl of Tullibardin's regiment. He married Elizabeth, daughter to, and co-heir of, James Hamilton of Mountainhall. He died in 1722, and left Philip, a captain in Colonel Anstruther's regiment, Christian, married to Sir William Weir of Blackwood, Jean, and Elizabeth.

Sir ALEXANDER ANSTRUTHER, the youngest son, is one of the Principal Clerks to the Bills. He married Jean Leslie, eldest daughter and heir, both to the estate and honour, of David Lord Newark, by whom he has William Leslie, David and Alexander Anstruthers, and several daughters.

Sir PHILIP died in 1702, and was succeeded by his eldest son Sir William. He was chosen member of Parliament in the year 1681, when the Duke of York was his Majesty's High Commissioner, and joined with other patriots in opposing the arbitrary measures that were taken at that time. He heartily concurred with the Revolution, when he saw our religion, laws, and liberties, in danger of being overturned. Soon after the Revolution he was constituted, by King William and Queen Mary, one of the Senators of the College of Justice, and one of the Commissioners of the Court of Justiciary, and some time after was made one of his Majesty's most honourable Privy Council and Exchequer. He exerted himself with a great deal of zeal in promoting the union with England, with a design to get the succession to the crown settled upon the illustrious House of Hanover. He died in 1711, and left by Lady Helen Hamilton, his wife, daughter of John Earl of Hadington, one son, John.

Sir JOHN ANSTRUTHER of Anstruther was chosen member of Parliament in the year 1703, and hath been returned a member of Parliament ever since the union, except the first session, when the representatives for Scotland were chosen by Parliament. He gave convincing proofs of his zeal for the Protestant succession in the present illustrious family, by his behaviour in the British Parliament before the year 1714, and by his serving as a volunteer, with other persons of quality, when the rebellion broke out in 1715. In January 1717 he married Lady Margaret Carmichael, eldest daughter of James Earl of Hyndford, who died in 1721, leaving three children, Helen, John, and James; this James died soon after his mother.

A younger son of the family of Anstruther entered into the French service, and settled in that kingdom, where their posterity still remain; but at what time this happened is very uncertain.

The arms of the family are to be seen blazoned in the First Volume, page 201. and are engraved in the Plates of Achievements, Plate IX.

## BIRNIE OF THAT ILK.

MR JOHN BIRNIE of Broomhill, great-grandson and representative of William Birnie of that Ilk, has beside him a *Seanachie's* tradition of that family written. That in the year of God 838, or thereby, Alpine King of Scots, with many of his prime men, being taken prisoners in battle by the Picts, and thereafter murdered in cold blood, and the King's head, in a base manner, set on a pole in one of their chief cities, Kenneth II. his son, a brave prince, soon raised an army to be revenged on the actors of so barbarous a murder.

All his followers were desperate and resolute, and had many conflicts several days together, amongst whom was one *Birnie*, (an Irish word, and signifying in English *bright*) so called, because of his glittering armour, with his two sons, who having already several times signalized themselves, yet one evening pressing furiously into the thickest of the Picts, were all three, with several others, surrounded and made prisoners. Night by this time putting an end to the fight, they had each of them one leg put fast in a pair of stocks to prevent their escape, till the Picts had more leisure to put them to death.

The father knowing very well what would come of them, advised the cutting off of each of their legs; which done, they made a shift to return to their own men; and at the next battle, fatal to the Picts, they were observed to behave themselves with a new courage, wherewith the loss of their legs had animated them.

The fortune of the Scots at length prevailing, this King Kenneth, in his just revenge, laid not aside his arms, until he had extirpated the whole nation of the Picts. Their possessions he divided amongst his men, as they best deserved, and upon Birnie he bestowed a barony of land near Elgin, in the shire of Murray, yet bearing his name, and which his posterity enjoyed for a long time thereafter, and gave them for their arms, *gules*, in resemblance of the late bloody battle, a fesse, the mark of honour, betwixt the bow and arrow in full draught, the most ancient arms then in use, and the three legs couped at the thigh, in perpetual remembrance of their valour; as to be seen among the Plates of Achievement in Vol. I. Pl. 7.

This estate continued in their possession till about the latter end of the civil wars, in the minority of King James VI. the last whereof was the above William, who married Margaret, daughter to Fraser of Philorth, and, after Birnie's death, was, by Queen Mary, made Mistress of the Mint. He left of issue only one son, Mr William Birnie, who, at age, and after three years study abroad, was, upon the 28th of December 1597, presented by King James VI. to the church of Lanark, and made by him, also a member of both the Courts of High Commission: in which parish, because of the several quarrels and feuds amongst the gentlemen, he not only learnedly preached the gospel, but was obliged many times, as he well could, to make use of his sword. He married Elizabeth, a brother's daughter of Lindsay of Covington, and had issue, John, a merchant, who died without heirs-male; James, a merchant in Poland; and after secretary to John Casimir King of Poland, who had no male issue; and Robert, Mr William's third son, who was also, by presentation from King Charles I. of the date the 23d of November 1643, made minister at Lanark. He married Christian, daughter to Dr Patrick Melvin, Professor of the Oriental Languages at St Andrews, of the family of Raith. This Christian was so good a proficient in the Hebrew language, that she was able to English it in any part, even without points. They had of issue one son, the above Mr John, and a daughter, Janet, married to Mr John Irvine of Saphock, whose son, Mr Alexander, now of Saphock, advocate, is the true heir-male and representative of the family of Drum, and married Barbara, daughter to Dundas of that Ilk. Mr John Birnie married Jean, daughter to James Hamilton of Broomhill, Bishop of Galloway, second son of Sir James Hamilton of Broomhill, baronet; the bishop's eldest brother being John Hamilton the first Lord Belhaven. He had issue the

present John Birnie of Broomhill, Mr Alexander, an advocate, and Isabel, married to George Muirhead of Whitecastle.

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#### IRVINE OF DRUM.

THE name and family is very ancient. Some antiquaries bring the name *Erevine*, now written *Irvine*, from the Celto-Scythic word *Erin-vine* or *Fein*, which signifies a stout westland man: For *Erin*, in the old Gaelic or Welsh, signifieth west; and *Vine* or *Fein*, a resolute and worthy man. Ireland is at this day called *Erin*, both by its ancient inhabitants and those of Albion, because its situation is west from Albion.

When the colonies of the Gauls came from the west coasts of Spain, and seated themselves in the east coasts of Erin, and in the west hills and islands of Albion, then the *Erevines* came to both these islands. The *Silures* of South Wales were of these colonies, as Tacitus affirmeth: And the *Brigantes*, both of Albion and Erin were of the same.

Those among them in Albion, called *Erevines*, had their seat in that part of the country now called Cunningham; they gave their name to the river, and to their own habitation, at present called the town of Erevine or Irvine. The chief of them was *Abthane of Dule*, an honourable title of old. John Major *de Gest. Scot. lib. 3. cap. 9.* relateth that Erevine, the Abthane, married the only daughter of King Malcolm II. who began to reign *anno 1004*. He sayeth this Malcolm "filiam unigenitam habuit hæredem quam nuptui tradidit Eryvino Abthano de Dule, id est, Senescallo regis in insulis ad colligendos regios proven-tus."

Some of this family went to the south, and took up their dwelling upon the river Esk, at present called Castle-Irvine or Irvine-Hall; by marriage the eldest of the family there got the lands of Bonshaw, which they as yet possess.

King Robert the Bruce, when he fled from Edward Longshanks, came to Bonshaw, and took thence the eldest son of the family, Sir WILLIAM IRVINE, to wait on him: He made him his Secretary and Armour-bearer; and, because of his remarkable fidelity to him in all adversities, this king gave him the lands of the Forest of Drum; and, he himself having carried as a private badge three laurel leaves, with these words, *Sub sole, sub umbra virens*, he gave to this William, Drum's predecessor, for arms, three holly leaves, which is a kind of laurel, with the foresaid motto, *Sub sole, sub umbra virens*. Thus the armorial bearing of the family is *argent*, three holly branches, each consisting of as many leaves proper, banded together *gules*. The supporters are two savages wreathed about head and loins with hollies, bearing battons in their hands. This is vouched from the charters of the family, and by Sir George Mackenzie in his Book of Heraldry.

Sometime thereafter the Laird of DRUM married the daughter of Sir Robert Keith, Knight Marischal, whom he had by Margaret Hay, daughter to Gilbert Lord Hay, first Constable of that family. This Sir Robert Keith was killed at the battle of Durham, *anno 1346*.

The son of this Drum, SIR ALEXANDER IRVINE, commanded the Lowland forces at Harlaw in 1411, killed with his own hand Maclean, a chief commander of the Highlanders, and was there killed himself; as Hector Boethius relates, saying, That he was *ob præcipuum robur conspicuus*.

His brother, named also Sir ALEXANDER, succeeded, and was one of the Commissioners sent by the Estates of Scotland to treat anent the ransom of King James I. and to bring him home; as Hector Boethius and Drummond of Hawthornden testify. John Major, in his History, *lib. 6. cap. 12.* sayeth, He was knighted by this king in his second Parliament holden at Perth: His words are,

“Equitem auratum militari balteo præcinxit;” there he reckoneth this family “inter veterum familias.”

This Sir ALEXANDER married a daughter of the Lord Keith Knight Marischal, by whom he had Alexander, and another son, to whom he gave the lands of Redmire and Whiterigs in the Mearns, holding as yet of Drum. From this second son are descended the Irvines of Lenturk.

ALEXANDER married ——— Abermethy, daughter to the Lord Salton, by whom he had Alexander Irvine of Drum, who married Katharine Forbes, daughter to the Lord Forbes: By her he had three sons, Alexander, Richard of Craigton, from whom are descended the Irvines of Hilton, and Henry, and a daughter Lady Wardes.

ALEXANDER married ——— Allardice, only daughter to Allardice of that ilk; by whom he had a son, Alexander, and two daughters; one married to Balbegno, and another to Fraser of Muchil, the predecessor of the Lord Fraser.

ALEXANDER married Elizabeth Ogilvie, daughter to the Laird of Findlater, who was killed at Pinky, *anno* 1547. He left six sons and three daughters; Alexander, William of Ardogie, Robert of Tillilair, from whom Fortry is descended, Gilbert of Cullairly, who had three sons, Alexander, Gilbert, and John of Murthill, James, Knight of Malta, ordained by the Great Master, Prior of the Order in Scotland, and was to have been created Lord Torphichen, had he submitted to the Reformation, and John the sixth son. The daughters were, Janet married to Gordon of Abergeldy, Elizabeth to the Laird of Meldrum, and the third to Arnadge.

From JOHN of Murthill, now mentioned, are descended the Irvines of Murthill and Cults.

ALEXANDER, the eldest, married Lady Elizabeth Keith, daughter to the Earl Marischal, by whom he had five sons and four daughters. The eldest married to Ury, the second to Keith of Craig-Inverugie, third to Ogilvy of Boyne, and the fourth to Menzies of Pitfoddels. The sons were, Alexander, the eldest, second Robert of Fornet or Montcoffer, extinct, third James of Brucklaw, the predecessor of Saphock, fourth William of Bealty also extinct, and the fifth John of Ardtamford, the predecessor of Crimond and Ardtamford.

That this JAMES was the third son, and John the fifth, is instructed by the two original charters granted by Drum, their father, to them, the one dated 5th February 1598, and the other 27th March 1602, in the custody of Mr Irvine of Saphock, which serves to rectify a mistake in the First Volume, page 395.

ALEXANDER, son of this Drum, married Marion Douglas, daughter to the Earl of Buchan. He had two sons, Alexander and Robert of Fedderet, and five daughters; eldest Lady Banff, second married to Urquhart of Leathers, third to Douglas of Glenbervie, fourth to Ogilvie of Innerquharly, and the fifth to Graham of Morphy.

ROBERT, the second son, married ——— Campbell, daughter to Glenorchy. He had two sons, Alexander and Robert, and two daughters, one married to Gordon of Gight, and the other to Fraser of Strichen. Alexander married Lady Elizabeth Ogilvie, daughter to the Earl of Findlater: Both he and his brother Robert died without male issue. This Drum mortified four bursaries to the Grammar-school of Aberdeen, at L. 80 Scots each; to the university there, four of philosophy at L. 100 Scots, and two of divinity at 200 merks each. His lady endowed an hospital for relief of poor widows: Of all which Drum is patron.

His eldest son, Sir ALEXANDER IRVINE, was Sheriff-Principal of Aberdeen; he married Magdalen Scrymgeour, daughter to Dudhope, Constable of Dundee, and had five sons, Alexander, Robert, James, Charles, and Francis; the four younger died without issue; and six daughters, Marion married to the Viscount of Fren-draught, Anne to the Earl of Aboyne, Elizabeth, Jean, Isabel, and Margaret.

ALEXANDER married Lady Mary Gordon, daughter to the Marquis of Huntly, and had by her three sons, Alexander, Robert, and Charles; and four daughters, Mary married to Patrick Count Leslie of Balquhain, Margaret to Menzies of Pitfoddels, Jean to Irvine of Murthill, and Henrietta to Pitcaple. By a second marriage he

upon record, made me think that I would have been wanting to the public, and many families all Europe over, should I not have given a more particular deduction thereof.

*Gentilitian*, or family names, are but of late, which obliges me to go back to former ages. The *Ptolemies*, *Fabii*, *Bruti*, and *Ciceros* were so called on different accounts; but the noblest rise of surnames was from the arms under which they and their ancestors had performed glorious achievements (*a*), which, after the wars, they retained.

Thence it is a clear proof of a noble descent, when the name is taken from these bearings (*b*), amongst the most divine and heroic, whereof we find the Horns, and that glory (*c*), honour, beauty, and empire, are by them symbolized (*d*).

They were the sacred and royal badges of the gods and heroes (*e*). *Jupiter*, *Juno*, *Sospita*, *Pan*, and other deities, distinguished themselves by these; and, upon their first appearance upon the brave Prætor's head, he was by the soothsayers saluted king (*f*).

*Bacchus* that mighty conqueror carried the horns in his crest and banners, and therefore was called *Corniger*. Alexander King of Macedon no sooner fancied himself the son of *Jupiter*, than he clapt the horns in his crest and coins, as conqueror of the eastern and western empires, and was foretold by the prophet (*g*), by the goat with the horns, and the æra from his conquests was called *dalcarnaim* or horned (*b*).

Pyrrhus, the bravest of all his successors, perpetuate this heroic bearing to his descendants (*i*), who, in the wars with Hannibal, left Eprus, joined the Romans, and from their arms, as *Bacchus* and Alexander formerly, were called *Cornuti*, *Cornigeri*, and *Cornificii*, and afforded generals, consuls, prætors, and other magistrates to that glorious republic.

The using the same name and arms is an uncontested proof of cadency and descent. These of the *Cornuti*, and those of the surname of Horn have been always the same (*k*); for upon the fatal division of the empire to Constantine's sons, we find them blazoned (*l*), "Duo cornua venatoria rubra in parma lutea, quæ in summo in instar lunæ flectuntur duplici circulo margo circumdatur." By the two horns representing the eastern and western empires, by the two circles, insinuating, that although they were divided in the persons of two emperors, yet they continued one and the same, to which they had a *Minerva* added (*m*), in token of their wisdom as well as valour.

Frequent mention is made by the Roman and other historians of the *Cornuti*, and great actions by them performed.

It was they who, under the brave Julian, retrieved the sinking glory of Rome at the battle of Strasburg against the united Germans. "Cornuti enim (says an eye witness) (*n*) usu armorum diu assueti gestu terrentes barritum civere arma armis corpora corporibus obtrudebant," whereby they stayed the flying army, and obtained a glorious victory.

It was also they who suppress the usurpation of Sylvanus against Constantius: "Cæsis custodibus (writes the same author) (*o*) regia penetrata Sylvanum extractum ædiculo, quo exanimatus confugerat densis gladiatorum ictibus trucidarunt."

Besides, what is writ of the *Cornuti* in general, we have upon record many great men of that name. Sextus Cornutus, an illustrious senator, asserted the Roman liberty against Cinna and Marius, and in that bloody proscription was saved by the fidelity of his slaves (*p*), in taking the body of a slaughtered plebeian, putting their master's clothes upon him, with his ring on his finger, rolling all in blood, bringing in the satellites to see their slaughtered lord, sending the ring to Marius, thereby to get the promised reward, giving the funeral pale, whereby all further enquiry was laid aside, and he escaped to the Gauls.

Julius Cæsar, in his greatest danger, did animate his fainting army by telling them, after his loss at Dyrachium, that Quintus Cornutus (or Cornificius) was

(*a*) Juris. prud. per page 112. (*b*) Pasch. lib. 10. 4. (*c*) Psal. ch. 89. ver. 17. (*d*) Psal. 92. ver. 10. (*e*) Span. d. us. num. pag. 400. (*f*) Val. Max. lib. 5. cap. 6. § 2. (*g*) Dan. cap. 8. ver. 21. (*h*) Alfran. cap. 1. § 6. d. seris. (*i*) Plut. in vita Pyrrh. (*k*) Alicat. par. lib. 5. cap. 13. (*l*) Græv. Theat. ant. Rom. pag. 1828. (*m*) Ibid. pag. 1830. (*n*) Ammian. Marcel. lib. 18. cap. 12. (*o*) Lib. 15. cap. 12. (*p*) Plut. in vita Marii.

coming with two legions to their assistance, to whom, after Pharsalia, the finishing of the civil war was committed; he put an end thereto with a great deal of glory (*y*) and in memory thereof built Cornutum, (now Presburg) the capital of Upper Hungary. He arraigned Brutus, as Agrippa did Cassius, for Cæsar's murder (*z*).

Augustus Cæsar did owe the preservation of his army in Sicily to Lucius Cornutus, who had that island for his province, which being reduced to great straits by the shipwreck of Augustus coming to their relief, yet he made a brave retreat in the face of Pompey the younger's army. He was consul with Sextus Pompeius, Augustus' near kinsman (*s*), and repaired the buildings consecrated to *Diana* at Rome (*t*).

There was another brave republican, Quintus Cornutus, or Cornuficius, who, with Brutus and Cassius, stood for the senate against the Triumvirs, and received into Africa his province all that fled thither; but after he had done all that was possible for his country's liberty, finding his army dispirited, he disdainfully called them *Galleati Lepores* (*u*), and died on his sword; it was to him that Cicero wrote his 17, 18, 20, and 22 epistles. There are several coins still extant, bearing the effigies and inscription of *Quintus Cornutus Augur & Imperator* (*v*).

Tacitus (*w*) affords us another noble Roman and lover of his country, Cecilius Cornutus, who had been prætor among the Gauls, and in that time, by his justice and liberality, had gained a great ascendant over that nation. He was accused by Tiberius, as having advanced great sums of money to make them revolt; but rather as undergo a trial before a prince where virtue was a crime, according to the then heroic custom, he made choice of a voluntary death.

There was another Cornutus sent over from Boulogne by Julius Cæsar with the British ambassadors, to discover the country and inhabitants; Echard calls him *Corneo* (*x*).

They were not only famous in the state for arms and government, but also for learning. Æneas Cornutus fell under Nero's displeasure for saying he had writ too much (*y*); he criticised Virgil (*z*). And there was another no ways inferior to Livy for history; and in what esteem a third was, appears from Persius's 5th Satire; a fourth wrote mythology, or the history of the gods; and the learned Cornuficia did show that poesie and letters were not denied her sex.

By the way, I must notice why the horns, the most honourable of all the ancient bearings, should be pointed to a certain kind of men, as a badge of their misfortunes; and I find (laying aside the story of Andronicus, and venison sent to his favourite ladies, the horns whereof the husbands next day affixed to their gates, to show the favour they were in with the emperor, and the curious *Acteon* with the bathing *Diana*) (*a*) the jest to have arisen from Lucius Cornutus, a tribune in the Roman army, who being suspected of an intrigue with a lady, from whose lodgings being called suddenly, he, by an unlucky mistake, clapt the husband's helmet on his head, thinking it his own, who, not dreading the consequences, followed with that of his guest with the horns; and both appearing in the army thus dressed, occasioned an huzza; the confusion on both sides was great; the casques were with mutual blushes returned; the story spread, as scandals do, and gave rise to the calling all such good-natured husbands *Cornuti*, and their assistants *Cornuficii*, and the continuing that by-name with that branch of the family, a thing very usual among the Romans (*b*).

Having given a short hint of the *Cornuti*, whilst the state of Rome remained under consuls and emperors, with the succeeding Goths they continued in good friendship; but Attila and his barbarous Huns having wasted Italy, the *Cornuti* were obliged to shift, some whereof retired to the islands in the Adriatic Sea, and with other noble Romans founded the city and republic of Venice; others lurked in Italy, a third joined Meroveus King of the Franks, but the greatest part

(*g*) Cæs. Com. de Bell. Alex. (*r*) Plut. in vita Bruti. (*s*) Dion. Cass. pag. 242. (*t*) Suet. in vita Augustus. (*u*) Vos. de nat. art. p. 35. (*v*) Patin. fam. Rom. pag. 93. (*w*) Lib. 4. cap. 8. (*x*) Vol. 1. page 307. (*y*) Dion. Cas. page 250. (*z*) Aul. Gel. lib. 2. cap. 6. (*a*) Span. d. us. num. page 202. (*b*) Cartr. Hist. Rom. vol. 13. page 93.

associated with Thorismund King of the Goths, and for some ages shared in their fortunes.

This once-united *Gen*s or tribe being thus separate, could not but receive an alteration in their surnames, according to the humour and languages of the several nations with whom they had associated, yet still they retained the paternal and family arms.

In the State of Venice, where lofty and sonorous names were affected, from *de Cornu* they assumed *de Cornaro*; of which house the three branches are St Maurice, St Paul, and Calle, brothers to the renowned Queen of Cyprus; they are a size of nobility above all the families in that state, and carry themselves so high, that many daughters have become nuns, lest they should be obliged to change their own most noble name with that of a husband (*c*); they have been Doges, and borne the greatest offices both in church and state.

In Italy they retain the name *de Cornu* or *Corneo*; of which there are several great families still extant; and frequent mention is made (*d*) of the brave *Ascanio de Cornu*, to whom the victory of Lepanto and preservation of Malta against the Turks in a great measure was owing. He had a hand in all the exploits performed by Don John, both in Africa and the Low Countries.

In France they are Lords of Villeneuve, near Montreuil, and retain the name *de Cornu* & *Cornutus*. They were famous in the gown; *Gautier de Cornu*, anno 1223, was Archbishop of Sens, and great Eleemosynary to Philip Augustus. *Gilon de Cornu* was also an archbishop, and attended St Louis to the holy wars. The Sees of Chartres and Nevers were also filled by two of his name (*e*).

As to the fourth and greatest part of this once-united clan, which associated with the Goths, *horn* signifying the same thing in the Sclavonian, Gothic, German, Dutch, and British languages, that *cornu* did in the Latin, they assumed the surname of Horn, but still retained the paternal arms without the least alteration.

The Goths having retired to Sweden, the Horns seated on the Maese, and built the city and Castle of Horn on that river, Horn in North Holland, Hornburgh in the Lower Germany, with a great many other towns and castles, of which, although at first they had the sovereignty, yet since many of them have been wrested from their first founders, of whom they retain now no more than the name and arms.

Christopher Butkins, in his *Trophies Brabantia*, writes thus: "The House of Horn is the most ancient and illustrious of the seventeen provinces; and for its antiquity, power, and high alliances, deserves to be placed among the sovereign states, it being certain that the lords of that house have possessed their estates, without any dependance or homage to any other prince, and were absolute sovereigns of the country on the Maese, and as such did coin money with their own impressions, which do still pass current in the county of Liege."

Gille, a Monk of Arville, in his Annals of the Bishops of Liege, writes the history of this noble family from the year 1701, "That *Cowrade Count de Horn* associate with the Bishop of Liege, Earls of Namur and Luxemburg, for keeping the peace of the country, but excuseth his not going further back, because some years before that time, the Normans, by a barbarous eruption on the Maese, burnt down churches, records, and monuments, whereby the memory of preceding actions might have been transmitted to posterity."

This illustrious and independent house lost their sovereignty anno 1106, by William I. associating with the neighbouring princes against Henry V. who, by his imperial power, had divested the Duke of Limburg of the Dutchy of Brabant, and given it to Godfrey Duke of Lorraine, which they thought of bad example; and although at first the success was doubtful, yet, in the end, victory inclined to the imperial side, whereby the count, after a siege in his own town of Horn, was obliged to capitulate, and buy his piece at the rate of his independency, and, from a free and absolute prince, became a feudatory of the Roman Empire.

The Counts of Horn, as Knights of the Golden Fleece, do bear (*f*) "Tria cor-

(c) Barn. Let. from Florence. (d) Strada, Ricl. Tur. page 522. tom. 3. (e) Guil. le Brer. lib. 22. (f) Chiff. de Gen. less. cap. 21. page 73.

“*nua venatoria coccinea, argento armillata in scuto aureo apex: pileus turbina- tus hermonicus margine pavonico lacinia Ponticæ et coccinea.*”

Their lands were erected into a principality by Charles last King of Spain, in the person of Eugene Maximilian Prince and Count *de Hornes*, *anno* 1677, whose son Philip Emanuel, Prince and Count, was Lieutenant-General to his Catholic Majesty, and grandee of the first rank in Spain; he was bred from his youth in the wars both in Hungary against the Turks, and in his own country, and, after signal services done to the Spanish Monarchy, he died at Brussels of the wounds he had received at Ramillies.

This most illustrious family is presently represented by Maximilian Emanuel Prince and Count *de Hornes Onercourt*, Count of Bassigne, Hautkirk Baliul, &c. He was born at Brussels the 31st of August 1695, and is married to Lady Charlotte Mary Bruce, only daughter to Robert Earl of Edgin and Aylesbury, a male branch of the royal family of the Bruces by the Countess Sanau, in a second marriage, and is short of none of his noble ancestors.

They have matched with the imperial and greatest families in Europe. Gerard, the first Count *de Hornes* was married, *anno* 1356, to Emergard, daughter to the Emperor Albert, William VI. to Elizabeth of Cleves, whereby Theodore, their son, succeeded to great estates: his grandchild, *Mary de Hornes*, was married to the renowned John Stewart Earl of Marr, nephew to Robert III. King of Scots, who got with her the lordships of Duffel and Walhem (*g*). He was among the first of our Scots heroes, and obtained glorious victories abroad, and, at Harlaw, in Aberdeenshire, where he beat Donald of the Isles with triple his number.

The House of Orange do bear the hunting-horn in their arms and coins for the lordships of Sichern and Diest, got by a match with this family.

It is from this noble and ancient House of Horn we see innumerable generals and noble and honourable families descended in most parts of Europe, who, in each age, have made a bright appearance in some parts thereof.

In Sweden they afforded a tract of heroes from Sigismund III. son to William IV. Count *d'Hornes*, who was sent by his father to the aid of Magnus IV. King of Sweden against the Muscovites; since which time all the race have been either generals, colonels, or senators of that kingdom, and have greatly enlarged the dominions and glory thereof.

Gustavus Horn, General to the great Gustavus Adolphus and Marechal of France, was descended of this branch, ever victorious till the battle of Norlingen, fought contrary to his advice, where 12,000 Germans and Swedes were killed, and he made prisoner; of which overthrow Puffendorff having given the lamentable account, concludes (*b*), “*Sed maxima jactura in Horneo erat: a cujus sententia, si res gestæ fuissent irreparabilis clades declinari poterat.*” He was received by Ferdinand King of the Romans and Hungary, who commanded for the emperor, with all the marks of esteem due to so great a man; and, after some months generous entertainment, had his liberty; and was one of the Administrators to the crown of Sweden during Queen Christina's minority.

Count Henry Horn, nephew to Gustavus, as he succeeded to his uncle in his great estates, so in arms he endeavoured to follow his example, for being general of the Swedish army, which did not exceed 30,000 men, he overthrew at Warsaw 50,000 Poles and as many Tartars, who were come to their aid in one day, they being separately encamped; an action worthy to be recorded to all posterity.

As in the Roman world this race not only afforded great generals, but also statesmen, so, in ours, Count Arvid Horn was High Chancellor of Sweden during the last king's reign, and gave great proofs of his consummate abilities at such a critical juncture, and at the great Congress at Lubeck, *anno* 1651. Lord Chancellor Horn, for Prussia, contributed very much, with the Imperial, French, Swedish, and other ambassadors to the peace of Germany (*i*).

There is yet a Swedish General no less to be noticed than any of these we have mentioned, Count Hening Rudolph Horn, Senator of the kingdom, Major-General and Commander in Chief at Narva, who, with 1800 men, defended that city against 100,000 Muscovites for three months, whereby he afforded his glorious monarch a

(*g*) Jur. Her. page 283.

(*b*) page 162.

(*i*) Can. Mem. p. 253.

noble scene, the 29th November 1700, of beating that numerous army, and taking more prisoners than there were soldiers on the Swedish side (*k*); he had a great hand in all his sovereign's transactions whom he represented, by sitting at dinner upon King Stanislaus's right hand, and conducting the Queen the day of his coronation (*l*).

In Greece, anno 1688, General Horn commanded the confederate army with Cornaro; for the Venetians took Athens, and gave several signal defeats to the Turks (*m*).

There was another noble branch of this House, Counts of Bassigne Gnesbeck, &c. of which house Maximilian was Great Chamberlain to the Emperor Charles V.; and in another chapter held at Middleburgh, anno 1515, was made Knight of the Golden Fleece (*n*).

Strada (*o*) mentions a brave patriot, *William d'Horn*, a young Lord Baron of Heze, and Governor of Brussels, who, at the shaking off the Spanish yoke, ordered Glimes, Governor of Brabant, to enter the palace, and make all those of the Spanish faction prisoners. He restored peace to that city then in a great commotion. He was still faithful to his prince, although with many others mistaken, and lost his head in the cause.

In England they appeared in *toga* & *saga*. Robert Horn was Bishop of Winchester and Prelate of the Garter (*p*). And Andrew Horn's Learned Mirror of Justice, wrote in the reign of Edward I. shows his eminency in the laws.

Robert Horn, with the Lord Falconbridge, led the van of Edward IV's army anno 1461, and obtained a glorious, though bloody victory (*q*). Sir William Horn, son to Thomas Horn of Snailwell, for his bravery was knighted in the field by Henry VII. and afterwards Lord Mayor of London. And to conclude, in ancient or modern histories we do not find any one name that hath afforded more brave generals or valiant soldiers than this of Horn.

This illustrious house, whose branches, like a mighty cedar, have spread all Europe over, afforded also to us a scion cultivate by a royal hand. For King David being obliged, by the invasion of Edward Baliol, to pass much of his youth in France, where *Oubo d'Horn*, third son to *Gerard Count d'Hornes* (*r*), was High Admiral (*s*), and in that time had done him many signal services, and having sent over *John d'Horn*, his near kinsman of the House of Horn, to congratulate his majesty upon his return from his captivity in England, his majesty was so well pleased with the messenger, that he thought it a proper method to retain him, and acknowledge former services, to bestow upon this stranger the honour of his cousin Janet, daughter (as I have good ground to believe) to Sir William Fraser of Cowe, second son and heir-male to Sir Alexander Fraser, first Chamberlain of Scotland, in marriage, with the lands of Glenlyon; all which do exactly agree with the chronology, and several documents before me, particularly the following charter, still extant, and in the public registers.

" David D. G. Rex Scotorum: Sciatis nos dedisse, &c. dilecto & fideli nostro  
 " Joanni de Horn, & Jannetæ, sponsæ suæ consanguinæ nostræ predilectæ, totam  
 " terram nostram de Glenlyon in Athol, cum justis suis pertinend. tenen. & haben.  
 " eidem Joanni & Jannetæ, &c. cum libertatibus, &c. ad dictam terram pertinen.  
 " quosque eisdem fieri fecimus, statum hæreditarium de tanta terra in loco com-  
 " petenti faciendo, inde servitium debitum & consuetum, revocatione nostra ulti-  
 " mo facta, non obstante. In cujus rei testimonium præsentî cartæ nostræ, sigil-  
 " lum nostrum præcipimus apponi. Testibus Patricio Episcopo Brichinen. Can-  
 " cellario nostro, Roberto Senescallo Scotiæ Comite de Strathern nepote nostro,  
 " Roberto de Erskin, & Archibaldo de Douglass, militibus, apud Perth, duodecimo  
 " Martii, anno regni nostri tricesimo nono."

Their descendants possessed these lands till after King James I.'s return from England, at which time differences having arisen in the royal family, they, with many others, suffered thereby.

(*k*) Hist. K. of Swed. (*l*) Hist. Eur. an. 1705. p. 375. (*m*) Ricl. Hist. tom. 3. p. 320. (*n*) Chif. Cap. 143. (*o*) Vol. I. p. 467. (*p*) Holin. p. 1299. (*q*) Holin. p. 664. (*r*) Sup. Mor. Dict. Horns. (*s*) Mich. Vas. Cat. d'Adm. de Fr.

JOHN HORN of that Ilk and Westerhall, as representing that family, bears the paternal coat-armorial, and hath in some measure retrieved the breaches made by his predecessors. For, in the late civil wars, John and Andrew Horn, his two uncles, raised all they could for the service of King Charles II. their royal master, whom they attended to Worcester, leaving nothing to James, their younger brother, his father, then a child, save some small reversions, where John, who commanded a troop of horse, was killed, and Andrew obliged to flee to Sweden, where he was kindly received, and advanced by Count Henry Horn, the then Swedish general.

I here take occasion to rectify a former mistake, and do justice to the lairds of Pitcaple, from which house the above gentleman is descended. For, in the former Treatise (*t*), David Leslie, first Laird of Pitcaple, is said to have been a son of Kincaigie's, while, as I find by undoubted proofs, and a charter before me, dated the 5th day of March 1457, William Leslie of Balquhain, *miles*, resigning in the sovereign's hands the lands of Harlaw, Rasiuet, barony of Pitcaple, and others, in favours of David Leslie, his eldest son of a second marriage, procreate betwixt him and Euphame Lindsay, and that this lady was only child to William Lindsay of Cairnie, second son to David first Earl of Crawford, who married Janet, daughter to King Robert II. and that the lairds of Balquhain got the said lands of Cairnie by that marriage, of which the present lairds of Pitcaple are descended.

There are a great many honourable families of this surname in England, and other places, with some distinction, such as Horner, descended of the noble *Cornuficii*, Langhorn, a family distinguished for their loyalty in the late civil wars, Coehorn the brave general, and famous engineer in the Revolution wars, with several others bearing the same arms with some mark of distinction.

To conclude, there are innumerable documents which do instruct the antiquity, high alliances, noble and lineal descent, martial achievements, and great esteem this House of Horn hath been always in, as far back as we have history, whereby it may justly claim not only a place in this book, but also among the most illustrious families in Europe.

HORN of Westerhall does bear the paternal coat *or*, three hunting-horns *gules*, above the shield a helmet, with a mantle *gules*, doubling *argent*, and on a wreath of his colours is set, for his crest, two-horns conjoined *parti per fesse, or* and *sable*, counter-charged; and, on an escrol, above this motto, *Moneo & munio*.

#### SOMERVILLE LORD SOMERVILLE.

THE first of this noble and very ancient family was Sir GUALTIER DE SOMERVILLE, who came into England with William the Conqueror, and, as a reward for his great merit and services, obtained from that victorious duke the lordship of Whichenovre, in the county of Stafford, where his descendants long continued in great splendour.

WILLIAM DE SOMERVILLE, a younger son of the Lord of Whichenovre, went into Scotland about the year 1130, in the reign of King David I. with whom he became in great favour, as appears by his being a frequent witness to the religious grants made by that prince; particularly we find him, with other nobles of that court, a witness to the foundation of the abbacy of Melrose, *anno* 1136. He obtained from King David the lands and barony of Carnwath, in the county of Lanark; and afterwards, for his eminent services to Malcolm IV. his successor, he got the barony of Linton in Tweeddale.

This WILLIAM was succeeded by another William, who was much in the favour of King William the Lion; and, at the marriage of Alexander II. was one of the nobles appointed by that king to exercise in a tournament at the castle of Rox-

burgh. He married Margaret, daughter of *Walter de Newbiggin* Lord of Dunsyre, by whom he had

WILLIAM his son and heir, the third of that name, whom we find a great favourite of Alexander III. and was by that prince knighted; for in a grant of the church of Walston to the Episcopal See of Glasgow, *anno* 1293, he is designed *Dominus Gulielmus de Somerville, miles*. He was succeeded by his son

Sir WALTER DE SOMERVILLE, who fought bravely in defence of his country in favour of King Robert I. by whom he was taken into a great degree of confidence. He married Giles, the only daughter of Sir John Herring, and with her he had the barony of Gilmerton, in which are the lands of Drum and Goodtrees. He was succeeded by his son

Sir THOMAS DE SOMERVILLE, who was no less faithful to King David Bruce than his father had been to King Robert, having attended that prince at the battle of Durham. He was afterwards sent into England to treat of the king's ransom; and, amongst other nobles of the kingdom, we find *Sir Thomas de Somerville* one of the hostages for his prince, *anno* 1337. He married Elizabeth, daughter of Sir James Douglas of Loudon, paternal ancestor to the present Earl of Morton, by whom he had

Sir WILLIAM SOMERVILLE, who was much in favour with King Robert II. He married Katharine, daughter and co-heir of the Lord Maxwell, in the county of Stirling, by whom he had

Sir THOMAS SOMERVILLE, his heir, (and William, of whom the Somervilles of Cambdo and Newbigging are descended.) Sir Thomas was one of the hostages for the ransom of King James I. from his captivity in England. He married Janet, daughter of Alexander Stewart Lord Darnly, ancestor of the Earls of Lennox, and from whom King James VI. by his father, is descended; with her he had the lands of Cambusnethan, in the county of Lanark, which was afterwards given away in patrimony to a younger son (of whom the Somervilles of Corehouse are descended.) He was succeeded by

Sir WILLIAM his son, first Lord Somerville and Baron of Carnwath, so created by King James II. *anno* 1452. This Lord married Janet, daughter of Sir John Mowat of Stonehouse, by whom he had John, his successor, and William, of whom came the Somervilles of Plain; as also two daughters, Janet, married to Ralph Weir of Blackwood, and Mary, to William Cleveland of that ilk. This lord died *anno* 1456, and was succeeded by his son

JOHN LORD SOMERVILLE, who married Helen Hepburn, daughter of Adam Lord Hailes, and sister to the first Earl of Bothwell, by whom he had William, his heir, and Elizabeth, married to Archibald Campbell, eldest son of the first Lord of Campbell, ancestor to the present Duke of Argyle.

WILLIAM LORD SOMERVILLE married Marjory, daughter of Hugh Lord Montgomery, afterwards Earl of Eglinton, and had issue

HUGH LORD SOMERVILLE, a great favourite with King James V. that prince having frequently honoured him with his presence at his lordship's seat at Cowthally. This noble lord made a considerable figure in this king's reign, having attended his majesty in the unfortunate expedition to Solway, *anno* 1542, where his lordship was taken prisoner. He was eminently concerned in all the public transactions during the minority of Queen Mary: But having, when prisoner in England, contracted a friendship with King Henry VIII. he was a great enemy to the French interest, and was for uniting the two kingdoms. He married first Anne, daughter of James Earl of Arran, ancestor to his Grace the present Duke of Hamilton; but by this lady had no issue. His second wife was Janet, daughter of Sir William Maitland of Lethington, ancestor to the present Earl of Lauderdale, by whom he had

JAMES, his successor, and Hugh (of whom are descended the Somervilles of Spittle); also three daughters, Janet, married to Sir Charles Murray of Cockpool, from whom descended John Murray of Lochmaben, first Viscount of Annan, and afterwards Earl of Annandale; Marjory, the second, to James Tweedie of Drimelzier, an ancient family in the county of Tweeddale; Margaret, the third daughter, was married to Sir John Carmichael of that ilk, Captain of his Majesty's Guards, ancestor to the present Earl of Hyndford.

JAMES LORD SOMERVILLE, together with the Earl of Athol, and the Lord Borthwick, made the strongest opposition to the Reformation, when it was debated in Parliament *anno* 1560. This lord married Agnes, daughter of Sir James Hamilton of Finart, first Baron of Evandale, by whom he had Hugh, his successor, and one daughter, married to Sir Alexander Jardine of Applegirth.

HUGH LORD SOMERVILLE was a man of great parts, and long of the Privy Council to King James VI. He married Eleanor, daughter of George Lord Seaton, ancestor to the Earls of Winton, by whom he had four sons; William, master of Somerville, a young nobleman of great hopes, who was unfortunately shot by his second brother John, who likewise died in his father's lifetime; Gilbert, the third son, became his father's successor, and Hugh, the fourth son, had for his patrimony the lands of Drum, Gilmerton and Goodtrees, by whom the male line of this noble family has since been preserved.

GILBERT LORD SOMERVILLE being a very weak man, and greatly imposed upon, consumed his whole estate, which was very considerable, and dying, *anno* 1618, without issue, the honours came to his brother Hugh Somerville of Drum: But as he had not the estate which formerly belonged to this noble family, he deferred taking the title of Lord Somerville; and thus this ancient title lay dormant for the space of 104 years, being from 1618 to 1722, when James Somerville of Drum, the fifth in a direct succession from the above-mentioned Hugh, twenty-fifth in a lineal male descent from Sir Gualtier, who came first into England with William the Conqueror, and the fourteenth Lord Somerville, claimed this ancient title; and by application to his Majesty and the House of Lords of Great Britain, has had the same confirmed as his undoubted right, and by order of Parliament is now restored to the ancient rank of his noble ancestors. His Lordship, in 1724, married Anne, the only daughter of Henry Baynton, of the county of Wilts, Esq. by Lady Anne, eldest daughter and co-heir of Wilmot Earl of Rochester.

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#### STEWART OF ARDVORLICH.

THE family of Baldorran, which is now represented by ROBERT STEWART of Ardvorlich, Esq. is lineally descended from *James More*, (so called in the Irish language from the tallness of his stature) one of the younger sons of Murdoch Duke of Albany, who was Governor of Scotland during the minority of King James I. Which James, upon the tragical death of his father Duke Murdoch, and the unhappy disaster of his two elder brothers, Walter and Alexander, (who were all of them beheaded at Stirling in May 1425) thought fit to retire to Ireland, where he continued all his lifetime. He left behind him several sons, amongst whom were, first, Andrew, his eldest, who was, by King James II. created Lord Evandale in the year 1459, and afterwards, by King James III. Chancellor of Scotland, *anno* 1461; second, Walter Stewart of Morphy, whose son, Alexander, succeeded his uncle, Andrew Lord Evandale, in his estate and honours; third, Arthur; fourth, James Stewart of Baldorran; of which last, who, from the smallness of his stature, is commonly called James Beg, *i. e.* *Little James*, is lineally descended the family of Ardvorlich, as is plain from the following deduction.

I. The first mention I have found of the foresaid JAMES BEG STEWART is in a charter granted by Isabel Dutchess of Albany, and Countess of Lennox, relict of the above Duke Murdoch, of a certain tenement of land in Drymen of Lennox, dated in the year 1443; in which charter he is designed by the said dutchess *Nepote nostro*. Afterwards, in *anno* 1464, he obtained, by the grant of his cousin, John Stewart Lord Darnly, the lands of Baldorran, lying within the earldom of Lennox, and shire of Stirling; as is evident from a charter still extant in the public records, whereby *Johannes Stewart Dominus de Dornle*, gives, "Dilecto consanguineo suo Jacobo Stewart de Albania ——— &c. totam & integram mediam partem orientalem omnium terrarum mearum de Baldorran.

" cum pertinentiis, jacent. in comitatu de Levenax, infra vicecomitatum de Strivelyn.—Datum apud Strivelyn septimo die mensis Januarii, anno Domini 1464, his testibus, Andrea domino Avandale cancellario Scotiæ, magistro Georgio de Abernethy, præposito ecclesiæ collegiatæ de Dumbertane,—Murdaco Stewart milite,—Matthæo Stewart de Cassiltoune, Johanne Maxwell de Nethër-Pollock,—magistro Andrea de Monteith, cum multis aliis." This charter is confirmed by King James III. January 12th 1464. *Vide Chart. 51. Libri 7. Arch. pub.* The above James Stewart of Baldorran married Annabella Buchanan, daughter to Patrick Buchanan of that Ilk, as evinceth a charter in his and the said Annabella's favours, upon his own resignation, of the lands of Duchlash, " jacentes in comitatu de Levenax, infra vicecomitatum de Dumbertane." This charter, which is granted by King James III. is dated also in the year 1464. *Vide Chart. 54. Lib. 7 Arch. pub.*

II. WILLIAM STEWART of Baldorran, son to the said James Beg, married Mariota Campbell, daughter to Colin Campbell of Glenorchy, ancestor to the Earl of Breadalbane; as evidently appears by a charter in both their favours, granted by Robert Menzies of Comrie, " De terris de Emyr-crechane, & Crostynterray jacent. in comitatu de Strathern, infra vicecomitatum de Perth, dilectis nostris Willielmo Stewart de Baldorran, pro toto tempore vitæ suæ, & post ejus decessum Mariotæ Campbell, filiæ Colini Campbell de Glenurquhay, pro toto tempore vitæ suæ, & post ejus decessum Waltero Stewart, filio dictorum Willielmi & Mariotæ, & hæredibus suis, &c.—Datum apud Loch-tay, 5to Octobris 1498.—Coram his testibus Duncano Campbell de Glenurquhay, Johanne Campbell de Achreach," &c. This charter is confirmed by King James IV. October 25. 1498. *Vide Lib. 13. Chart. 358. Arch. pub.*

III. WALTER STEWART of Baldorran, son to the above William, and Mariota Campbell, Glenorchy's daughter, succeeded his father in the lands of Baldorran. He obtained from King James IV. a charter of confirmation, whereby the king gives him " Totas & integras quinque mercatas antiqui extentus terrarum de Duchlash, jacent. in dominio de Rosneath, infra vicecomitatum nostrum de Dumbartane.—Datum apud Falkland, Septemb. 14. 1500." *Vide Lib. 13. Chart. 370. Arch. pub.* This Walter Stewart sold the lands of Baldorran to William Livingston of Kilsyth, ancestor to the Viscount of Kilsyth, about the year 1524, and afterwards purchased from one Janet Oquhanan a wadset-right she had upon some of the lands of Strathyre, in the shire of Perth, as appears by a charter in his favours of the said lands, dated anno 1528. He married \_\_\_\_\_ daughter to \_\_\_\_\_ by whom he had Walter his successor, ancestor to the family of Ardvorlich; as also two younger sons, who are commonly reckoned predecessors to the families of Gartnafuaro and Glenbuckie.

Now, although of late both these families last mentioned have controverted the above account, with respect to the primogeniture of the three brothers, each pretending his own predecessor was the eldest, and consequently the true representor of the Stewarts of Baldorran; yet it seems to be pretty clear that the family of Ardvorlich has the best title to it, as will evidently appear from the following reasons.

1mo. By the constant and inviolable tradition of the whole country, the family of Ardvorlich has been always acknowledged as the posterity of the eldest of the three brothers; to confirm which, it is asserted that the said James Beg, the common ancestor to the above three families, having, in his travels abroad, purchased and brought home with him two famous medicinal stones, which were very much esteemed, and looked upon as a sovereign remedy for several distempers incident to mankind, as also very necessary for curing most diseases in cattle; to which use they are still applied with very good success: Now these stones, because of their rare medicinal virtues, are, by uncontroverted tradition, said to have been the inseparable badges of primogeniture in the family of Baldorran, and to have been lineally transmitted from father to son, in a direct male line, from the said James Beg to the present Ardvorlich, in whose possession one of them still continues, the other being given away, as an extraordinary present, by Alexander, one of his predecessors, to one of the Earls of Murray.

2do, The almost universal consent of the cadets, not only of the family of Ardvorlich itself, but also of several of the cadets of the families of Gartnauaro and Glenbuckie, who have on several occasions acknowledged Ardvorlich to be the true representer of James Beg.

3tio, It has been always a custom in the Highlands for the heads of families, and no other but these, to have a patronymical designation, taken either from the name of the first founder of the family, or of the most remarkable person amongst the predecessors of the family: Thus the Duke of Argyll is called in the Irish language *Mac-Callain-More*, i. e. the son of Colin the Great, as being lineally descended from Sir Colin Campbell of Lochow, who was a famous man in the reign of King Alexander III. The Earl of Breadalbane is called *Mac-Callain-vic-Dhonochie*, i. e. the son of Colin the son of Duncan; because he represents Sir Colin Campbell first Laird of Glenorchy, who was son to Duncan first Lord Campbell: So Ardvorlich is always called *Mac-vic-Vaultir*, i. e. the grandson of Walter; because he is the true representer of Walter Stewart of Baldorran, grandson to James Beg, who was the first of the family that settled in the shire of Perth.

4to, It is also a very usual custom in the Highlands for the heads of families to be distinguished from the cadets, by a denomination taken from the place of residence of some of their ancestors; and it being acknowledged by all the three families above mentioned, that the usual residence of the Stewarts of Baldorran, for some time, was in a small island of Lochvennacher in Strathgartney; which makes it very probable, that this is the reason why the family of Ardvorlich, as now representing Stewart of Baldorran, has ever since been called in the Irish language *Sliochd-ty-an-oilean*, i. e. the Offspring of the House of the Island. But to return,

IV WALTER STEWART above-mentioned, who sold the lands of Baldorran in 1524, was succeeded by his son called also Walter, who married \_\_\_\_\_ daughter to \_\_\_\_\_ by whom he had

V. ALEXANDER STEWART of Ardvorlich his successor, who married \_\_\_\_\_ Drummond, daughter to David Drummond of Drummond-Erinach; and had by her,

VI. JAMES STEWART of Ardvorlich, his successor, who was first made Captain of one of the Independent Companies, for suppressing of theft in the Highlands, in *anno* 1642, and afterwards Major to the Marquis of Argyll's Regiment of Foot; as appears by his commission, dated October 24th 1648. He married Barbara, daughter to Robert Murray of Buchanty, a cadet of the family of Abercairny; by whom he had,

VII. ROBERT STEWART of Ardvorlich, who took to wife Jean, daughter to David Drummond of Conrie; and had by her,

VIII. JAMES STEWART of Ardvorlich, his successor, who married Elizabeth, only child of the first marriage, to John Buchanan last Laird of Buchanan; by whom he had,

IX. ROBERT STEWART, now of Ardvorlich, his successor, &c.

From what is above said, it evidently appears that the present Robert Stewart of Ardvorlich is not only the true representer of James Beg Stewart of Baldorran, grandchild to Murdoch Duke of Albany, but also heir of line to the old family of Buchanan, as representing his grandfather John, last Laird of Buchanan, who was twice married, first to Mrs Mary Erskine, daughter to the Lord Cardross, by whom he had Elizabeth the present Ardvorlich's mother. He married to his second wife one Mrs Jean Pringle, by whom he had only one daughter, Janet, married to Henry Buchanan of Leny. As to that objection which is raised by some friends of the family of Buchanan, that Ardvorlich's mother forfeited her right of succession, by marrying without consent of her father and other friends, it is answered, that the Laird of Buchanan was not in Scotland when his daughter married Ardvorlich; but as soon as he came home, he gave a declaration under his hand, dated *anno* 1680, which is in the possession of the present Ardvorlich, wherein he acknowledges, that his daughter Elizabeth, now married to James Stewart, fiar of Ardvorlich, is competently matched and provided; and he approves of the said marriage to all intents and purposes that may follow thereupon. There is also another paper in Ardvorlich's custody, wherein all the said lady's friends approve of her marriage with Ardvorlich, amongst whom are the Earl of Marr, the Lord

Cardross, Sir Charles Erskine of Alva, Erskine of Dun, James Stewart of Rosyth, Hutcheson of Scotston, &c.

There are descended from the family of Ardvorlich the Stewarts of Annat, Ballochallan, Craigton, Colonel James Stewart, who was Deputy-Governor of the Castle of Edinburgh, &c. as also several others in Monteith, Balquhider, and Strathgartney, all in the southern parts of Perthshire.

The arms of this family are, quarterly, first grand quarter counter-quartered, first and fourth *or*, a lion rampant, within a double tressure, flowered and counter-flowered with flower-de-luces *gules*; second *or*, a fesse *chequé*, *azure* and *argent*, and in chief a mollet *gules*, for Stewart; third *argent*, a saltier ingrailed, cantoned with four roses, *gules*, for Lennox, all within a bordure ingrailed and gobonated, *azure* and *argent*; second grand quarter *or*, a lion rampant, within a double tressure, flowered and counter-flowered *sable*, for Buchanan of that ilk; third grand quarter as the second, fourth as the first.

Crest, a dexter hand coupé at the elbow, brandishing a broad-sword aloft, all proper. Motto, *Deo juvante vinco*.

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#### CHANCELLOR OF SHIELDHILL.

IT is presumed that the surname of CHANCELLOR came from France, at the Norman conquest, with the Somervilles; to support which, a history in quarto, printed at London in 1710, written in Latin by Degory Wheare, Camden Reader in the University of Oxford, and Englished by Edmund Bohun, with a preface by Mr Dodwell, in page 206, which mentions one *Gualterus Cancellarius* a French historian, to have travelled in Palestine and Antioch; and, after his return to France, to have writ his history in *anno 1124*, by which it appears that the surname of Chancellor is ancient in France, where there is of that surname at this present time.

It is generally acknowledged that the CHANCELLORS of Shieldhill are an ancient family, and chief of their surname in Scotland; and though what is above said may be sufficient to instruct the antiquity of the surname, yet, for further evidence, the history of the Lord Somerville's family, written many years ago by the deceased James Somerville of Drum, who was heir and representative of that ancient and noble family of Lord Somerville, and great grandfather to the present Lord Somerville, mentions that there was a firm friendship betwixt the house of Lord Somerville and Chancellor of Shieldhill and Quodquan, as early as the time of King Robert Bruce, in the year 1317.

By the carelessness and trouble of former times, the oldest writing in the custody of the present JOHN CHANCELLOR of Shieldhill is a charter in common form, granted by *Thomas Somerville de Carnwath*, to George Chancellor of Quodquan, upon the said George's resignation, to be held of the said Lord Somerville, as freely and honourably as any of his predecessors held the same of him or his Lordship's predecessors, dated 6th March 1434. But this being no original charter, and the lands immemorably their own, it is a good document of the antiquity of the family.

The above GEORGE was succeeded by Alexander his son and heir, designed of Quodquan. He added to his former estate several lands, of which there is a charter from John Lord Somerville, *anno 1460*.

GEORGE, son and heir to the above Alexander, resigned his lands into the hands of his superior Lord Somerville for new infeftment, who granted charter, dated *anno 1472*, wherein he is designed, "Nobilis vir Georgius Chanceler dominus de "Quodquan." He had by his wife, a daughter of Ramsay of Dalhousie, an only son and heir William.

The said WILLIAM's sasine, in favour of himself and his wife Janet Geddes, daughter of Geddes of Rachan and Kirkurd, an old family in Tweeddale, is registered 22d November 1477. He was succeeded by his son John.

The said JOHN is infeft by charter from John Lord Somerville, dated 11th April 1493. He had by his wife Mary Douglas his son Robert.

The said ROBERT, and his wife Elizabeth Brown, daughter of Coalston, an old family in East Lothian, are infeft by charter from Hugh Lord Somerville. The sasine is dated May 1529.

WILLIAM, son and heir to the last Robert, is infeft on 28th March 1533. He was designed of Shieldhill, Quodquan, and Cormiston. He had by his wife Margaret Hamilton, daughter of Dalsersf, a son William.

The said William's sasine, upon charter from Hugh Lord Somerville, is dated 17th March 1546. He obtained decret before the Lords in *anno* 1566, against Denholm of Westshield, and Inglis of Eastshield, for non-entry duties, they being both his vassals, and continue so. He had by Agnes, daughter of Sir John Hamilton of Crawfordjohn, Baron of Evandale, and sister of Sir James Hamilton of Libberton, a son Robert.

The said ROBERT is infeft by sasine, dated 14th May 1583. He took the title only of Shieldhill. He had by Agnes, daughter of Symington of that ilk, an ancient family on Clyde, a son John.

The said John's sasine is dated 1605. He had by Katharine, daughter of Gavin Hamilton of Raploch, and of Jean his wife, daughter and one of the co-heirs of Sir Thomas Dishington of Ardross, a son Robert.

The said ROBERT's sasine is dated 1642. He signalized himself in loyalty to King Charles I. and II. and lived to see the happy Restoration in 1660. He had by Jean his wife, daughter of Sir James Lockhart of Lee, and Jean Auchinleck, daughter of Sir George Auchinleck of Balmanno, a son James.

JAMES CHANCELLOR, son to the said Robert, his charter and sasine are dated May and June 1664. He deceased in March 1704, and all his children by three marriages, viz. with Robertson of Earnock, Craig of Riccarton, and Livingston of Saltcoats deceased, he was succeeded by his brother John.

JOHN, brother and heir to the above said James, now possesses the estate with some more purchased by him, and is infeft *anno* 1707; part of the said estate holding of the crown blench, and part of it of George Lockhart of Carnwath blench. He was first married to Isabel Johnstone, daughter to Sir James Johnstone of Westerhall; and next married to Jean Forbes, daughter to Sir John Forbes of Waterton, and Dame Jean Gordon, sister to the deceased George Earl of Aberdeen. He is now married to Jean Agnew, daughter to Sir James Agnew of Lochnaw, Baronet, and Lady Mary, sister to the present Alexander Earl of Eglington, by whom he has children, whereof Alexander is his eldest son and apparent heir.

CHANCELLOR of Shieldhill carries *or*, a lion rampant *sable*, armed and langued, *gules*, on a chief *azure*, three mollets, *alias* stars of the first; crest, an eagle displayed *sable*: motto, *Que je surmonte*.

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#### MACFARLANE OF KIRKTON.

THE ancestor of this family was GEORGE MACFARLANE of Markinch, second son to Andrew Macfarlane of that ilk, in the reign of King James V. Which George having sold the foresaid lands of Markinch, went afterwards and settled in the north Highlands, amongst his namesakes the Macfarlanes, who are very numerous in that country, and promiscuously designed in the Irish language, M'Allans, Allamich, or Clan-Allan, *i. e.* the posterity of Allan, because of their descent from Allan Macfarlane, younger son to one of the Lairds of Macfarlane, who settled it Strathdown in Aberdeenshire, several centuries ago. From him are descended the families of Auchorrhachan, Balnengown, Lismurdie, &c. as also several others in Braemar, Strathspey, &c. some of which Allaniches have of late begun to call themselves Stewarts, grounding the change of their name upon a very false and mistaken notion, viz. that the old Earls of Lennox were of the surname of Stewart, when the Laird of Macfarlane's predecessor came off them; the contrary of which

I have sufficiently demonstrated from uncontroverted documents, in my account of the family of Macfarlane, in this Appendix: and besides it can easily be made appear, that there never was an Earl of Lennox of the surname of Stewart, until the year 1483, which is later than the descent of the said M'Allans from the family of Macfarlane. But to return, the said George Macfarlane's posterity continued in the north for several generations, until the time of Patrick Macfarlane, the fourth descendant in a direct line from the said George, who, returning again to the south, purchased the lands of Kirkton, in *Viccomitatu de Strivelin*, from which lands his posterity have ever since been designed. He married Christian Blair, daughter ——— Blair, Commissary of Glasgow, who was younger son to ——— Blair of that ilk, an ancient family in the shire of Ayr, by whom he had James Macfarlane of Kirkton, his successor, and a daughter, Christian, married to Sir Hugh Wallace of Wolmet. Which James married Mary Keith, daughter to John Keith, who was younger son to the Earl Marischal of Scotland, by whom he had Hugh Macfarlane of Kirkton, his successor, who married Elizabeth Doig, daughter, and at length sole heiress to Paul Doig of Ballingrew, a very ancient family in the shire of Perth, by whom he has, besides William Macfarlane his son and heir, a numerous issue both of sons and daughters.

The armorial bearing of the family of Kirkton is, quarterly, first and fourth *argent*, a saltier wavey, cantoned with four roses *gules*, as a cadet of Macfarlane of that ilk; second and third, *gules*, a chevron betwixt two cinquefoils in chief, and a sword pale-ways, *argent*, hilted and pommelled, *or*, in base for Doig of Ballingrew; crest, a demi-savage proper, holding in his dexter hand a sheaf of arrows, and pointing with his sinister to an imperial crown, *or*. Motto, *This I'll defend*. *Vide* Plate of Achievements.

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#### ARBUTHNOT VISCOUNT OF ARBUTHNOT.

THE armorial bearing of this family is *azure*, a crescent betwixt three stars *argent*, supported by two dragons, with their wings expanded, and tails nuved *vert*, spouting out fire, proper; crest, a peacock's head proper, beaked *or*: motto, *Laus Deo*.

This is a local surname taken from the lands of Arbuthnot, lying in the shire of Merns or Kincardine; it was anciently and originally written *Aberbotthenoth*, but now contracted *Arbuthnot*. There is a particular history of this family in M. S. intituled *Originis & incrementi Arbuthnoticæ familiae descriptio historica, ubi veræ nobilitatis ratio & series succincte ac explicate pertractatur*, written in a pretty good Latin stile by the famous Mr Alexander Arbuthnot, who was Principal of the King's College at Aberdeen, about the time of the Reformation. The learned author himself was a grandchild of the family, as will appear hereafter, but not an immediate son, as (a) Dr Mackenzie affirms. His History of the Arbuthnots has been since continued to the time of King Charles I. by Mr Alexander Arbuthnot, some time Parson of Arbuthnot. There are also a great many valuable original documents relating to the antiquity of this family, in the hands of the present Viscount of Arbuthnot; which, together with several collections gathered out of our public archives, ancient (b) chartularies, and national historians, both in print and manuscript, &c. are the materials out of which the following account is composed.

I. The first of this surname that I have found on record is HUGO DE ABERBOTHENOTH, promiscuously designed in old writs *Dominus* and *Tbanus de Aberbotthenoth*, who was possessor of the lands of Arbuthnot about the year 1160: But whether he acquired these lands by marrying the daughter of *Osbertus Olifard*,

(a) Dr Mackenzie's *Lives of Scots Writers*, vol. iii. page 186. (b) Particularly the two chartularies of Aberbrothock, in the Lawyers' Library at Edinburgh.

Sheriff of the Merns, as Sir George Mackenzie says (c), or by conquest, or otherwise, cannot, at this distance of time, be so easily determined. What is most certain, is, that he had a long contest with the Bishop of St Andrews, concerning the property of the Kirkton of Arbuthnot, which was not determined until the time of his son Duncan; of which more hereafter. I find also at this time several famous men of the surname of Arbuthnot, particularly one *Richardus de Aberbuthnot, Clericus Regis*, who is so designed in a charter of exemption granted by John Abbot of Kelso to Reginald, then elected to be Abbot of Aberbrothock, freeing him from his obedience and subjection to the abbot of Kelso, (d) dated in the year 1178.

II. DUNCANUS DE ABERBOTHENOTH, son and successor to the said Hugo, continued the foresaid contest with the Bishop of St Andrews, concerning the property of the Kirkton of Arbuthnot; which was at last finally determined against him by an assembly of ecclesiastics holden at Perth in the year 1206, as evidently appears by the original sentence of that synod, which is still extant, and in the possession of the (e) family of Arbuthnot. The sentence itself being somewhat curious, and withal not very long, I shall here subjoin *verbatim* from the original, whereby it will appear that neither the stile nor method of procedure of those times was so barbarous as some people, now a-days, are apt to imagine.

“ Patricius de Dumfermeilyn, et Henricus de Aberbroth, et Reimbaldus de Scone, et Guuido de Lundores Abbates; et Thomas de Sancto Andrea, et Johannes de May, et Berengarius de Restinot Piores; et Ranulfus Archidiaconus de Sancto Andrea, et decani et clerici qui interfuerunt sinodo apud Perth tertio idus Aprilis, anno ab incarnatione Domini, mccvi. Omnibus has literas visuris vel audituris, eternam in Domino salutem. Noverit universitas vestra, quod causa que vertebatur inter Willielmum bone memorie episcopum Sancti Andree, ex una parte, et Duncanum de Aberbuthenoth ex alia parte, super terra de Aberbuthenoth, que appellatur Kirketun, quam idem episcopus ad ecclesiam Sancti Andree, de jure spectare dicebat, qua etiam predictus Duncanus eandem ecclesiam, pretermisso juris ordine spoliavit, ut asserebat: Finem legitimum in hunc modum auctoritate sinodi generalis est sortita: Sciz. Quod audita propositione juris quod idem episcopus, in predicta terra se habere dicebat, audita etiam contradictione partis adverse, per testes omni exceptione majores, veritate plenius inquisita et cognita, communi assensu omnium qui intererant sinodo definitivam sententiam promulgavimus, tam possessionem quam proprietatem ejusdem terre, et hominum qui in ea manserint, ecclesie Sancti Andree, et eidem Willielmo episcopo adjudicantes, et prefato Duncanano, et successoribus suis, perpetuum silentium imponentes: Et ut processus negotii plenius possit innotescere, attestaciones quarum auctoritate predictam sententiam protulimus inferius scribi dignum ducimus. Sunt autem hæ attestaciones. Johannes de Hastinkes juratus dicit, &c.” ——— The depositions of the witnesses being too long to be here inserted, I shall not trouble the reader with them at present, but only take notice, that through the injury of time there remains only one seal entire (*i. e.* that of the chapter of St Andrews) of eight, which by as many tags or labels still remaining appear to have been appended to it.

III. HUGO DE ABERBOTHENOTH, the second of that name, and third Laird of Arbuthnot succeeded his father Duncan. I find him witness together with his father, who is there designed *Dominus Duncanus de Aberbuthenoth*, to a charter, whereby *Robertus filius Warnebaldi & Richenda sponsa sua* gives to the monastery of Aberbrothock, *totum feodum (f) nostrum in parochia de Fordun, in Meornis, sciz. duas Tubertatbas, & Glenferkerin, & Kynkel, & Culbac, &c.* He married ——— daughter to ——— by whom he had

IV. HUGO DE ABERBOTHENOTH, the third of that name, who in old charters is commonly designed *Hugo Blondus*, or *Hugo le Blond Dominus de Aberbuthenoth*; which epithet of *Le Blond* was given him from the flaxen colour of his hair. This Hugh was a liberal benefactor to the clergy, for he gave, in *anno 1282*, to the

(c) Sir George Mackenzie's Baronage of Scotland, MS. (d) Smaller chartulary of Aberbrothock in the Lawyers' Library, charta 2. fol. verso 35. (e) Original decret of Perth, anno 1206, in the Viscount of Arbuthnot's charter-chest. (f) Chartulary of Aberbrothock.

monks of Aberbrothock, "in puram et perpetuam elemosinam, unam bovata[m] terræ, in qua sita est ecclesia de Garvoch, cum jure patronatus ejusdem ecclesie, et cum communi pastura, ad centum oves, quatuor equos, decem boves, viginti vaccas, et unum taurum, &c. — Datum apud Aberbroth, quarto nonas Augusti (g) anno Domini millesimo, ducentesimo, octogesimo secundo. Testibus, Johanne de Montros clerico — Domino Adam vicario de Monyfuth — Fergus avunculo meo — Thoma de Kinnarde — Malisio de Eduyn, Hugone Eeme, et multis aliis." The original donation (which I have seen) is still in the hands of his successor the Viscount of Arbutnot, to which the said Hugo's seal is appended, and very entire to this day, having thereon a crescent and a star, which, with a very little variation, is still the arms of the family. — This Hugh died about the end of the thirteenth century, and was buried amongst his ancestors in the burial-place of the family at the church of Arbutnot, where his statue is still to be seen cut in stone, at the full length, in a lying posture, together with his own and his lady's arms, which are three cheverons, of whose quality and parentage, although the history of the family be altogether silent, yet, from the identity of the arms, it seems very probable that she was a daughter, or at least a very near relation, of the great and ancient family of the Morvilles, who were constables of Scotland for several generations, and who bore precisely the same arms, as appears by several charters still extant (b), to which their seals are appended.

V. DUNCANUS DE ABERBOTHENOTH, the second of that name, and fifth Laird of Arbutnot, succeeded his father *Hugh le Blond*. He died at his mansion-house of Arbutnot, December 13th, anno 1314, (i) leaving issue by ——— his wife, daughter to ——— a son of the same name.

VI. DUNCANUS DE ABERBOTHENOTH, *Dominus de Aberbothenoth*, who having (k) survived his father but a short time, was succeeded by his son

VII. HUGO DE ABERBUTHNOTT, the fourth of that name, and seventh Laird of Arbutnot, who lived about the beginning of the reign of King David II. Of him there is little to be found on record (l) only that he was father to

VIII. PHILIPPUS DE ABERBUTHNOTT, *Dominus ejusdem*, who imitated the piety of his ancestors, in his liberality to the church and clergy; for he gave in pure alms "fratribus Carmel. burgi de Aberdeen," as the charter itself, (m) yet extant, expressly bears, "pro salute animæ meæ, parentum et amicorum meorum, unum annuum redditum tredecim solidorum et quatuor denariorum sterlingorum, annuatim provenientem de tota et integra terra mea de Aberbuthnot, ad emendationem fabricæ ecclesiæ fratrum prædictorum, &c. Datum apud Aberdeen, 25 die mensis Aprilis, anno Domini 1355." This is afterwards confirmed by King David II. "apud Aberdeen, 17 die mensis Augusti, anno regni nostri tricesimo septimo," (i. e.) anno 1366 (n). He married first ——— Keith, daughter to Sir William Keith, Lord Marischal of Scotland (o), by whom he had no male issue: And after her decease he married Margaret, daughter to Sir James Douglas of Dalkeith (p), ancestor to the Earl of Morton, by Agnes Dunbar his wife, daughter to the Earl of March (q); by her he had HUGH his successor, and a daughter, Margaret, married to (r) Sir William Monypenny, who was afterwards Lord Monypenny.

IX. HUGH ARBUTHNOT of that Ilk, the fifth of that name, succeeded his father Philip. Sir George Mackenzie, in his Genealogical Collections, says (s), that he had seen a certificate under the hand and seal of ——— Johnston, Steward of Fife, dated at Falkland; September 1. 1421, whereby it appears that Hugh Arbutnot of that Ilk, with several other gentlemen in the shire of Merns, who, upon great provocation given them, had been accessory to the slaughter of John Melville of Glenbervie, having laid claim to the privileges of Clan-Macduff, were

(g) Larger chartulary of Aberbrothock in the Lawyers' library, folio, verso 7. etiam charta originalis penes vicecomitem de Arbutnot. (b) Charta penes Mathæum Sinclair de Hermistoun. (i) Orig. & Increment. Familiæ Arbutnoticæ, &c. (É) Ibidem. (l) Ibidem. (m) In Bib. Col. Mariscal. Abredonia. (n) Charta 161 codicis Davidis II. in publicis archivis. (o) Orig. & Increment. Familiæ Arbutnot. MS. (p) Charta penes Comitem de Morton ad annum 1372. (q) Crawford's Peerage, page 350. (r) Orig. & Increment. Familiæ Arbutnoticæ, MS. (s) Sir George Mackenzie's Baronaige of Scotland, MS.

assoilied from the said slaughter, as being within the ninth degree of kin to Macduff Earl of Fife. He married Margaret, daughter to Sir Robert Keith, ancestor to the Earl Marischal (*t*), by whom he had ROBERT his successor, and also a daughter, Margaret, married to Andrew Menzies, Provost of Aberdeen (*u*), ancestor to the family of Pitfoddels; and, having lived to a very great age, he at last made his exit out of this world in the year 1446 (*x*), being succeeded by his son,

X. ROBERT ARBUTHNOT of that Ilk, who, during the lifetime of his father, married Giles, daughter to Sir Walter Ogilvie of Lintrathan (*a*) Lord High Treasurer of Scotland, ancestor to the Earl of Airly, by whom he had, first, David, his successor (*b*); second, Hugh Arbuthnot of Balmaquin and Bryklie (*c*), of which estate he became possessed by marrying Janet Balmaquin, heiress thereof; third, Robert Arbuthnot of Banff; fourth, Alexander, who died without issue; fifth, James; sixth, William Arbuthnot (*d*); as also a daughter, Katharine, married to John Allardice, at that time son and heir apparent to Thomas Allardice of that Ilk (*e*). This Robert survived his father but four years, for I find he died in the year 1450 (*f*), and was succeeded by his eldest son,

XI. DAVID ARBUTHNOT of that Ilk, who was a person of great account in the reign of King James II. and bore a considerable share in the transactions of those times. He married ——— Durham, daughter to ——— Durham of Grange (*g*), a very ancient family in the shire of Forfar. By her he had two sons, first, Robert his successor; second, Hugh Arbuthnot, Doctor of Medicine, who, being a person of very great skill in his profession, was invited over to France, where he married and settled, and where probably his posterity still continues (*h*). As also three daughters, first, Elizabeth, married to ——— Barclay of Gartly, an ancient family in *Viccomitatu de Aberdeen*; second, Giles, married to ——— Fraser of Dore; third, Christian, to Alexander Graham, tutor of Morphie (*i*). He departed this mortal life in the year 1470 (*k*), and was succeeded by his son,

XII. Sir ROBERT ARBUTHNOT of that Ilk, who being a person of very great loyalty and integrity, was highly in favour with his contemporary sovereigns King James III. and IV. as evidently appears by several letters written to him, by both these monarchs, some of which are still preserved among the archives of the family: particularly one from King James III. dated at Edinburgh, January 3. the 23d year of his reign, which begins thus, "Weilbelovit frende we grete zow welle; and forsamekle as we ar sikkerly informit yt certain persons, to grete nowmer, "wer gadderit tresonably to haf invadit our person yis last Thurisday, &c." And a little after, the king desires him to come to his assistance, "As ze lufe ye welfar "of owr persone, succession, realme, and liegis, and ze sal have special thank and "rewarde of ws according to zour merit, &c. (*l*)." There is also extant another letter, directed to him by King James IV. the beginning of which is thus, "James, "be the grace of God, King of Scottis, to owr lovit Robert of Arbuthnott of that "Ilk, greting; forsamekle as we suppos ze know the grete tressoun and usurpation made agains ws and owre autorite, be Wilzame Erle Marchall, Alexander "Master of Huntle, and Alexander Lord Forbess, & thair complices, in the making of certane ligis and bands at owr Castell of Dumbertane, &c." And a little below, the king enjoins him, "surely and sikkerly ger obserue and kepe zour hows; "and strenthis to zour behuf and owrs, and ze sal report singler thank and rewarde "of ws yerfore, and be mantenyt be ws as owr thankfull and trew liege, &c." This is dated at "Strivelin the 22. day of September, and of owr regne the second "zeir." (*m*) He was also a very prudent and frugal man, and added, by his industry and good management, a great many lands to his old paternal inheritance, as appears by a charter under the Great Seal in his favours (*n*), "De terris de Portar-

(*t*) Orig. & Increment. *Familia Arbuthnoticæ*, MS. (*u*) Skeen's Memorial of the Royal Burghs, page 249. (*x*) Orig. & Increment. (*a*) Charta in publicis Archivis. (*b*) Orig. & Increment. *Familia Arbuthnoticæ*, MS. (*c*) Ibidem. (*d*) Ibidem. (*e*) Charta penes Vicecomitem de Arbuthnott ad annum 1459. (*f*) Orig. & Increment. MS. (*g*) Ibidem, where it is also said that she lived a widow 18 years after her husband's decease, until the year 1488. (*h*) Ibidem. (*i*) Ibidem. (*k*) Ibidem. (*l*) Original Letter by King James III. directed, "Dilecto & fideli suo Domino de Arbuthnott circa annum 1483. penes Vicecomitem de Arbuthnot." (*m*) Original letter to the Laird of Arbuthnot in the year 1490, by King James IV. penes Vicecomitem de Arbuthnot. (*n*) Charta 117. lib. 5. in publicis Archivis.

" toun, Orchartoun, & Halgreen, &c. datum apud Edinb. penultimo die Februarii, " A. D. 1487," as also by another charter granted in his favour by King James IV. (o) of the lands of Arduthoquhy, Achinzoch, Grenecastle, Portarhalch, Portarcroft, &c. dated at Edinburgh, October 20. 1488. He recovered also again the barony of Fiddes (p), which had been alienate from his family upwards of 200 years. Neither seems he, amidst his temporal concerns, to have neglected his spiritual welfare; for the year before he died he founded a chaplainry at the church of Arbuthnot, " Pro salute animæ meæ, et Mariotæ Scrimgeour sponsæ meæ, nec " non animarum patris mei et matris meæ, &c. uni capellano divina celebranti, et " in perpetuum celebraturo, ad altare gloriosæ Virginis Mariæ, juxta latus chori pa- " rochialis Sancti Ternani Archiepiscopi de Arbuthnott, Sancti Andree diocesis, an- " num redditum quatuordecim mercarum sex solidorum et octo denariorum usualis " monetæ regni Scotiæ, de omnibus et singulis terris de Halgreen, Innerbervy, Por- " tartoun, et Orchartoun, et croftis de Auchcarny, una cum mansione, horto et crofto " terræ situatæ prope capellam Sancti Ternani, pro residencia et habitatione dicti " capellani et successorum suorum pro perpetuo in futurum, &c. — Apud Arbuth- " nott, 30. die Maii, A. D. 1505, coram his testibus, Willielmo Frazer de Durris, " Roberto Alerdas, Willielmo Arbuthnott, &c." This mortification is confirmed by King James IV. August 9. the same year (q). He married, first, ——— Wishart, daughter to Sir James Wishart of Pitarrow, an ancient family in the Merns, by whom he had only one son, Ambrose (r), who died in the flower of his youth. He married, secondly (s), Mariota Scrymgeour, daughter to Sir James Scrymgeour of Dudhope, ancestor to the Earl of Dundee, by whom he had four sons, first, James, his successor; second, Mr Robert Arbuthnot; third, George Arbuthnot, Esquire, who died in France without issue; fourth, Andrew Arbuthnot of Futhes (t), who, by Elizabeth his wife, daughter to Alexander Strachan of Thornton, had issue, Robert his successor, and the learned Mr Alexander Arbuthnot, Principal of the King's College at Aberdeen, author of the so frequently cited History of the family of Arbuthnot, of whom our Reverend Church Historian Archbishop Spotswood gives the following character (u), " That he was expert in all the sciences, a " good poet, mathematician, philosopher, theologue, lawyer, and skilful in medi- " cine; so that in every subject he could promptly discourse, and to good purpose." Robert Arbuthnot of that Ilk, had also, by the above lady, six daughters; first, Elizabeth, married to Thomas Fotheringham of Powrie; second, Katharine married first to ——— Auchinleck of that Ilk, and after his decease to Gilbert Turing of Foveran; third, Christian, married to Alexander Fraser of Dores; fourth, Giles, married to Robert Graham of Morphie (x); fifth, Janet, married to Alexander Falconer of Halkerton, ancestor to the Lord Halkerton; sixth, Mariota, to James Bisset of Easter-Kinneff (y). He died in the year 1506, and was succeeded by his son,

XIII. JAMES ARBUTHNOT of that Ilk, who got a charter from King James IV. dated at Edinburgh, January 29. anno 1506, de baronia, castro, et fortalitio de Arbuthnott, &c. (a). He married Jean Stewart, daughter to John Earl of Athol (b), by Mary his wife, daughter to Colin Earl of Argyle, by whom he had two sons and one daughter. First, Robert his successor; second, David Arbuthnot (c), who, being a young brother, devoted himself to the service of the church, and having taken on holy orders, he was made parson of Menmuir. He was afterwards unfortunately slain at the fatal battle of Pinky, September 10. 1547 (d). His daughter's name was Isabel, who married first ——— Auchterlony of Kelly, and afterwards Robert Maule of Panmure, ancestor to the Earl of Panmure (e),

(o) Charta 15. lib. 12. Arch. pub. (p) Orig. & Increment. Familiæ Arbuthnot, MS. (q) Charta 110. lib. 14. in publicis Archivis ad annum 1505. (r) Orig. & Increment, &c. (s) Charta in publicis Archivis. (t) Charta 334. lib. 21. in publicis Archivis facta Andree Arbuthnott in Pitcarles, & Roberto Arbuthnott, ejus filio & heredi apparenti, de omnibus & singulis terris, & villa de Littel Futhes, cum suis pertinentiis jacent. in baronia de Stratoun, infra parochiam de Kinneff, apud Edinburgh, Maii 8. 1556. (u) Spotswood's Church History, lib. 6. page 335. (x) Orig. & Increment. (y) Ibidem. (a) Charta 294. lib. 14. in publicis Archivis. (b) Continuation of the History of the Family of Arbuthnot, MS. (c) Charta 259. lib. 22. in publicis Archivis, ad annum 1542. (d) Continuation of Principal Arbuthnot's History, MS. (e) Charta penes Comitum de Panmure, etiam Charta 604. lib. 13. in publicis Archivis facta per Thomam Maul, feudatorem baroniæ de Panmure, cum consensu & assensu charissimi patris sui Roberti Maule de Panmure, honorabili mulieri Isabellæ Arbuthnott præfati patris sui sponse, de terris de Glaster & Skryne, anno 1551.

and had issue. This James Arbuthnot of that Ilk died in the flower of his age in the year 1521 (*f*), and was succeeded by his son,

XIV. ROBERT ARBUTHNOT of that Ilk, the third of that name, who was a person of great note in the reign of King James V. from whom he obtained a charter, dated at Edinburgh, January 27. *anno* 1528 (*g*), whereby the king gives him, "totam et integram nostram salmonum piscariam super le seashore, subtus villam "de Innerbervy, inter le mouth aquæ de Innerbervy et locum de Halgreen, &c." He married, first, ——— Erskine, daughter to ——— Erskine of Dun (*b*), an ancient family in *Viccomitatu de Forfar*, by whom he had no surviving issue. After her decease he married Lady Christian Keith (*i*), daughter to Robert Lord Keith, (son and heir apparent to William Earl Marischal) by Beatrix his wife, daughter to John Earl of Morton (*k*); as evidently appears by a charter under the Great Seal, in the Public Records, granted by King James V. "Dilectis nostris Roberto Arbuthnot de eodem, et Christianæ Keith suæ sponsæ, de terris de "Petquorthy et Caldcoats, &c." dated at Strivelin, February 13th 1535 (*l*). By this lady he had four sons; first, Andrew, his successor; second, John Arbuthnot of Mandynes; third, Alexander Arbuthnot of Pitcarles (*m*); fourth, Robert Arbuthnot, who, being a younger brother, dedicated himself to the service of the church, and, after spending some years in France, with great application to his studies, was, by his father, upon his return, presented to the parsonage of Arbuthnot, which he enjoyed until his death (*n*): as also several daughters; first, ——— married to ——— Clephane of Carslogie, in *Viccomitatu de Fife*; second, ——— to ——— Straiton of Lauriston, in *Viccomitatu de Kincairdin*; third, ——— to ——— Symmer of Balyordie, an ancient family in the shire of Forfar; fourth, ——— to ——— Strachan of Brigton (*o*). Robert Arbuthnot of that Ilk married to his third wife Helen Clephane, daughter to George Clephane of Carslogie, a very ancient family in the shire of Fife (*p*), by whom he had, first, David Arbuthnot of Findowry; second, James Arbuthnot of Blackstone; third, Hugh Arbuthnot of Auchterforfar (*q*); as also several daughters; first, ——— married to ——— Mortimer of Cragievar, in *Viccomitatu de Aberdeen*; second, ——— married to ——— Ogilvie of Balfour, in *Viccomitatu de Forfar* (*r*); third, ——— married to ——— Ramsay of Barnyards; fourth, ——— to ——— Ogilvie of Balnabath (*s*). He himself died October 15th *anno* 1579 (*t*), and was interred amongst his ancestors in the burial-place of the family at Arbuthnot, being succeeded in his estate by his son,

XV. ANDREW ARBUTHNOT of that Ilk, who, being a very frugal and industrious gentleman, considerably augmented his old paternal inheritance, by several new acquisitions; such as the baronies of Arrat, Pitforthie, &c. (*u*). There is a charter in the public records, granted by Queen Mary, "Dilecto et fideli suo Andreae "Arbuthnott, filio et hæredi apparenti Roberti Arbuthnott de eodem, de baronia "de Arbuthnott, cum le mains, castro, et fortalitio de Arbuthnott, &c. una cum "piscaria in aqua de Bervy, et piscariis in faucibus aquæ de Innerbervy infra "maris fluxum," &c. (*x*) He married Elizabeth, daughter to Sir Robert Carnegie of Kinnaird, who was ambassador from the crown of Scotland to the court of England and France, and ancestor to the Earl of Southesk, as appears by a charter (*a*) in the public records, granted by Queen Mary, "Andreae Arbuthnott "feodatario de eodem, et Elisabethæ Carnegie ejus conjugii, de terris de Fiddes, "Collistoun, Mutelaw, &c. datum September 24. *anno* 1553." By the above lady he had three sons; first, Sir Robert Arbuthnot of that Ilk, his successor; second, James Arbuthnot of Arrat (*b*), who married ——— Livingston, daughter to ——— Livingston of Dunipace, an ancient family in *Viccomitatu de Strive-*

(*f*) Continuation of the History of the family of Arbuthnot, MS. (*g*) Charta 202. lib. 28. in publicis Archivis. (*b*) Continuation of Principal Arbuthnot's History, &c. (*i*) Charta in publicis Archivis, ad annum 1535. (*k*) Ibidem ad annum 1506. (*l*) Charta 257. lib. 27. in publicis Archivis. (*m*) Continuation of Principal Arbuthnot's History, &c. (*n*) Ibidem. (*o*) Ibidem. (*p*) Charta 4. lib. 32. in publicis Archivis, de terris de Auchterforfar, facta dilecto nostro Roberto Arbuthnot de eodem, et hæredibus suis masculis inter eum et Helenam Clepan sponsam suam legitime procreatis seu procreandis, quibus deficientibus Roberto Arbuthnot, filio dicti Roberti Arbuthnot de eodem, &c. datum apud Edinb. 7. Septembris, A. D. 1570. (*q*) Charta in publicis Archivis. (*r*) Continuation of Principal Arbuthnot's History. (*s*) Ibidem. (*t*) Ibidem. (*u*) This appears from several charters in the public records. (*x*) Charta 106. lib. 21. in publicis Archivis, data apud Perth, 26 die mensis Junii anno 1553. (*a*) Charta 174. lib. 21. in publicis Archivis. (*b*) Charta in publicis Archivis.

*kin*, by whom he had Sir Robert Arbuthnot of Arrat, who succeeded to the estate of Arbuthnot upon his uncle's decease, and James, tutor of Arbuthnot; third, Patrick Arbuthnot of Chapelton (*c*): As also a daughter, Elizabeth, married to ——— Fraser of Dores (*d*). He died in a good advanced age, March 6. 1606, and was succeeded by his son,

XVI. SIR ROBERT ARBUTHNOT of that Ilk, who, being a person of great talents, both natural and acquired, was highly in favour with his sovereign King James VI. who had always a very great opinion of Sir Robert's parts and integrity, as will evidently appear by the following letter, which is here subjoined, as I copied it *verbatim* from the original (*e*), directed thus, "To our trusty and well-beloved the " Laird of Arbuthnott." The tenor of it follows:

JAMES R.

"Trusty and weill-beloved we greit you weill. Whereas we have licensed the " General Assembly of the Church of that Kingdome, to be kept the last Tuesday " of July nixt, at our burgh of Linlithgow, as weill for composing of the present " differences in the same, as for some order to be taken with this greit inress and " growth of papists within that kingdome: To the effect therefore that all things " maye be dewly ordered, and in decent form proceedit into: And knowing that " your presence there maye doe much good, we are to desyre you earnestly nowaye " to be absent from that assembly; and by your councel and advice, to furder " the pacifying of all question that is presently in the church, and to assist such " courses, that sall be proponed for suppressing of contraire professors. Wherein " nowaye doubting, bot your oune zeale and affection to the treuth professed sall " be motives sufficient, and ye sall also therewith gayne our special thanks, ac- " cording as ye will learne more particularly from our right trustie cousing and " counsellor the Erle of Dunbar, whom we have sent with special credit, as our " commissioner to that meiting. And so we bid you farewell. From our Courte " at Greenwich the 14. of Junii 1608."

He married Lady Mary Keith (*f*), daughter to William Lord Keith, (son and heir apparent to William Earl Marischal) by Elizabeth his wife, daughter to George Earl of Errol (*g*), by whom he had no issue; so that upon his decease, which happened in the year 1615, the estate of Arbuthnot devolved upon his nephew,

XVII. SIR ROBERT ARBUTHNOT of that Ilk (*b*), eldest son to his brother James Arbuthnot of Arrat, as is above mentioned. He being heir apparent to an old family of an opulent fortune, was carefully educated by his uncle suitable to his quality; for, after having gone through the course of his studies in his native country, he was sent, for his further improvement, to visit France and other foreign kingdoms, from whence, after some years abode, he returned with the character of a very polite and well accomplished gentleman, and made a very considerable figure amongst the barons in several of King James VI. and King Charles I.'s Parliaments; with both which monarchs he was so much in favour, that it is very probable he would have raised his family considerably, had not an immature death untimeously snatched him away in the flower of his age, to the great regret of all his friends and acquaintances. He was twice married; first, to Lady Margaret Keith (*i*), daughter to George Earl Marischal, and niece to his

(*c*) Charta 190. lib. 40. Arch. pub. facta prædilecto nostro Andreæ Arbuthnot de eodem in vitali redditu, ac Patricio Arbuthnott suo filio juniore, &c. quibus deficientibus Jacobo Arbuthnott de Arrat, &c. de totis & integris villa & terris de Magdalen-Chapel, nuncupat. le Chapiltoun, apud Halyrudhouse, 25 die Februarii, A. D. 1594. etiam Charta 24. lib. 42. facta Andreæ Arbuthnott de eodem, & Patricio Arbuthnott suo filio legitimo natu minimo, de terris de Nether-Pitforthies, apud Halyrudhouse, 20. die Martii anno 1597. (*d*) Continuation of Arbuthnot's History. (*e*) Original Letter in anno 1608, by King James VI. to the Laird of Arbuthnot, *penes Vicecomitem de Arbuthnott*. (*f*) Charta 193. lib. 47. in publicis Archivis, facta dilecto nostro Domino Roberto Arbuthnott de eodem, militi, & Domine Mariæ Kieth ejus sponsæ, de terris de Cowlic, &c. apud Edinb. 7. die mensis Januarii anno 1603. (*g*) Charta in publicis Archivis, ad annum 1553. (*b*) Charta 54. lib. 48. Arch. pub. facta Roberto Arbuthnott de Arrat militi, de baronia, castro, & fortalitio de Arbuthnott, apud Edinb. 9. die Januarii, A. D. 1610. (*i*) Charta in publicis Archivis.

uncle's lady. But she dying very soon after, without issue, he married, secondly, Margaret Fraser, daughter to Simon Lord Lovat, by Jean Stewart his wife, daughter to James Lord Doune, by whom he had four sons; first, Sir Robert Arbuthnot of that Ilk, his successor, afterwards Viscount of Arbuthnot; second, Andrew Arbuthnot of Fiddes; third, Alexander Arbuthnot, a young gentleman of great loyalty and courage, who was slain valiantly fighting in defence of his king and country at the fatal battle of Dunbar, September 3. 1650; fourth, Simon Arbuthnot of Catherlan: As also three daughters; first, Jean, married to Sir Alexander Burnet of Leys; second, Margaret, to Sir Alexander Carnegie of Pittarrow; third, Janet, to William Rait of Halgreen. He died March 15. *anno* 1633 (*k*), and was succeeded by his eldest son,

XVIII. SIR ROBERT ARBUTHNOT of that Ilk, who being a person of exemplary loyalty, obtained first the honour of knighthood (*l*) from his sovereign King Charles I. and was afterwards, by the special favour of that monarch, advanced to the peerage of this realm, by the title of Viscount of Arbuthnot, and Lord Inverbervie, by letters patent, bearing date November 16. 1641 (*m*). He married, first, Lady Marjory Carnegie, daughter to David Earl of Southesk, by whom he had Robert, his successor, and a daughter, Margaret, married to Sir John Forbes of Monymusk in *Viccomitatu de Aberdeen*; and, after her decease, he married Katharine, daughter to Hugh Lord Lovat, by whom he had Alexander Arbuthnot of Knox, and a daughter, Anne, married to William Forbes of Ludquhairn in *Viccomitatu de Aberdeen*; and dying in the year 1659 (*n*), he was succeeded by his son,

XIX. ROBERT Lord Viscount of ARBUTHNOT, who married first Lady Elizabeth Keith, daughter to William Earl Marischal, by Lady Elizabeth Seaton, his wife, daughter to George Earl of Winton, by whom he had Robert, who succeeded him in his estate and honours, and a daughter, Margaret, married to Sir Thomas Burnet of Leys. He married, secondly, Katharine, daughter to Robert Gordon of Pitlurg and Straloch, by whom he had, first, Mr John Arbuthnot of Fordun; second, Mr Alexander Arbuthnot, one of the Barons of his Majesty's Exchequer in Scotland, who afterwards changed his surname to Maitland, upon the account of his marriage with Jean, eldest daughter and sole heiress to Sir Charles Maitland of Pitrichie; third, Mr Thomas Arbuthnot: As also three daughters; first, Katharine, married first to Mr Robert Gordon of Clunie, and again to David Riccart of Riccarton; second, Anne, married to Mr John Horn of Westerhall, advocate; third, Helen, married first to John Macfarlane of that Ilk, and afterwards to Mr John Spottiswood of that Ilk, advocate; and all of them had issue. This lord died in the year 1684, and was succeeded by his son,

XX. ROBERT Viscount of ARBUTHNOT, who married Lady Anne Sutherland, only daughter to George Earl of Sutherland, by Lady Jean his wife, daughter to David Earl of Wemyss, by whom he had Robert, his successor, and John, the present Viscount; as also four daughters, Jean, Anne, Mary, and Margaret; and dying in the year 1692, he was succeeded by his eldest son Robert Viscount of Arbuthnot, a nobleman of great parts and expectation, who, to the great grief of all his relations, was untimely snatched away by death, in the year 1710, unmarried. Upon whose decease both the estate and honours went to his brother,

XXI. JOHN, present Lord Viscount of ARBUTHNOT, who married Jean, daughter to William Morison of Prestongrange.

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#### OF THE SURNAME OF PETRIE.

SEVERALS of those of the surname of PETRIE in Scotland do bear the same arms with those of Ireland, from whom they seem to have been descended, parti-

(*l*) Continuation of Principal Arbuthnot's History, MS. (*j*) Charta in publicis Archivis (*m*) Register of Patents in the Chancery Office. (*n*) Fraser's History of the Family of Lovat, MS.

cularly in *Vicecom. Moravien.* And thus Major LUDOVICK PETRIE, some time Town-Major of Gibraltar, bears *gules*, a bend *or*, between two escalops *argent*, within a bordure ingrailed; crest, a cross croset *fiché*: motto, *Fides*.

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#### CRAWFURDS OF AUCHINAMES.

THAT the CRAWFURDS were barons of the extensive barony of Loudon, and Heritable Sheriffs of Ayr, ever since the days of King Alexander II. is evident from the chartulary of Kelso in the Lawyers' Library; and that the ancient family of Auchinames in Renfrewshire were lineally descended of Sir Ranald Crawford of Loudon, sheriff of Ayr, will be evident beyond exception from what I am to offer. This family were, from their very first descent from the family of Loudon, possessed of the twelve pound land, of old extent, of Auchinames in Renfrewshire, and the fourteen pound lands of Corsby, the six pound lands of Manock and Gills, the five merk lands of Auldmuir, and the five merk lands of Whiteside, all in the shire of Ayr, being thirty-eight pounds and one merk of old extent; all which lands were in the possession of Thomas Crawford of Auchinames, grandchild of Sir Ranald Crawford of Loudon.

This THOMAS lived in the days of King Robert III. and is witness to the resignation of the lands of Fulton, to the monks of Paisley, in the year 1409. As this gentleman was possessed of a very fair estate, so he was zealous to bestow a part of it upon these uses which were then judged to contribute most to the promoting of piety, and procuring salvation both to his own soul and the souls of his near relations; as appears from the original charter, yet extant, in the custody of the family of Auchinames, whereof this is an exact copy.

“ Universis Christi fidelibus, ad quorum notitiam presentes literæ pervenerint, “ Thomas de Crawford dominus de Auchinamys, salutem in Domino sempiternam. Noveritis me pro salute animæ meæ, et animarum uxorum mearum, et animæ Reginaldi de Crawford avi mei, nec non pro salute animarum patrum et matrum nostrorum, predecessorum, hæredum et successorum nostrorum, et animarum omnium fidelium defunctorum, dedisse, concessisse, et hac presenti charta mea confirmasse, in puram et perpetuam elemosinam, Deo et sanctissimæ matri suæ Mariæ, semper Virgini, et omnibus Sanctis, totam terram meam de Lynnernocht, et duas mercatas terræ de Glentayne, cum omnibus suis pertinentiis, et asiamentis quibuscunque, et tres mercatas annui redditus quolibet anno percipiendas, per equales portiones, ad terminos debitos et consuetos, de terris meis de Calzachant de Corbar, et de totis terris de Auchinamys, ad sustentationem unius capellani, qui pro tempore fuerit divina celebrantis, et pro perpetuo celebraturi ad altare Sanctæ Mariæ Virginis, in ecclesia parochiali de Kilbarchan, vel in capella in ejusdem ecclesiæ cemiterio construenda; tenendas et habendas dicto capellano qui pro tempore fuerit, et successoribus suis, in puram et perpetuam elemosinam, adeo libere, pacifice, quiete, honorifice, sicut aliqua terra elemosinaria in regno Scotiæ conceditur vel concedi potest. Volo etiam et statuo quod capellanus dictæ cappellaniæ, vel capellæ ministrans vel ministraturus, qui pro tempore fuerit, eadem capellæ, vel capellaniæ in propria persona ministrat, et personaliter residiat in eadem, et quid non poterit illam cum alio quondam beneficio ecclesiastico in simul retinere, immo quod per acceptationem secundi beneficii, ipsa vacare sentiatur, ipso facto, et quod dictus capellanus, tanquam sacerdos parochialis vel prodefunctis, vel aliter qualitercunque nullatenus celebrare permittatur; quid si facere atemptaverit, hoc ipso facto ab omni jure quid in dicta capella vel capellania habuerit, sit privatus, et ad eandem in posterum, nullo modo valeat presentari, nec sibi per quendam de eadem provideri. Item volo et statuo quod quoties hujusmodi capellanus, per me, hæredes et assignatos meos presentatus est, et per diocesanum, vel sede vacante capitulum Glasguensem, admissus et institutus in hujusmodi capella vel capellania, cedere

“ vel decedere contingat ad me, hæredes meos, et assignatos meos ejusdem presentatio, et ad loci diocesianum admissio et collatio pertineat, vel sede vacante capitulum Glasguensem; et si ego, hæredes mei, aut assignati, ad dictam capellam vel capellanum, personam idoneam, ut premissum est, infra quatuor menses a tempore vacationis, et notitiæ presentare detulerimus, loci diocesianum, vel sede vacante capitulum Glasguensis, eandem negligentiam nostram supplendo de persona idonea providebit, ita tamen quod per hujusmodi provisionem diocesiani, vel sede vacante capituli Glasguensis mihi, hæredibus meis, vel assignatis, cum alias vacaverit, nullum omnino prejudicium generetur; et si contingat me, hæredes meos, vel assignatos meos, contra istam concessionem meam et ordinationem, in toto, aut in parte venire, obligo me, hæredes meos, et assignatos meos, in quadraginta libras sterlingorum solvendas fabricæ ecclesiæ Glasguensis toties quoties esse contingeret, nomine penæ, et nihilominus per censuram ecclesiasticam, ad hæc omnia faciendam, a loci diocetano, et sede vacante capitulo Glasguensi, compelli, et coerceri valeamus; et ut ista ordinatio et concessio mea firma valeat in perpetuum et inconcussa manere, volo pro me, hæredibus meis, et assignatis, et consensio ut per decanum et eschactorem Christianitatis de Ruglen, qui pro tempore fuerit, dicta capella vel capellania, singulis annis semel visiteur, vel sapius, si per me, hæredes meos, vel assignatos, cum instantia fuerint requisiti. In cujus rei testimonium, huic presenti chartæ, perpetuæ meæ sigillum meum est appensum, coram his testibus, videlicet, venerabili in Christi patre Matheo miseratione divina episcopo Glasguensi, Joanne Symple de Elzotston, Roberto Symple, Malcolm de Calbrat Domino de Grenok, Joanne de Crawford fratre meo, cum multis aliis.”

This mortification is confirmed by King Robert III. in the twelfth year of his reign, at Arneall the 24th of October 1401, by a ratification under his Privy Seal.

To THOMAS CRAWFURD succeeded Archibald his son, who obtained a charter from James I. upon the resignation of his father, in that king's hands, of the third part of the lands of Auchinames, and a third part of the mill thereof to the said Archibald, and his heirs-male; which failing, to Friskyn Crawford, second son to the said Thomas, and the heirs of his body; which failing, to the said Thomas himself, and his heirs-male whatsoever, holding ward of the prince and steward of Scotland. This charter is dated in the 21st year of King James I. his reign, 1427.

The next I met with is ROBERT CRAWFURD of Auchinames, who was twice married; first, to Margaret Douglas, daughter of George, Master of Angus, and sister to Archibald the great Earl of Angus, who married King James IV. his Queen, who was daughter to Henry VII. of England; and the said Robert had by her only one daughter, Margaret, married to Semple of Nobleston. He next married Marion Houston, daughter to Houston of that ilk, by whom he had three sons, James, Henry, and Robert. He grants a charter in favour of his said three sons, dated 23d February 1483, and confirmed by King James III. 25th February 1483; and, in the year 1484, June 18. the said Robert of Auchinames gives sasine to his son James of the whole lands of Auchinames, with a reservation of his own liferent. He was killed with King James IV. at the battle of Flodden, 9th September 1513.

To him succeeded JAMES CRAWFURD of Auchinames his son, who obtains a charter from James Campbell of Loudon of the lands of Corsby and Manock, holding of him, dated July 12. 1498. He resigns in the hands of William Cunningham, Master of Glencairn, the whole lands of Corsby and Manock for new infeftment of Thomas Crawford his son, and his heirs-male, the 20th of October 1533; and that same day Thomas Crawford his son is seised in the lands of Corsby and Manock. He gives a charter to William Wallace of Craigie of the lands of Whiteside, November 4. 1526.

To him succeeded THOMAS, his son above mentioned, who, in the year 1539, October 2d, obtains a gift and disposition from King James V. of the non-entries of the lands of Auldmuir; which lands are said to have continued in non-entries for the space of 100 years, viz. from the death of Thomas Crawford of Auchinames. He married Marion Montgomery, daughter to the Laird of Hazlehead.

and had by her John, William, and Patrick, all Lairds of Auchinames. To Thomas succeeded John Crawford his son, who is Laird of Auchinames in the year 1544, as appears by an instrument of apprising taken by Marion Montgomery, relict of Thomas Crawford of Auchinames, the 2d of December 1544. He married Giles Cunningham, daughter to William Cunningham, second Laird of Craighends, but by her he had no succession. He was killed at the battle of Pinky 10th September 1547.

To him succeeded WILLIAM CRAWFURD of Auchinames, his brother, who obliges himself to relieve the Laird of Gadgirth of twelve score merks, due to the Laird of Auchinharvie for the lands of Corsby and Whiteside, as appears by an instrument dated May 8. 1558. He married Annabella Chalmers, daughter to the Laird of Gadgirth, and by her had James. This James succeeded and married Lady Elizabeth Cunningham, daughter to William Earl of Glencairn. She is seised in the lands of Corsbie, November 10. 1579. He died in November 1582, leaving only one daughter, Jean, of whom afterwards.

To him succeeded PATRICK CRAWFURD of Auldmuir, his uncle, who is seised in the lands of Auldmuir and Whiteside, as heir to the said James his brother-son, April 13. 1585; and in April 11. 1586, he intents a process of recognition against Malcolm Crawford of Kilbirnie, of the lands of Manock and Gill in the parish of Dalry, which the said Malcolm and his predecessors held ward of the said Patrick and his predecessors. The process of recognition is founded upon this reason; because the said Malcolm had disposed more than the half of the said lands, without the consent of the said Patrick his superior. This controversy is by King James VI. committed to the cognition of Mr John Skene, Mr John Learmont, Mr William Oliphant, Mr Oliver Colt, lawyers, as appears by the king's commission to them, April 11. 1586. He gives a sasine of the lands of Whiteside to Hugh Montgomery of Hazlehead, May 24. 1588; he married \_\_\_\_\_ Fraser, daughter to the Laird of Knox, and by her had William, who, in his father's lifetime, married Margaret Houston, daughter to Sir Patrick Houston of that Ilk. Their contract is dated October 10. 1587; by her he had Patrick, who succeeded his grandfather.

The above-named JEAN came to be heiress of the lands of Corsbie, the estate of Auchinames having descended to Patrick of Auldmuir, as heir-male, uncle to James Crawford of Auchinames last mentioned, whose grandchild, Patrick Crawford of Auchinames, married Jean Crawford, heiress of Corsby, by which the ancient estate of Corsby and Auchinames were re-united.

This PATRICK left behind him six sons; eldest, William, who is seised in the twelve pound lands of Auchinames, as heir to his father Patrick, May 12. 1649; he married Anna Lamont, daughter to Sir Colin Lamont of Ineryne, and Barbara Semple his spouse, daughter to the Lord Semple. Second son James, Writer to the Signet, and father to Patrick, Counsellor of Law at London. Third, Captain Robert of Nethermain. Fourth, John. Fifth, Patrick. Sixth, Mr Hugh, Minister of Cumnock, and grandfather to Hugh Crawford of Garrive. To William succeeded Archibald his only son, who married Margaret Porterfield, daughter to John Porterfield of that Ilk, and had William and three daughters, viz. Anna married to James Bruce of Poufouls. Jean married to Patrick Crawford, merchant in Edinburgh. Margaret to James Young of Killicanty. William, in his father's lifetime, married Helen Burnet, daughter to Sir Thomas Burnet, physician to King William, and had only one daughter, Helen, married to Patrick Edmonston of Newton.

The estate of Auchinames is at present in the possession of Patrick Crawford above mentioned, who has a numerous male issue by Jean Crawford, daughter to Archibald of Auchinames.

The armorial bearing of the family of Auchinames is *argent*, two spears saltierways, betwixt four spots of *ermine*: the motto is, *God show the right*.

## HOPE OF CRAIGHALL.

IN my First Volume, p. 218, by mistake I bring Sir THOMAS HOPE of Craighall's grandfather from Holland, whereas it is certain he came from France in the retinue of Queen Magdalen, King James V. his first queen, and his name was John, said to be descended of the families *des Houblons* in Picardy, (in Scots) *Hops*. He married in France Bessie Cuming, a Scots lady; His son Henry returned to France, and married at Paris *Jean De Tott*, who was mother to this Sir Thomas. Sir Thomas, besides the four sons I formerly mentioned, had two daughters, viz. Mary Hope, married to David Lord Cardross, grandfather to the present Earl of Buchan, and Anne Hope, married to Sir John Erskine of Alloa. His eldest son, Sir John, married Magaret Murray, daughter to Blackbarony, and had by her Sir Thomas of Craighall, and Sir Archibald Hope of Rankeillor, one of the Lords of Session and Justiciary; Elizabeth Hope, married to Sir George Mowat of Ingliston; Mary married to Mr William Gordon of Earlston; Bethia married to Sir John Harper of Cambusnethan, advocate; Margaret, married to Sir Robert Pringle of Stichel; and Anne, married *Hary Hope* in Holland, descended of a younger son of John Hope and Bessie Cuming, now a flourishing family there. This was the occasion of my mistake; Agnes the sixth, married to William Gault a famous Turkey merchant in London.

Sir THOMAS, son to Sir John, married Sir John Ayton of that Ilk's eldest daughter, and had one only son, Sir Thomas, who married Sir William Bruce of Kinross's daughter, and had by her three sons, Sir William, Thomas, and John; Sir William died unmarried; his brother Sir Thomas succeeded him, and afterwards his mother to the estate of Kinross, and carries now the name of Bruce-Hope; his brother, Colone! John, is present Governor of Bermudas.

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 FERGUSSON OF CRAIGDARROCH.

I HAVE given before in the First Volume the arms of FERGUSSON of Craigdarroch out of the Lyon Register; but since, I am certainly informed, that the same arms, as in the Lyon Register, together with the arms of Katharine Cunningham, daughter to the Earl of Glencairn, are above the door of the old house of Craigdarroch.

The FERGUSSONS of Craigdarroch seem to be of very old standing in the parish of Glencairn, and sheriffdom of Dumfries, and that, without claiming the antiquities of other families, into which they are either thrown by accident or purchase, and have been numerous in their descendants, several families deriving their originals from them; and, notwithstanding of the depredations from the Border, to which that place was frequently liable, and the burning of the house of Craigdarroch, I have seen some old remains of its antiquity: The first is a charter that is extant in the hands of the present Laird of Craigdarroch, which is granted by JOHN of Crawford, son to the Laird of Dalgernock, to *John Fergusson Dominus de Craigdarroch*, his cousin, *pro suo consilio et auxilio*, of the mill of Dalmacallan and Jedburgh, in the barony of Glencairn in the shire of Dumfries; which charter is without date, but the witnesses, who are all very well known, give us a very near view of the time: the witnesses being thus inserted in the charter, Sir John Stewart, father, Laird of Dalswinton, Sir Walter Stewart, Sir John Stewart, Sir Allan Stewart, his sons. It is agreed by historians, that this John Stewart of Dalswinton lived in the reign of David Bruce, and that he was taken prisoner with him at the battle of Durham in the year 1346, and that the foresaid Walter Stewart's only daughter and heir was, in the year 1396, married to John Stewart, son to Sir William Stewart, sheriff of Tweeddale, descended of the house of Darnly. It is to be

observed, that this charter is backed by a hand above a hundred years old, and the figure 25 is marked upon it, which seems to infer, that twenty-four preceding papers have been all lost. The next is a curious old charter in English, granted by John Crawford of Dalmacallan in Glencairn, to Jonkine Fergusson Laid of Craigdarroch, confirming other two charters, viz. one granted by John Huchchouson of Crawford, cousin to the foresaid John Crawford, of the four merks worth of land of Jedburgh, to the said Jonkine Fergusson, and another charter granted by John Crawford, the foresaid John Crawford's son, to the said Jonkine Fergusson of the mill of Jedburgh; to the which charter of confirmation the said John Crawford appends his seal at Craigdarroch the 6th day of July, the incarnation of our Lord 1398; which charter is backed by the foresaid old hand, and figured twenty-eight: and in the 12th of January 1727, it has been in the hands of that great antiquary, Sir James Dalrymple of Killoch, and was registrated at that time as a probative writ. The next is a sasine under the hands of Thomas Lockhart, notar-public, for infesting John Fergusson of Craigdarroch, as son and heir to Mathew Fergusson of Craigdarroch, dated the last day of April 1484. From which John Fergusson of Craigdarroch I have seen a complete progress, from father to son, to the present Alexander Fergusson of Craigdarroch, who was married to Anne Laurie, daughter to Sir Robert Laurie of Maxwellton, and Jean Riddel his lady; with which Anne Laurie he has these children, James, Robert, and Jean Fergussons. The said Alexander was chosen member of Parliament in the year 1717; by the contracts of marriage and other documents, it appears they have been honourably married to the families of Glencairn, Morton, Lag, Gadgirth, and Balmaghie, and that oftener than once.

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THE surname of LAWSON is of good antiquity in Scotland. I find, in Mr Hay's collections, mention of RICHARD LAWSON, a landed gentleman, who was canon of St Giles' Kirk in Edinburgh, and Laird of Grotehill, who gives the said lands to Walter Scot, baxter, with the consent of the magistrates of Edinburgh, about the year 1370. The oldest family I have met of this name is

#### LAWSON OF HUMBIE.

I. WILLIAM LAWSON of Humbie is the first of this family I read of, whom I find to be upon the service of Thomas first Lord Somerville, as heir to his father, March 1. 1406, as says the Genealogy of Somerville in manuscript.

II. WILLIAM LAWSON of Humbie, his son; I suppose he is the same person that Dr Abercromby, in his Martial Achievements, Vol. II. p. 501, mentions to be one of these appointed as plenipotentiaries to meet with King Henry the VII. of England's commissioners, not only to conclude a truce, but also a marriage between our King James IV. and the said Henry's eldest daughter, Princess Margaret, anno 1495. This the Doctor clearly documents out of *Fæd. Ang. tom. 12. p. 572*, and the same Mr William (says the Doctor, *ibid.* p. 506, out of the next p. 573 of the forecited *Fæd. Ang.*) was appointed one of the conservators of a seven years truce betwixt the two kingdoms of Scotland and England, which was concluded last of September 1497.

III. RICHARD LAWSON of Humbie, his son, has a charter of Gilchranston, lying in the barony of Salton, and shire of Edinburgh, on resignation of John Tarbat of that ilk; this is dated anno 1505, as says Scotstarvet in his Collection of Abbreviates of Charters. He died (as says the Chancellery Records) the 24th of August 1513.

IV. ROBERT LAWSON of Humbie his son, he is one of those heroes who signed a bond at Hamilton, May 8. 1569, to stand by their sovereign Queen Mary, with their lives and fortunes against her rebellious subjects, as says the author of the

life of Queen Mary, printed at Edinburgh in octavo 1725, p. 202. This Robert died February 14. 1581, as says the Chancellery Records.

V. JOHN LAWSON of Humbie, his son; the Council Records say he was cautioner that John Ramsay of Dalhousie shall not invade Richard Abercromby of Polton; and the Chancellery Records say he married Elizabeth Ballenden, daughter to ; which Elizabeth died in July 1630, and he himself in March 1598.

VI. Sir JAMES LAWSON of Humbie, his son, was served heir to his father March 4. 1607, as says the Chancellery Records; and Alexander Garden, in his Scottish Worthies, says, he was a Gentleman of his Majesty's Chamber, a gallant youth in the way of honour, but was unfortunately drowned beside Aberdeen, in a standing lake, called the Old Water-gang, riding over rashly, not having knowledge of the ground. This happened *anno* 1612; upon which accident the fore-cited Mr Garden composed the following poem.

Whose mind's so marbled, and his heart so hard,  
 And who of steel whose stomachs are so strong,  
 That would not, when this huge mishap was heard,  
 To th' utmost note of sorrow set their song:  
 And elevate their voice and woes alone,  
 The highest strain of any troubled tone.  
 To see a gallant, with so great a grace,  
 So suddenly unthought on, so o'erthrown,  
 And so to perish in so poor a place,  
 By too rash riding in a ground unknown.  
 The flinty fates, that but all pity prove,  
 Would both to mourn and miseration move.  
 Yet shall this death the defunct not disgrace,  
 Nor to his praise prove prejudicial,  
 Since men of greater rank have run like race,  
 And lost by like misfortunate fate and fall:  
 For Fergus, Dowgal, and King Donald, drown'd;  
 And they all three kings of this realm crown'd.

VII. JOHN LAWSON of Humbie, his son, was served heir to his father Sir James; May 25. 1637, as says the Cancellary Records.

The estate of Humbie went after to the Hepburns, and this family is now extinct; but probably the following Mr Richard Lawson, Justice-Clerk, has been a son, or descended of a son of the same.

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#### LAWSON OF HEIRIGGS, LOCHTULLOCH, BOGHALL, AND CAMBO.

I. MR RICHARD LAWSON of Heiriggs, it is presumable, was a son of the house of Humbie. He was made Justice-Clerk about the year 1488, and one of the counsellors appointed for managing the affairs of King James IV. during his minority, *anno* 1490, as says Dr Abercromby in his Martial Achievements, vol. ii. page 496, which he instructs out of the Black Acts, fol. 87. He was also appointed one of the plenipotentiaries to meet at Coldstream with those of England, for prolonging the truce, which was agreed to the 21st December 1492, *ibid.* page 498. This the Doctor documents out of *Fæd. Angl. tom. 12.* page 467. And again he was chosen one of the commissioners appointed to meet at Ayton with the English commissioners, for a treaty, *anno* 1497, *ibid.* p. 505. This the Doctor also instructs out of the said *Fæd. Angl.* p. 673. Moreover in Scotstarver's Collection of Abbreviates of Charters, I find this Mr Richard gets a charter of a tenement of land in Edinburgh, which pertained to Henry Tait, bastard; this is dated 18th February 1491. And there is in the present Cairnmuir's custody an instrument of sasine of the fourth part of the lands of Cambo, in favours of this Mr Richard.

Lawson, upon a precept of sasine granted by George bishop of Dunkeld, following upon a resignation by Janet Baillie and John Gifford her husband. This is dated the 16th January 1500. There is also a charter of alienation granted by Andrew Graham of Knockdolian and Cairnmuir, to the said Richard and Janet Elphinston his spouse, of the seven merk land of Cairnmuir. This is dated the 27th April 1500, and the sasine following thereupon is of the same date; and George, bishop of Dunkeld, his precept of sasine following thereupon is dated the 10th November that same year; and afterwards the said Andrew Graham of Cairnmuir grants another charter, in favours of the said Mr Richard and his spouse, of the lands of Cairnmuir, to be holden of the granter, which is dated 17th June 1503; and his procuratory of resignation of these lands, in favours of the said Mr Richard and his spouse, is dated the same day; and the said Andrew's precept of sasine following hereupon is dated the next day; and the instrument of sasine following upon the foresaid precept is dated the 26th September thereafter; and John Earl of Morton confirms all, by his charter dated 17th September 1503; and upon the 12th June this same year, this Andrew Graham grants an obligation to Mr Richard, containing warrandice for the entry of the said Andrew Graham his heirs to the Earls of Morton, upon the decease of him and his successors. This is dated the 18th June 1503. Scotstarvet, in his Staggering State, says, that this Mr Richard purchased also a good estate near the Burrow-Loch, as also the lands of Boghall.

This Mr Richard Lawson died about the year 1508. He married Janet Elphinston, daughter to . . . I find in the fore-cited Collection of Abbreviates of Charters by Scotstarvet, mention of a mortification granted by this Janet, (therein designed relict of Mr Richard Lawson of Heiriggs) whereby she mortifies to a chaplain in St Giles's Kirk in Edinburgh, founded by Alexander Lauder, Provost of Edinburgh, with consent of Robert Lawson, her son, seven merks yearly out of a tenement in Edinburgh, and 10 *lib.* out of *Cramond Regis*, conquest by her from Janet, daughter and one of the heirs of William Baillie of Cambo. By this marriage Mr Richard begat with his said lady three sons, viz. 1<sup>st</sup>, James his successor; 2<sup>d</sup>, Richard; and 3<sup>d</sup>, Robert Lawson, both successively lairds of Cairnmuir; of whom afterwards.

II. JAMES LAWSON of Heiriggs, &c. his eldest son and heir; there is in the present Cairnmuir's custody a precept of *clare constat* granted by this James, in favour of Mr Patrick Lawson, as heir to Richard, his brother-german, in the lands of Cairnmuir. This is dated the 5th November 1526, and the sasine following hereupon is dated the next day thereafter. This James married Janet, daughter to ----- Liddel of Lochtulloch. Scotstarvet, in his Collection of Abbreviates of Charters, mentions a charter wherein this James, (which he by mistake calls Robert) son of Mr Richard Lawson of Heiriggs, gets with Janet Liddel, heiress of Lochtulloch, (whom he was to marry) the lands of Lochtulloch, Boghall, Star-daiills, and Denyss, lying in the barony of Bathgate and shire of Renfrew, and the same is provided to their heirs, which failing, to her heirs, dated 1507.

III. JOHN LAWSON of Heiriggs and Lochtulloch, his son; there is (*penes Cairnmuir*) an instrument of sasine of the lands of Cairnmuir in favour of this John, son and heir to James of Heiriggs, upon a precept of *clare constat* granted by Robert Graham of Knockdolian, dated 15th December 1556, and the sasine following hereupon is dated the 1st of February 1556. There is also a precept of *clare constat* granted by the said Robert to this John, of the ten pound land of Cairnmuir. This is dated 16th May that same year; and there is another precept of *clare constat* by ditto to ditto in the said lands, dated 19th December that same year; and there is a charter granted by the fore-cited Robert Graham of Knockdolian to this John, of the lands of Cairnmuir, dated 13th April 1584, and the sasine following thereupon is of the same date, which are confirmed by John Earl of Morton the 16th of that same month.

This John married Christian, daughter to Sir William Livingston of Kilsyth, by whom he had two sons, Sir William and John, who succeeded each other in the estate of Boghall, and a daughter, Katharine, who was married to Mr James Primrose, ancestor to the Viscount of Primrose, as says Mr Crawford in his Peerage.

IV. Sir WILLIAM LAWSON of Lochtulloch and Boghall, his son. There is in the present Cairnmuir's charter-chest a charter of the lands of Cairnmuir, granted by John Graham of Knockdolian, to William, son and heir served and retoured to John his father. This is dated 7th December 1594, and the sasine following hereupon is dated 29th July 1595. There is also an instrument of sasine of the lands of Dundryon, in the barony of Inverleith and shire of Edinburgh, granted in favour of this William, on a charter granted to him by Sir George Towers of Innerleith, dated 12th of December 1607; and there is a charter granted by William Earl of Morton of the lands of Cairnmuir, in favour of this William Lawson of Boghall, holding blench, upon a decret before the Lords of Session, dated the last day of December 1607, and the instrument of sasine following hereupon is dated 22d August 1608. There is also a precept of sasine upon a retour by Alexander bishop of Dunkeld, in favour of this Sir William Lawson of Boghall, as heir to John Lawson of Lochtulloch, his father, of the fourth part of the lands of Cambo, dated last of January 1609; the sasine following hereupon is dated the 15th April thereafter. I find also in the Council Records that this Sir William and ——— Hamilton of Bathgate, are ordered to find caution not to assault each other. This happened *anno* 1607; and he and Hamilton of Innerwick are charged by the Lords of Privy Council to keep the peace, 25th June 1608. Scotstarvet, in his *Staggering State*, says, "This Sir William dilapidate and put away most of his fortune before his death, and went to Holland to the wars." He died in May 1628, as says the Chancellery Records.

V. JOHN LAWSON of Boghall is served heir to Sir William his brother, the 18th April 1629, as narrates the Chancellery Records.

*Nota.* All the foresaid families of the surname of Lawson being now extinct, and their estates possessed by other families, the only remaining family in Scotland (of any long standing) of this surname, is Lawson of Cairnmuir, who undoubtedly is chief of the name; an account of whose family follows.

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#### LAWSON OF CAIRNMUIR.

I. RICHARD LAWSON of Cairnmuir was second son to Mr Richard Lawson of Heiriggs, &c. Lord Justice-Clerk, (as is narrated before) and his lady Janet Elphinston. There is in the present Laird of Cairnmuir's custody an instrument of sasine of the lands of Cairnmuir, given by the said Mr Richard, *propriis manibus*, to this Richard his son, which is dated the 10th of October 1504: And there is a charter granted by the said Mr Richard and his said spouse, to this Richard their son, of the said lands, dated 18th March 1507; but it seems he had died soon after without issue, and was succeeded in his fortune by his brother Robert.

II. ROBERT LAWSON of Cairnmuir, his brother, third son to the foresaid Mr Richard Lawson of Heiriggs, Justice-Clerk. There is (*penes Cairnmuir*) a precept of *clare constat*, granted by Andrew Graham of Knockdolian in favour of this Robert, as heir to Mr Richard, his father, in the lands of Cairnmuir. This is dated the 23d April 1510, and the sasine following hereupon is dated the last of that same month.

This Robert married Janet, daughter to William Baillie of Cambo, by whom he had James his successor, and Richard Lawson.

III. JAMES LAWSON of Cairnmuir his son. There is a precept of *clare constat* by Robert Graham of Knockdolian, in favour of this James, as heir to Robert his father in the lands of Cairnmuir, which is dated the 9th May 1521, and the sasine following hereon is dated the 18th June thereafter.

This James married ——— Veitch, daughter to ——— Veitch of Dawick, by whom he had two sons, George his successor, and Patrick of Borland.

IV. GEORGE LAWSON of Cairnmuir, his son, had also the estate of Borland. There is in the present Cairnmuir's custody an instrument of sasine in favour of this George, as heir to Patrick Lawson his brother-german, on a precept of *clare constat* granted by John, son and heir to James Lawson of Heiriggs, with consent of his tutors. This is dated 5th July 1553, and which sasine is dated the 8th of that same month; and there is another sasine of the lands of Cambo, in favour of this George, on the foresaid precept of the same date. He is retoured heir in general to Richard Lawson, his father's brother, 5th September 1554. There is a reversion granted by Mr William Crichton, parson of Eddleston, to this George Lawson of Borland, of an annualrent of twenty merks Scots forth of the lands of Camnock, for payment of twelve score ten merks, dated 5th May 1556. And there is another reversion granted by John Carkettle of Fingland to this George of the lands of Cambo, for payment of forty pound Scots, dated April 1558. There is moreover a precept of sasine by John Lawson, immediate superior of the lands of Cairnmuir, with consent of his curator, in favours of this George, son to James Lawson, as heir to Mr Patrick Lawson his uncle, upon a retour before the regality of Dalkeith, dated 25th June 1558; and, besides, there is a reversion granted by John Stewart of Traquair, to this George Lawson of Borland, for payment of forty shillings Scots, dated 16th October 1558. There is another reversion granted by John, son and heir to sometime Manchane, burgess of Edinburgh, with consent of his curators, to John Stewart of Traquair, of an annualrent of twenty pound Scots, granted by the said John Stewart, with consent of this George Lawson of Borland, his superior, forth of the lands of Cairnmuir, for payment of 300 merks Scots. This is dated *anno* 1562.

This GEORGE married ——— daughter to ——— by whom he had James his successor.

V. JAMES LAWSON of Cairnmuir his son. There is (*penes* Cairnmuir) a charter by George to this James, his son and apparent heir, of the lands of Cairnmuir, which is dated 1560, and the sasine following hereupon is dated 7th July 1582. There is also an instrument of resignation of the said lands by John Stewart of Traquair, in the hands of the said George his superior, in favour of this James, dated 21st July 1565. There is another charter granted by Mr Mark Ker of Prestongrange to this James, of the lands of Skiprigg, dated the 4th June 1582, and the sasine hereupon is dated the 14th of the same month. His father gives him another charter of the lands of Cairnmuir, to be holden of John Lawson of Heiriggs, his superior, which is dated 3d July 1582, and the said John of Heiriggs confirms the same by his charter, dated the next day after, and the charter of confirmation under the Great Seal, confirming the charters following, viz. a charter by John Earl of Morton to Robert Graham of Knockdolian of the lands of Cairnmuir, dated 26th March 1584; charter by the said Robert to John Lawson of Lochtulloch, of the said lands, dated 13th April 1584; charter by the said Lochtulloch to George Lawson of Cairnmuir, of the said lands, of the same date; and a charter by the said George to this James his son, of the said lands, and dated 11th September 1584, and the royal charter of confirmation of them all is dated 2d January 1584. There is also a charter granted to this James by his father, of the lands of Cairnmuir, in implement of a contract betwixt them, dated May 27. 1584, and this charter is dated the 11th September that same year, and the sasine following hereupon is dated the 8th of February 1584.

This James married Elizabeth, daughter to William Scott of Mountbeugar, by whom he had Mr James his successor.

VI. Mr JAMES LAWSON of Cairnmuir his son. He gets a charter from his father of the lands of Cairnmuir, and fourth part of Cambo, in implement of his contract of marriage with Elizabeth, daughter to Gilbert Brown of Hartrees, which is dated May 20. 1619, and the sasine following hereupon is dated July 6. 1622; and there is in the present Cairnmuir's custody a charter of confirmation of the foresaid charter granted by Sir William Lawson of Boghall, dated July 10. that same year. There is also a charter granted by John Lord Stewart of Traquair, of the lands of Cairnmuir, to this Mr James in liferent, and James his son in fee, to be holden blench of the said Lord, dated 12th September 1631, and the sasine following hereupon is dated the 7th of November thereafter. There is also an instrument

of sasine in the lands of Ingraston and Maidenhead, with pasturage upon Blythholm, and the muir adjacent, lying in the parish and barony of Linton, and shire of Peebles, as principal, and the lands of Ormiston, in the parish of Innerliethen, in warrandice, in favour of this Mr James of Cairnmuir and his said spouse, following upon a contract betwixt them on the one part, and the commissioners for John Earl of Traquair, then out of the kingdom, on the other part; this is dated the last of July 1650. This Mr James gets a disposition from the Earl of Traquair and Lord Linton, of the lands of Ingraston and Maidenhead, which is dated the 23d December 1653; and the charter of alienation of the said lands, as for the principal, and the lands of Fingland, in the barony and parish of Newlands, in warrandice, is granted by John Earl of Traquair, and John Lord Linton his son, to the said Mr James, the said day, and the sasine hereupon is dated the 21st of February 1654. This Mr James was appointed one of the committee of Parliament for Peebles-shire, for putting the kingdom in a posture of defence, February 15. 1659, as is narrated in the rescinded acts of Parliament.

This Mr James married Elizabeth, daughter to Gilbert Brown of Hartrees, by whom he had James his successor.

VII. JAMES LAWSON of Cairnmuir his son. There is (*penes Cairnmuir*) a charter granted by his father to him, upon his contract of marriage with Isabel Muirhead, of the lands of Ingraston and Maidenhead, as principal, and the lands of Fingland, in warrandice thereof, to be holden of the disponent: this is dated May 4. 1655: Besides there is a tack of the teinds of Cairnmuir betwixt this James and the Earl of Tweeddale, which is dated the 12th March 1679. I find in the Council Records this James is convened before the Lords of Privy Council in June 1684, for not dissipating conventicles on his ground; and he was after a prosecutor of the episcopal ministers *anno* 1689.

He married Isabel, daughter to John Muirhead of Linhouse, by whom he had John his successor.

VIII. JOHN LAWSON of Cairnmuir his son. There is in the present Cairnmuir's charter-chest a procuratory of resignation of the lands of Cairnmuir, Ingraston, and Maidenhead, granted by James Lawson of Cairnmuir in favour of himself in life-rent, and this John, his son, in fee, which is dated the 13th July 1682; and the instrument of resignation hereupon is dated the 19th of the same month and year; and the charter granted upon both by John Earl of Tweeddale, in favour of this James, and this John his son, of the said lands, is dated the same day; and the sasine upon this charter is dated December 3. 1685. This John gets also a disposition in his favour from John Law, of the lands of Netherurd and Bryandland, which is dated December 22. 1699, and the sasine following hereupon is dated 26th January 1700; and the said John Law resigns the foresaid lands of Bryandland in the hands of Anne Dutchess of Buccleugh, in favour of this John of Cairnmuir, as bears the instrument of resignation, dated January 28. 1701, and the charter following thereupon, to be holden feu of the said Dutchess, is dated January 28. 1701. There is a tack of the teinds of Cairnmuir betwixt this John and William Earl of March, which is dated May 7. 1700.

This John Lawson of Cairnmuir married Barbara, daughter to Sir John Clerk of Pennycuik, by whom he had John his successor.

IX. JOHN LAWSON, the present Laird of Cairnmuir, &c. His son was served heir to his father in general before the bailies of Edinburgh, as bears his general retour, dated the 6th of October 1705; and he was served heir in special to his said father in the lands of Cairnmuir, Ingraston, and Maidenhead, as principal, and the lands of Fingland, in warrandice, before the Macers of Council and Session, as bears his special retour, dated 29th January 1719; and upon said service there is a precept of *clare constat* by William Earl of March of the haill above lands, in his favour, as heir to his father, as said is, dated 19th March 1719, and the sasine following thereupon dated 27th March 1719; and also he has an instrument of resignation of the eight prebend lands of Netherurd, and mill and mill-lands thereof, in his favour, which is dated 13th November 1707; and the charter of resignation of the said lands, granted by Anne Dutchess of Hamilton in his favour, is dated the same day; and the sasine following thereupon is dated the 9th of December thereafter.

This present Cairnmuir hath married Elizabeth, daughter to Bryce Semple of Cathcart, by whom he hath a son to succeed him named Richard.

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#### M'DOWALL OF LOGAN.

LOGAN would have rested satisfied with what is recorded of his family by Mr Nisbet in his System of Heraldry, Part II. page 284, but that in this Appendix there is a long chapter concerning M'DOWALL of Freugh, wherein a claim of chiefship is set up by Freugh, which was never before heard of, and Mr Nisbet (if it is his performance) seems to favour his pretensions: Wherefore, that falsehood may not be imposed for truth, Logan shall make some few observations upon this subject, which indeed is of itself most trifling; but since Freugh has flattered himself with such idle amusements, justice must be done to those whom he would otherwise thereby injure.

And, in the first place, Freugh has no warrant or authority to use arms, the same having never been matriculated in the Lyon Register, nor to be found in any collection of arms; so that I cannot see how he can pretend to carry arms at all, and much less to be chief of the name. All the voucher of his arms is, that they are said to be cut on a window-board and bed, which he pretends belonged to the old House of Freugh; but as these are no authentic evidence of such arms, so it were a kind of miracle, if they had been preserved, when that House of Freugh was burned by the English, as he here affirms it was: It is likewise surprising, that, since by the old law and custom writs were sealed with the granter's seal, and not subscribed at all till the act requiring also the subscription, par. 1540, cap. 117, none of the old writs that instruct the long series of his ancestors bear their arms upon their seals: It is therefore incumbent upon Freugh, in the first place, to show by what authority he bears arms at all, for the antiquity of his family must principally appear from the arms they have right to bear.

It is plain, from the several acts of Parliament concerning the power and office of the Lyon King at Arms, act 127. Par. 1592. p. 1672. act 21. that he and his brother heralds were to visit the arms of the whole noblemen, barons, and gentlemen, borne and used within the kingdom, and to matriculate them in their books and registers, and to fine in L. 100 all who shall unjustly usurp arms, and to escheat and forfeit all such goods as shall have unwarrantable arms engraven on them; and letters of publication are directed to be execute at the market crosses of the several royal burghs, head burghs of shires, stewartries and baileries within the kingdom, charging all who make use of any arms or signs armorial, within the space of one year after the said publication, to bring or send an account of what arms or signs armorial they are accustomed to use, and whether they be descended of any family, the arms of which family they bear, and of what brother of the family they are descended, with testificates from persons of honour touching the verity of their having and using these arms, and of their descent, to the effect that the Lyon King at Arms may distinguish the said arms with congruent differences, and matriculate the same in his books and registers, and give arms to virtuous and well deserving persons; and it is statute, that the said register shall be respected as the true and unrepealable rule of all arms and bearings in Scotland.

It is therefore most certain, that if the family of Freugh had at the time of these acts been entitled to wear arms, or any pretensions to noble descent, they would have taken the benefit of these acts, as the family of Logan did, by getting their arms matriculate in *anno* 1676, which, Mr Nisbet observes, Part II. p. 284. are found in the Lyon Register the same as at this day: Wherefore Freugh's using armorial bearings or arms must be an usurpation, they not having been matriculate, and his fancy of being descended of Gilbert Earl of Carrick vain and groundless; and whether Gilbert was elder or younger brother to Ethred, grandfather to Allan Lord of Galloway, is no matter to Freugh, who does not seem to have any interest

in that noble family, or otherwise he was bound to vouch his descent and title to carry arms, as is directed in the foresaid acts: Nor indeed was ever Gilbert Earl of Carrick, but his son Duncan, who married the heiress of Carrick, and thereupon changed his name from M'Dowall to Carrick, if credit is to be given to historians; Buchanan, p. 363, and Sir James Dalrymple, p. 363, informs us, that Gilbert was Ethred's younger brother, and most barbarously murdered him.

What is further advanced by Freugh is hardly worth noticing; that Dowallton, which he pretends belonged to his predecessors, was the ancient residence of the Lords of Galloway, is without foundation; for it is well known, that all the places, town-lands, and even hills in Galloway have Irish names, which was their language till within these 150 years, and this town-land, which is far from being a barony, was known to have been called formerly Belielochquhan (*i. e.* Lochtown, from a loch there) till of late (as the story goes) one M'Dowall, a natural son of Garthland, lived there, who being a notorious thief and a robber, that little town-land had its name afterwards from him.

Sir George Mackenzie tells us, page 3. sect. II. that M'Dowall is known to be among the ancientest surnames of Scotland, because he bears a lion collared with an open crown about his neck, in remembrance of *Dovallus* his predecessor killing the tyrant *Nothatus*, who lived many years before Christ. Mr Nisbet owns the same, Part II. p. 282 and 283, and likewise that the arms of the old Lords of Galloway were *azure*, a lion rampant *argent*, collared with an antique crown *or*; now, these are the very arms used M'Dowall of Logan at this day, and are recorded the same in the Lyon Register, and neither Garthland nor Freugh, nor any other family of the name use these arms, which are the same with these of the old Lords of Galloway; and therefore it may justly be concluded that Logan has the best pretensions of being the true and lineal heir-male of that family, for his arms being simple, without addition of any other figure, is one great argument of his being chief of the family.

It is true Mr Nisbet, page 283, pretends to instruct from Camden in his *Brittannia*, that Henry I. King of England gave a grant to Fergus Lord of Galloway, for some special services, of having the lion crowned; after which that family had the lion crowned, neglecting to have it collared only with an open crown.

But, in the *first* place, this is a plain mistake, for Camden says no such thing. His words are, page 741. "Gallovidia hæc suos olim principes & Dominos habuit quorum primus qui annalium monumentis celebratur erat Fergusius regnante Henrico primo in Anglia, cui pro insignibus erat leo argenteus erectus & coronatus in parma cerulea;" where it is plain Camden only tells us, that Galloway of old had its own princes, of which Fergus was the chief, who lived in the time of Henry I. and carried the arms there described, but does not in the least mention any grant from Henry King of England in favour of Fergus, for changing his arms from a lion collared with an open crown to a lion crowned; and it were absurd to imagine, that a Scots peer would have applied to the King of England for any such purpose, and would have been directly against the foresaid acts of Parliament, and indeed were contrary to the nature of the thing, since all honours and armorial bearings must proceed from the proper sovereign; nor is there any evidence of the Lords of Galloway ever having changed their arms in the foresaid manner; and Camden's account of Fergus's arms must be corrected by our own historians and authors, who inform us, that the family bore the lion collared with an open crown.

In the next place, though the Lords of Galloway had changed their bearing to a lion crowned, yet that could not alter the case; for, as to Garthland, though indeed at present he bears the lion crowned, yet formerly he bore the lion gorged with an open crown, standing upon a rock in a water, or sea in base; Nisbet, Do. page 283; and therefore he cannot plead from his new bearing any antiquity: and as to his old arms, since they have such additions, it cannot be supposed that he represents the principal family in competition with Logan, who has no addition: and as to Freugh, it has been already observed that his arms are without any authority, though he, to make sure work, has assumed the lion crowned with an imperial crown, and likewise gorged with an antique crown, supported by two wild

men, Nisb. Part II. page 285. But this is all usurpation, for the pretended supporters were taken up by the present Freugh at his own hand.

This leads to another strong proof of Logan's being chief of the name and family; it is that he not only carries simple arms, the same with these of the old Lords of Galloway, but likewise uses supporters. Now it is most certain, that the right of using supporters is hereditary with us to the lineal heirs and representatives of families, but not proper to the younger sons or collaterals, unless they become representatives of the family, as Mr Nisbet observes, Part IV. p. 33. And Sir George Mackenzie, cap. 31. plainly informs us, that all our chiefs of families and old barons in Scotland may use supporters, and have prescribed a right to it; and he further observes, that *de jure* barons may use supporters, for as such they were members of Parliament with us of old, and never lost that privilege, though, for their conveniency, they were allowed to be represented by two of their number for each shire; and, therefore, such as were barons before that time may have supporters as well as lord barons: The consequence whereof is, that when the family of Logan used supporters, they were owned to be the chief of the name, in place of the ancient Lords of Galloway, and was one of these barons that had title to sit in Parliament, which it is plain Garthland and Freugh were not, since they never used supporters, according to Sir George Mackenzie's foresaid reasoning. Garthland has owned, Nisbet, do. page 283, that in these days he held his lands of the family of Douglas; the oldest charter he produces, *anno* 1413, being from them, and so could have no claim as a baron to sit in Parliament; whereas all Logan's old charters are from the sovereign.

As to the pretended bond of man-rent by JOHN M'DOWALL of Logan, to Uthred M'Dowall of Garthland, *anno* 1593, mentioned by Nisbet, Part II. page 283 it is plainly spurious, null, and contrary to law, and the nature of the thing, and so no legal claim can be founded upon it: For, in the first place, it wants the ordinary solemnities requisite at the time, since all writs of importance behoved to be sealed, as well as subscribed, by the laws then in force, act 80. Parl. 1579. Now this writ is not sealed at all, and the pretended subscription to it is not the subscription of the said John M'Dowall, as appears by comparing it with his other subscriptions to uncontroverted writs. Next, such bond of man-rent were against an express statute, act 43. Parl. 1555, which declares all such bonds null, and discharges the granting or taking the same in all time coming, under severe penalties; so that it cannot be presumed such bond was given or taken; more especially, if it is considered, in the last place, that such bond was inconsistent with the circumstances of the parties at the time. Garthland held several lands ward of Logan, and was thereby liable to attendance upon Logan, his superior, at head courts, and to military services inherent to such holdings, which was incompatible with Logan's performing the attendance and service, mentioned in that bond to Garthland his vassal. And the learned Craig informs us, that the services due by a vassal to his superior are expressed with us by man-rent; and the duty of the superior towards his vassal by that of maintenance (Craig *de Feudis*, lib. 2. *diag.* 11. *sect.* 1.); and therefore it were self-contradictory that such bond of man-rent should have been granted by Logan, the superior, to Garthland, who was his ward vassal at the time in several lands.

And further, Logan's using supporters before this writ, plainly shows that Garthland could never set up pretensions of chiefship at that time. And it is more than probable the first of the name of M'Dowall of Garthland was a younger son of M'Dowall of Logan, and that he got, as his patrimony, the lands of Elrig, &c. which he held of Logan for several hundreds of years, and thereafter resigned them in the hands of Logan his superior, *ad remanentiam*; and that the family of Garthland first had the name of M'Dowall, by his marrying the heiress thereof, being formerly of the name of Garth, which Mr Nisbet observes, Part I. page 29, was an ancient family in Galloway.

Mr Richard Hay, the Antiquarian, states the question upon this head betwixt the families of Logan, and Garthland; and though he declines giving his judgment, yet it is plain from the reasons and documents set forth by him, that Logan must have the preference; and therefore his certificate upon that subject is here-to subjoined.

## FOLLOWS MR RICHARD HAY'S CERTIFICATE.

" I MR Richard Hay, Antiquarian, by these presents certify, That having perused several old writs and documents belonging to the Honourable Laird of Logan in Galloway, the following observations occur as plain:

" *1mo*, That the lands of Logan, constantly designed in the old rights *Dominum de Logan*, were held originally blench of the crown by the predecessors of the present Laird of Logan, as is clearly demonstrated by a charter of King James IV. to Patrick M'Dowall of Logan, the 21st of January 1504.

" *2do*, That the lands of Alrick, Myroch, and Balnagown, still designed in the said writs, *jacet in Dominio de Logan*, and are a five merk land, long before the year 1466, were held by Uthred M'Dowall of Garthland, and his predecessors, of Patrick M'Dowall of Logan, and his predecessors *in warda et relievio reddendo, inde annuatim tres sectas curiarum ad tres curias capitales, &c.* as appears from a charter of confirmation of the said lands to Andrew M'Dowall, upon the resignation of the said Uthred M'Dowall of Garthland, in the hands of the said Patrick M'Dowall of Logan his superior; which resignation is dated at Logan the 8th of December 1466, as also from a precept of the chancery, *anno 1mo Jacobi*, which I take to be King James IV. in the year 1488, directed to Patrick M'Dowall of Logan, superior, for infefting Uthred M'Dowall of Garthland, in the said lands of Alrick, &c. wherein it is declared that the said Uthred M'Dowall, his grandfather, died last vest and seised therein; and likewise in a charter of Patrick M'Dowall of Logan to Margaret Kennedy, daughter to Hugh Kennedy of Girvanmains, for her liferent as Lady Garthland, dated at Wigton the 1st of March 1549. From all which it is evident that Garthland's predecessors got these lands from Logan's, to be held of them *in capite*, which they did till *anno* 1645, that they sold the property to Logan as they now remain.

" *3tio*, That the Lairds of Logan have been in use of wearing supporters to their arms, whereof I have seen two instances, there being a lion supporting their escutcheon upon their seal, *anno* 1549, and one other on their seal 1594, the other sides being defaced.

" Having likewise perused several old writs and documents belonging to the Honourable Laird of Garthland, amongst which a charter from the Douglasses, Lords of Galloway, to Garthland's predecessor, in the year 1418; as also a bond of man-rent alleged to be granted by John M'Dowall of Logan to Uthred M'Dowall of Garthland, together with all the arguments adduced by the said two honourable gentlemen, for supporting the rights and prerogatives of their two respective families, I think it difficult to judge, nor can I determine which of the two is to be reputed chief and head of the M'Dowalls, who are undoubtedly the representatives of the old Lords of Galloway, until such time as clearer documents and more pregnant reasons be offered by each of the respective parties. In witness whereof I have subscribed thir presents at Edinburgh, the 22d of March 1722, written by David Tullideph, apprentice to Mr James M'Euen, bookseller in Edinburgh, before these witnesses, Alexander Nisbet, Esq; professor of heraldry, the said Mr James M'Euen, and the said David, writer hereof."

MR RICHARD HAY.

JA. M'EUEN, witness.

DAVID TULLIDEPH, witness.

ALEXR. NISBET, witness.

## KELSO OF THAT ILK IN THE COUNTY OF AYR.

ALL antiquaries agree, that the most ancient surnames are local with a *de* before them, and have been assumed by the proprietors when fixed appellations became hereditary: Thus the ancient possessors of the lands of Kelsoland, in the bailiary of Cunningham and sheriffdom of Ayr, took a surname from their own lands, according to the common custom of others amongst us.

But that the antiquity of the family of Kelso may not be asserted without a sufficient document, we find that the Kelsos of this race were very early possessed of these lands from the chartulary of the abbacy of Paisley (*a*), to which they were benefactors.

JOHN KELSO, *Dominus de Kelsoland*, as he is designed, flourished under King Robert II. the first of our kings of the Stewartine line, who came to the throne in the year 1370 (*b*), and was allied by marriage with a lady of the noble family of the Livingstons of the house of Callendar, the progenitors of the Earls of Linlithgow, by whom he had a son, *John de Kelso*, who was his successor in his estate. This *John de Kelso*, the father, "*Dominus de Kelsoland, cum confessu Joannis de Kelso, filii sui et haeredis apparentis et Elizabethæ Livingston, spousæ Joannis senioris,*" gave, "*Deo et ecclesie sancti Mariæ et sancto Jacobo de Paslet, terras suas de Langlebank, inter terras de Kelsoland et Largs, pro salute animarum suarum antecessorum et successorum suorum in perpetuum* (*c*)."  
This notification bears date the 5th of January *anno dom.* 1403, the 30th year of the reign of King Robert III.

This last John was succeeded by Thomas Kelso of Kelsoland, who is designed, in a charter granted by King James II. the fourth day of September 1444, under the Privy Seal, "*Loco magni sigilli, tanquam senescallum Scotiæ Thomæ de Kelso de Kelsoland, nepoti et haeredi quondam Joannis de Kelso de Kelsoland,*" upon his own resignation (*d*). This Thomas Kelso of Kelsoland was allied by marriage with the ancient family of the Boyles of Kelburn, progenitor of the present Earl of Glasgow; which family at the same time intermarried, and made a double alliance with the family of Kelsoland. He was succeeded by

JOHN KELSO of Kelsoland his son, who, I think, was allied by marriage with the Stewarts of Fynock, who was a brother of the House of Bute (*e*), and had

THOMAS KELSO of Kelsoland his son, who has a charter under the Great Seal of King James V. as Prince and Steward of Scotland, wherein he is designed *filio et haeredi Joannis de Kelso de Kelsoland*. This charter is dated in the year of our Lord 1521 (*f*). It does not appear to me when this gentleman married, but he left a son to succeed him, viz.

THOMAS KELSO of Kelsoland, who was infeft in his estate, and heir to his father, the 10th of November 1536 (*g*). He married Jean Fraser or Frissel, a daughter of the ancient family of the Frissels of Knock in the shire of Ayr, and left issue, Archibald, his son and successor, and a daughter Giles, who was married to Hugh Crawford of Cloverhill, and had issue.

ARCHIBALD KELSO of KELSOLAND, son and heir of Thomas Kelso of Kelsoland, was infeft as heir to his father the 10th of November 1567 (*b*). He married Margaret Stewart, daughter of James Stewart of Ardgowan and Blackhall, by Janet his wife, daughter of George Maxwell of Newark, by whom he had David his successor, and a daughter married to John Stewart of Ascog, and had issue.

DAVID KELSO of Kelsoland was infeft in the lands of Kelsoland, as heir to his father, the 2d of November 1601 (*i*). He had Archibald his eldest son, who married Sarah Brisbane, daughter of Matthew Brisbane of Roslin, but had no issue;

(*a*) The chartulary or register of the abbacy of Paisley, now in the custody of the Right Honourable the Earl of Dundonald. (*b*) Buchanan, Boethius, Lesley, and our other historians. (*c*) Chartulary of the abbacy of Paisley before cited, from whence the author of this memorial drew this note. (*d*) Signed inventory of the writs and charters of the lands of Kelsoland, which the author has in his hands. (*e*) Charta in publicis Archivis, ad annum 1445. (*f*) Signed inventory of the writs of Kelsoland, in the hands of the author of this memorial. (*g*) Ibidem. (*h*) Ibidem. (*i*) Ibidem.

she was afterwards married to Sir William Mure of Rowallan. He was succeeded by

ROBERT KELSO of Kelsoland, who was infeft in the estate of Kelsoland in the year 1613 (†). This gentleman having no issue of his body, sold his estate, in the year of God 1624, to Patrick Shaw, second son to John Shaw of Greenock. He married Jean Montgomery, daughter of Adam Montgomery of Broadston, and sister to Hugh Lord Viscount Montgomery of Airds, of the kingdom of Ireland; but he dying without issue, was succeeded by his nephew Hugh Shaw of Kelsoland, who sold the lands of Kelsoland to the heir-male of the House of Kelsoland, Robert Kelso of Halrig, *anno* 1632 (†). He married ——— Osburn, daughter of John Osburn, Provost of Ayr, and had John Kelso, late Surveyor of the Customs at Port-Glasgow, and William Kelso of Dalkeith, Writer to the Signet, who married Mary, daughter of John Dunlop of that ilk, by Antonia his wife, daughter and sole heir of Sir John Brown of Fordel, and has William Kelso of Dalkeith his son and heir, who carries the coat of arms of the ancient family of the Kelsos of Kelsoland, of which he is undoubtedly the heir-male and representative.

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ACCOUNT OF THE PEDIGREE AND DESCENT OF WILLIAM COPLAND OF COLLIESTON.

TO clear which, it is fit to relate the circumstances that the kingdom of Scotland was in with her neighbouring nations of France and England, as follows:

Edward III. King of England, pretending right to the crown of France, he, in prosecution of the same, sent over an army into France, where his valiant son prince Edward, commonly called the Black Prince, gave the French a great overthrow at the battle of Cressy. Thereafter, *anno* 1346, King Edward sat down before Calais with a strong army and besieged it; to divert whom, Philip King of France, knowing the city to be of great importance, sent his ambassadors to Scotland, to persuade King David in performance of the old league and alliance that was betwixt France and Scotland, to denounce war against England; to which King David too easily consented, and, by his proclamation, ordered all his subjects who were fit to bear arms, betwixt sixty and sixteen years of age, to attend his host, out of whom he raised an army of sixty thousand men, in which army there were two thousand men at arms of noblemen and gentlemen; and upon the 6th of October 1346, King David with that army entered Northumberland, burning and destroying all before him. Upon which Queen Philippa, wife to King Edward III. came down to the North of England, and caused Percy Earl of Northumberland, who was then English Governor and Warden of the East Borders, (with the assistance of the bishops of York and Durham, and all the English noblemen in the North of England) gather together all the forces he could to join these forces she had brought down with her, and which her husband King Edward had sent her over from the siege of Calais, where he still continued: and the English and Scots armies meeting, they fought a cruel battle at Neville's Cross, near to Durham, upon St Luke's day, being the 18th of October, and year foresaid, where the Scots army received a lamentable overthrow, the greatest part of the nobility and gentry being either slain or taken prisoners; King David himself fighting valiantly, was taken prisoner by John Copland, Esq. in Northumberland, who, before he could take and disarm the king, had two of his teeth struck out by the king's gauntlet. Immediately after the battle, John Copland conveyed King David to his castle of Ogle; and being ordered by Queen Philippa to deliver up his royal prisoner to her, he absolutely refused it, and sent

(†) Signed inventory of the writs of Kelsoland, in the hands of the author of this memorial.  
 (†) Ibidem. The inventory of the writs out of which this account is drawn, and were in the 1632 given up to Robert Kelso of Halrig.

her a very resolute answer, to wit, "That as for the King of Scots he would be answerable for his safe keeping, but would deliver him to no body except to his Sovereign Lord the King, or his express orders." Whereupon Queen Philippa complained to King Edward who was lying then before Calais. John Copland being commanded to repair thither by King Edward, gave such a modest and loyal answer to the complaint given in against him, that King Edward ordered L. 500 Sterling a-year to be settled on him and his heirs for ever; and until the grant of land was settled on him and his heirs, he had L. 500 yearly paid him out of the customs of London, and those of Berwick-upon-Tweed; and it appears upon record, that John Copland was then made a knight banneret. Stow's Chronology, page 243. Sir John Copland being returned into England, and being ordered to deliver up his royal prisoner to the Queen, who was then at York, he guarded him thither from his own castle of Ogle with twenty thousand men, consisting of his friends, tenants, and the militia of the Northern shires, and delivered King David up to the Queen, and at the same time made his excuse before her and the council in so dutiful and discreet a manner, that they were all very well satisfied with his conduct in that affair. Sir John Copland shortly afterwards had several lands assigned him near to Wooler in Northumberland, which do bear his surname to this day, and got likewise lands in Cumberland near to Keswick, where are the Copland Fells, and the Copland Isles, and lands about Donaghadee in Ireland. King David continued prisoner in England for the space of eleven years, until he was ransomed for one hundred thousand merks, Sterling; and, in the mean time, the English overran and possessed themselves of the countries of Merse, Teviotdale, Lauderdale, Ettrick Forest, Tweeddale, Eskdale, Nithsdale, Annandale, and Galloway, the length of Cockburnspath and Souttrahills on the east, and, on the west, the length of the head of Clyde; and the English at that time strongly garrisoned almost all the fortresses in Scotland, especially Roxburgh and Hermitage.

Copland of Collieston, being descended from Sir John Copland, bears for his arms, quarterly, first and fourth quarters, *gules*, three mullets *or*; second and third, *argent*, a shakefork *sable*; crest, a horseman in armour brandishing a sword: motto, *Vici*. Which arms have been so borne by him and his predecessors of a long time.

The above memorial is vouched by Hector Boethius, and Buchanan's History of the Kings of Scotland, and by Tyrrell, Echard, Baker, and Drake, and other historians of those times.

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#### BORTHWICK LORD BORTHWICK.

THE first of this ancient and noble family came from Hungary to Scotland, in the retinue of Queen Margaret, in the reign of Malcolm Canmore, *anno Domini* 1057.

THOMAS DE BORTHWICK is mentioned in a charter of Robert Lauder of Quarrelwood, in the reign of King Alexander II.

In the reign of Robert III. Sir WILLIAM BORTHWICK got the lands of Catkune, which he called after his own name Borthwick. *Sir William de Borthwick* obtained a charter from Robert Duke of Albany, upon a resignation of Walter Scott, of the lands of Toftcoat in the shire of Selkirk. (Had. Collect.) Sir William Borthwick *de eodem*, miles, got a charter from King James I. 1430, of the Lands of Borthwick, with a licence to build a castle, as the charter bears, "ad construendam arcem in illo loco qui vulgariter dicitur le Motte de Loquharrat intra vicemcomitatem de Edinburgh." (Had. Collect. p. 76.) He built the castle of Borthwick after the Hungarian form, in remembrance of his origin, and it is an extraordinary building: the walls thereof being so thick as to admit a room to be taken out of the thickness.

The hall is so large and high of the roof that a man on horseback may turn a spear in it with all the ease imaginable. There is, in the burial place of the family, two fine large statues of marble of one of the lords of Borthwick and his lady, with smaller statues of their children.

This family was dignified with the title of Lord Borthwick in the beginning of the reign of King James II. as appears by a charter from the said king, dated January 8. 1458, registered in the records of Parliament. The tenor whereof follows.

“ JACOBUS, Dei Gratia, Rex Scotorum, omnibus probis hominibus totius terræ suæ, clericis et laicis, salutem. Sciatis nos dedisse, concessisse, et hæc presenti carta nostra confirmasse, dilecto consanguineo nostro Willielmo Domino Borthwick, omnes et singulas terras de Glenegle, cum pertinentibus, jacentes infra vicecomitatem de Berwick; quæquidem terræ, cum pertinentibus, fuerunt dilectæ nostræ Mariotæ de Pringle hæreditariæ, et quas eadem Mariota, non vi aut metu ducta, nec errore lapsa, sed sua mera et spontanea voluntate, in sua pura viduitate, in manus nostras, apud monasterium sanctæ crucis de Edinburgh, per fustum et baculum sursum, redidit, pureque, simpliciter resignavit, ac totum jus et clameum, que in dictis terris cum pertinentibus, habuit, seu habere potuit, pro se et hæredibus suis, omnino quiete clamavit, in perpetuum, tenend. et habend. dictas terras de Glenegle cum pertinentibus, predicto Willielmo Domino de Borthwick, et hæredibus suis, de nobis, hæredibus et successoribus nostris, in feodo et hæreditate, in perpetuum, per omnes rectas metas suas antiquas et devisas, prout jacentes in longitudine et latitudine, cum omnibus et singulis libertatibus, commoditatibus, et asiamentis, ac justis pertinentibus suis quibuscunque, tam non nominatis, quam nominatis, ad dictas terras, cum pertinentibus spectantibus, seu quovis modo juste spectare valentibus, in futurum, et adeo libere, quiete, plenarie, integre, honorifice, bene, et in pace, in omnibus et per omnia, sicut dicta Mariota, aut predecessores sui, prædictas terras, cum pertinentibus de nobis, aut predecessoribus nostris, ante dictam resignationem nobis inde factam, liberius tenuit seu possidet, tenuerunt seu possiderunt, faciendo inde annatim dictus Willielmus et hæredes sui nobis, hæredibus et successoribus nostris, servitia de dictis terris debita et consueta: In cujus rei testimonium, presenti cartæ nostræ, magnum sigillum nostrum apponi præcipimus. Testibus reverendis in Christo patribus Georgio episcopo Brehinen. cancellario nostro, Thoma episcopo Candidæcæ nostræ secreti sigilli custode, dilectis consanguineis nostris Jacobo Domino Livingston Magno Camerario nostro, Thoma Domino Erskin, Patricio Domino le Graham, Willielmo de Moravia de Tullibarden, et Magistro Joanne Arrois, Archidiacono Glasguen. Secretario nostro. Apud Edinburgh, octavo die mensis Januarii, anno Domino millesimo quadringentesimo quinquagesimo octavo, et regni nostri vicesimo secundo.”

The Lord Borthwick, in the Parliament 1469, holden at Edinburgh by King James III. present, is ranked before the Lord Abernethy, and after the Lord Haliburton. In the Parliament 1471, he is the fourth lord of Parliament ranked immediately before the Lord Glamis.

The following charters are to be found in the Records of Parliament.

Charter of apprising William Lord Borthwick of the lands of Lochwarret. [2d Charter King James III. 2d Book, No. 34.]

Charter William Lord Borthwick of the lands and moat of Lochwarret, Middleton, and Buteland, lands of Borthwick, Legerwood, and Heriotmuir. [3d Charter King James V. 28th Book, No. 157.]

Charter of confirmation John Lord Borthwick of the lands of Cublaw, Over-Lugats, Nether-Lugats, Gilmerton, Over-Shiels, and Nether-Shiels. [4th Charter by Queen Mary, 30th Book, No. 226.]

Charter of confirmation William Lord Borthwick of the lands, lordship, and barony of Borthwick, the moat of Lochwarret, lands of Middleton, Heriot, and Heriotmuir. [5th Charter by King James VI. 33d Book, No. 55.]

Charter John Lord Borthwick of the lands and barony of Heriotmuir, and Kirk-lands of Lochwarret. [6th Charter by King James VI. 46th Book, No. 359.]

Charter John Lord Borthwick of the lands and barony of Heriotmuir. [7th Charter by King Charles I. 57th Book, No. 328.]

The family of Borthwick formerly possessed a very great estate, besides a great many superiorities of lands, besides whole closes in several of the largest towns in Scotland; as for instance, in Edinburgh, Borthwick's Close belonged to the Lord Borthwick, whose family has been very great in former times; but I cannot here be particular about what offices or employments the lords of this name did bear under the different reigns to which they were cotemporary, not having seen any of the original writs of the family. But it appears by the honours on the escutcheon in the burial-place of this noble family, that it has been very illustrious in its alliances. The last lord of this name, John Lord Borthwick, was married to Lady Elizabeth Ker, a daughter of the Marquis of Lothian; he died soon after the Restoration.

WILLIAM LORD BORTHWICK, as superior of the lands of Nenthorn in the shire of Berwick, grants a charter to his second son, Alexander Borthwick, upon the resignation of James Wilson; which instrument of resignation is dated June the 27th 1495; but the charter is so much torn that the sense of it cannot be well connected; and in the instrument of resignation of the said lands are these words: "Super quibus omnibus et singulis Alexander Borthwick, filius dicti Wilielmi Domini Borthwick, a me notario publico sibi fieri petit hoc presens publicum instrumentum, acta erant hæc infra burgum de Edinburgh, in hospitio dicti Domini Borthwick, hora quarta post meridiem, vel eo circa, sub anno die mense indictione et pontificat. Supra presentibus ibidem Alexandro Borthwick fratre dicti Domini Borthwick, magistro Thoma Greenlaw vicario de Arth, cum diversis aliis testibus," &c.

JOHN LORD BORTHWICK, son of William Lord Borthwick, grants sasine of the lands of Scholle and Compasslack to William Borthwick of Soltray, son of William Borthwick of Soltray, his cousin-german, son of the said Alexander Borthwick of Nenthorn; which sasine is dated May the 20th 1550, and is to this purpose: "Nobilis et potens Dominus Joannes Dominus Borthwick, ad instantiam honorabilis viri Wilielmi Borthwick de Soltra, filii et hæredis quondam Wilielmi Borthwick de Soltra sui patris, ad omnes et singulas terras de Scholla et Compasslac, cum suis pertinentibus, jacentes in dominio de Waddaill, et vicecomitatu de Edinburgh, et ibidem prefatus Wilielmus Borthwick, quoddam præceptum sasine dicti Domini, ut supra subiens sigillo pergameno scriptum, &c. Joannes Dominus Borthwick et Dominus superior terrarum subscriptarum, &c. quia mihi clare constat per authentica documenta, quod quondam delectus meus consanguineus Wilielmus Borthwick de Soltra, pater Wilielmi Borthwick lateris presentium, &c." The said William Borthwick redeems his lands of Nenthorn, that were wadset to Helen Heriot, daughter of James Heriot of Trabrown, as appears by the instrument of renunciation, dated May 7. 1582, in favour of the said William Borthwick, who had several sons; the eldest, whose name was William, designed of Johnstonburn, was a colonel in the Swedish service under Gustavus Adolphus; the second, whose name was Alexander, was factor for his brother during his absence abroad in Sweden. Major William Borthwick, eldest and only son of the said Colonel William Borthwick, raised a company of men in defence of his Majesty King Charles I. The said Major Borthwick had several sons, the eldest of whom was Colonel William Borthwick of Johnstonburn, who changed his own regiment, under British pay, for a Dutch regiment, with the present Earl of Stairs, then Lord Dalrymple, and was unfortunately killed at the battle of Ramillies; he died, and all his brothers, without issue.

ALEXANDER BORTHWICK in Johnstonburn, second son of William Borthwick of Soltray, had several sons, the eldest whereof was William Borthwick of Mayshiels or Pilmuir, who married a daughter of Mr Henry Stewart, advocate, a younger son of the family of Grandtully, by whom he had Captain Henry Borthwick of Pilmuir, whose son, Henry Borthwick of Mayshiels, is the nearest heir-male and representative of the family of the Lord Borthwick.

JOHN BORTHWICK of Newbyres, descended from the Lord Borthwick, married Margaret Borthwick, one of the daughters of Johnstonburn, who had two sons to him, to wit, James and John Borthwicks; the said James Borthwick, one of the sons of Newbyres, married a daughter of Murray of Blackbarony, who had to him a daughter called Elizabeth, who was married to the Earl of Haddington and Melrose, and had to the said Earl two daughters; the eldest was married to Lord Lindsay in Fife, and had to him John Lindsay Earl of Crawford, Lord Treasurer of Scotland, and a daughter who was married to Scot of Ardros; and, after the death of the said Lord, she married my Lord Boyd, and had to him one son and six daughters; the son was married to a daughter of the House of Wigton, but died without children; the eldest of the six daughters was married to Morison of Prestongrange, the second was married to Sinclair of Stevenston, the third was married to Dundas of Arniston, the fourth was married to Sir William Scott of Martin, the fifth married to Morison of Dairsie, and the sixth daughter died unmarried. The foresaid second daughter, procreate betwixt the foresaid Earl of Haddington and Elizabeth Borthwick his lady, was married to the Lord Ogilvie, now Earl of Airly, and had three sons, and one daughter, who was married to Urquhart of Meldrum.

The LORD BORTHWICK bears *argent*, three cinquefoils *sable*, supported by two angels, winged *or*; crest, a negro's head couped: motto, *Qui conducit*.

BORTHWICK of Mayshiels, as descended of my Lord Borthwick, the same as he, but charges the shield with a heart proper; crest, an eagle *essorant*, proper: motto, *Nec deerit operi dextra*; as in the Lyon Register 1673.

#### FRASER LORD LOVAT.

SOME antiquaries of no small name assert, that the noble family of the FRASERS are of a French origin; others again say, that they are one of our great Scots families that assumed the surname of FRASER from the figures in their arms, the *frases*, when surnames began to be hereditarily fixed amongst us: Be this as it will, it is plain from authentic vouchers, that are still preserved, that, in the reign of King Malcolm IV. they are possessors of many lands in the south, in the county of Tweeddale and elsewhere, and were high sheriffs of the shire of Peebles, then designed *vicecomes de Traquoqueir*. In the time of King Alexander II. they are then spread into many numerous and noble branches; Sir Simon Fraser was the head of the family; one of his younger brothers was the celebrated Bishop Fraser of St Andrews, who was one of the Lords of the Regency of Scotland, after the death of King Alexander III. and another was Sir Andrew Fraser, High Sheriff of the county of Stirling, so much celebrated in the history of those times. This Sir SIMON FRASER, Lord of Oliver Castle, the father, and Sir Simon the younger, his son, are both mentioned amongst the *magnates Scotiae* in the *Eædera Angliæ*, in the great transactions of settling the crown after the death of the young queen, called the Maid of Norway, 1292. They were both noble patriots, and we may venture to say the son surpassed all others in his time, for valour, magnanimity, and true fortitude; our historians mention, that, but with a handful of brave resolute Scotsmen, he defeated three several bodies of the English, far surpassing him in number, in different battles, in one day at Roslin muir near Edinburgh, for which they extol him to the very skies, as the greatest patriot of his country, next to the famous Sir William Wallace the Viceroy; and indeed he had the same fate with Sir William; for, in the course of the war, falling into the enemies' hands, he was, by order of King Edward I. sent prisoner to London, where he was executed as a traitor, in the very same manner that Sir William Wallace, his faithful *Acbates*, was, for no other crime, but resolutely persisting in the defence of the liberties and independency of his country, when they were so eminently invaded by our powerful neighbours on the other side of the Tweed. This gallant hero

left behind him a son, who was taken prisoner by the English with his father, but being too young to have been concerned in the war, his life was spared; but, to put him out of the way, and to do all they could to extinguish the memory of his glorious father, they sent him over to France, where he fought in behalf of the English, and being long unheard of, and supposed dead, his two sisters shared their father's great estate betwixt them, being married into the families of Biggar and Yester, which gave occasion to the Marquis of Tweeddale and the earl of Wigton to quarter the coat of arms of the Frasers in their achievements to this time. At length Sir Simon Fraser hearing of the great merit and good success of King Robert the Bruce, he found means to disengage himself from the English service in France, and came over to Scotland, and joined the loyal party, to whom he could not fail to be most acceptable, for the memory and merit of his father. Now it was he claimed his estate, which, as has been said, was divided betwixt his two sisters on the supposition that he had been long dead. But it seems Sir Patrick Fleming and Sir Hugh Hay being unwilling to part with so great an estate, which they had so long possessed, and thought their own, and the king as unwilling to disoblige two men who had such a stock of merit with their sovereign, Sir Simon Fraser, that he might be no occasion of embroiling the government, that was not very firmly established, did so far prefer the peace of his country to his own interest, that he acquiesced, and left his estate in the hands of his brothers-in-law. However, the gracious king, to make him all the amends he well could, in lieu of his estate in the south, gave him the lands and barony of Kinnell in Forfarshire, and many others in Inverness-shire, which had mostly been in the crown ever since the forfeiture of Sir John Bisset, for being alleged accessory to the murdering of the Earl of Athol in the 1244, *Scoticron.* King Robert I. likewise married him to his niece, a daughter of William Earl of Ross, by Lady Matilda Bruce his sister, and gave him the three crowns, arms of concession, as a mark of his alliance with the royal family; so that the three crowns were never the Bissets' arms, as is ignorantly pretended by those who would set up a female succession in the family of Lovat. This Sir Simon Fraser, ever after this, commonly called the Knight of Kinnell, was little inferior to his father for valour and loyalty; he stuck firm to King Robert all his life long, and was no less eminent and conspicuous in his loyalty to his son King David II. For, on the breaking out of the war in the young king's minority, on the invasion of Baliol, he, with other patriots, took the field in defence of their rightful sovereign, and fought with great valour at the battle of Duplin. He had also a great hand in taking and sacking the town of Perth, which was then in the enemies' hands, but had the misfortune to lose his life the year thereafter in the fatal battle of Halidonhill, in the year 1333, as Buchanan says. This noble person left behind him a son named Hugh, who, by the bounty of King David, when he came to reward the sons of those who had lost their lives in his service, had the barony of Lovat; for, by this title, *Hugo Fraser Dominus de Lovat* does homage to the Bishop of Murray for a fishing in the river of Forn, which he held of that See, *anno* 1367. But there is no voucher that he married any heir-female of the Bissets: For, in the reign of Alexander III. Sir *David de Graham*, and Patrick Graham his son, have then the lands of Lovat, and not the Bissets, who were, as all our historians agree, expelled the country long before this time; so we see how vain and groundless an imagination it is to place a female succession of the Bissets in this noble family, as a precedent forsooth to divert the succession out of the channel of heirs-male in the House of Lovat, in which it did ever run, to establish the succession to the honours in an heir of line; but of this enough in a memorial of this kind. He married Isabel, daughter of Wemys of that ilk, by whom he had his son and heir *Hugh Fraser Dominus de Lovat*, that is, Lord or Laird of Lovat; for it is fit to know, that the appellation of lord or laird in our old stile is one and the same; and John, a second son, who was the first of the Frasers of Knock in Ayrshire, of whom most of the prime gentry in those parts are collaterally descended. He had also another son, of whom is descended the family of Foyers and its cadets.

This *HUGH* is designed *Dominus de Lovat*, and *Hugo Frisale de Lovat*, his son, was one of the hostages for the ransom of King James I. as is vouched by the *Fœdera Angliæ* in the 1423. But it is plain he was no peer, nor had we any lords of Par-

liament, as distinct from other barons, who held of the crown *in capite*, before the reign of King James I.

This HUGH FRASER Lord of the Lovat, as he is called, that is no more than Laird of Lovat, in the 1416 married Janet, sister of William of Fenton, Lord or Laird of that Ilk, by whom he got a great estate in land in Inverness-shire. The marriage articles are in the old Scots language: the parties contracting are designed Hutcheon Fraser Lord of the Lovat, and William of Fenton, Lord of that Ilk: But that this was no more than laird or proprietor of these estates is plain; for, in the 1431, when King James I. ratifies the contract under the Great Seal, he says, "Sciatis nos vidisse cartam Hugonis Fraser de Lovat, & Willielmi Fenton de eodem?" So that it is clear that neither the parties are in the rank of lords of Parliament, but only of ordinary barons. This Hugh died about this time, and was succeeded by his son

ALEXANDER FRASER of Lovat. He died without issue-male in the 1430, and was succeeded by Hugh Fraser of Lovat his brother, as he is designed in the retour, as heir to Alexander Fraser of Lovat his brother; the voucher is in Haddington's Collections. This Hugh is the first lord or peer of this noble family; but whether he was raised to be a lord of Parliament by King James II. or James III. is not so clear; for we must know that the lords of Parliament, about this time, were not created by letters patent, as in after times, but by the king's naming the person to be raised and advanced to the honour, to be a *Baron and Banrent of our Sovereign Lord's Parliament*.

That this HUGH is the first Lord of the House of Lovat, is plainly vouched from the public archives in the Parliament-house; for there is a charter confirmed by King James III. ratifying a charter by *Hugo Dominus Fraser de Lovat, ac Baronix de Kinnell*, to John Stirling, of some part of the barony of Kinnell, in the year 1476, of which the Lord Lovat was superior; which is sufficient to instruct, that the family of Lovat were then, and might have been before, in the rank and quality of lords of Parliament. This noble lord allied by marriage with the House of Glamis, the ancestor of the Earl of Strathmore, by whom he had two sons, Thomas, his heir, and Alexander, of whom is descended the family of Faraline, and its numerous branches.

THOMAS Lord FRASER of Lovat, who is invested in his estate as heir to Hugh Lord Fraser of Lovat his father, in the year 1501. He allied by marriage with the family of Huntly, by whom he had a son, Hugh, his heir, William of Kilbokie, and James of Belladrum, whose male issue are spread into many branches of Frasers in Inverness-shire. He married again with the house of Gray, by whom he had a son, who was the first of the Frasers of Brackie and Kirkhill.

HUGH, the next Lord LOVAT, married Anne, daughter of James Grant of Freuchie, Laird of Grant, and had Hugh his heir apparent, who died without issue. He married to his second wife Anne, daughter of David Ross of Balnagown, heir-male and representative of the ancient and illustrious family of the Earls of Ross. Of this marriage he had Alexander his heir, and William of Struy, of whom are descended several of the families of the Frasers in Inverness-shire. He had also another son, of whom is descended the family of Relick, of which Fraser of Gortleg is a branch. This Lord Hugh was slain in a bloody conflict betwixt him and the McDonalds, at a place called Lochloch, the 15th of July 1544, of which Buchanan makes mention, and speaks of the Frasers with great honour, as a family that, upon all occasions, had merited highly of their country.

ALEXANDER Lord LOVAT married a lady of the Campbells, of the illustrious House of Argyle, and had Hugh, his heir and successor; and of his younger son Thomas, tutor of Lovat, are several families of the Frasers lineally come, particularly the families of Strichen and Ardachie.

HUGH the next Lord LOVAT married Elisabeth, daughter of John Earl of Athol; her mother was the Lord Fleming's daughter; she was afterwards Countess of March, and last of all Countess of Arran. She bore to the Lord Lovat a son

SIMON Lord FRASER of LOVAT, who was in a high degree of favour with King James VI. Upon the death of the Earl of Athol, his uncle, in the 1594, when that dignity became extinct, on the failure of the heirs-male, this lord had the offer of the title of Earl of Athol, but he declined accepting of the honour, as a

sinking of his own title of Lord Lovat, which he could not think of; and, upon that, the title, honour, and dignity of Earl of Athol was, *de novo*, conferred on the Lords Innermeath, as being a Stewart, and originally of the same blood with the Earls of Athol, as the letters patent bear, still extant in the archives. This noble lord married first with a lady of the House of Kintail, by whom he had Hugh the next lord of the family. He married next Jean, daughter of James Lord Doune, paternal ancestor of the present Earl of Moray, by whom he had two sons, of whom two different branches of the House of Lovat are descended, viz. the families of Inneralachy and Brae.

HUGH Lord LOVAT matched with the Earl of Wemyss's family; her mother was the Lord Doune's daughter, and sister to the Earl of Moray, by whom he had Hugh, Master of Lovat, who died before his father, but left a son by his wife, who was General Leslie's daughter, the first Earl of Leven.

HUGH, who succeeded his grandfather, married a sister of the Earl of Cromarty, by whom he had

HUGH, who married the Marquis of Athol's daughter; but dying without issue-male the 14th of September 1696, the title, honour, and dignity of Lord Lovat, according to the uniform practice and descent of ancient lord barons, devolved on his great uncle,

THOMAS Lord FRASER of LOVAT, second son to Hugh Lord Lovat, and Lady Isabel Wemyss his wife aforesaid. He married with the family of M'Leod of that Ilk, by whom he had fourteen children, ten of whom died young; his eldest son, Mr Alexander Fraser, died in his 25th year, universally lamented, being one of the brightest, and every way best accomplished young gentlemen that ever this noble family had at any time produced; Simon Lord Lovat, Mr John Fraser who died a bachelor in the 1716, and a daughter Sybilla,

SIMON the present Lord LOVAT, succeeded his father in the honour upon his death in 1698. His lordship has acted and suffered much for his country and family ever since his accession to the honour; so that he may well be called the rebuilder of his house, and the restorer of his family, which is one of the things in the world he has most at heart. He married Margaret, daughter of Lodovick Grant of that Ilk, by whom he has two sons,

SIMON, Master of LOVAT, and Mr Alexander Fraser; also two daughters, Janet — and — Sybilla, and a son and a daughter dead of the same marriage.

#### MORAY OF ABERCAIRNY.

IN the First Part of this work the armorial bearing of MORAY of Abercairny was, by a mistake, wrong inserted; for the cheveron, which shows their alliance with, and descent from, the old Earls of Strathern, is not carried between the three stars, (their paternal coat) but is quartered with it; as they are to be found recorded in the Lyon Office, where they stand thus matriculate, viz. Moray of Abercairny carries two coats quarterly, first and last *azure*, three stars *argent*, within a double tressure counter-flowered *or*, second and third *or*, two cheverons *gules*, above the shield an helmet befitting his degree, with a mantle *gules* doubling *argent*, and on a wreath of his colours is set for his crest an earl's crown surmounted of a star of twelve rays *argent*, and, on an escrol above, this motto, *Sans tache*, and in another below, *Tanti talem genuere parentes*, supported by two eagles proper.

For understanding the reason of this bearing, we are to observe, that Sir John Moray of Drumsbergard, a son of the ancient House of Bothwell, (of whom in the First Volume, page 249) married Mary, daughter to Malise Earl of Strathern, with whom he obtained the lands of Abercairny, Ogilvie, Glensherop, &c. as was also observed in the First Volume, page 250.

This Sir JOHN MORAY of Drumshergard, the direct paternal ancestor of the present Abercairny, had, by Mary his wife aforesaid, three sons, Sir Maurice, Sir Alexander, and Walter.

Sir MAURICE MORAY of Drumshergard, being a person of much merit, was a great favourite of King David II. as appears, among other instances, from this which follows. Joanna Countess of Strathern, the only daughter and sole heir of Malise Earl of Strathern, the uncle of Sir Maurice Moray, having married the Earl of Warren, an English lord, was by that means drawn into a conspiracy against King Robert I. for which she was forfeited, and the earldom of Strathern for some time vested in the crown. But King David II. King Robert's son, in consideration of the great service of Sir Maurice Moray (who, upon failing of the issue of Earl Malise, his mother's brother, had now the sole right of blood to that earldom) reversed the forfeiture, and conferred the earldom of Strathern upon the said Sir Maurice Moray, who was accordingly, with great solemnity, girt with the sword of the said earldom, on the 9th of February, *anno* 1343, *apud castrum puellarum*; as Sir James Balfour from the records of King David informs us.

Sir MAURICE MORAY, now Earl of Strathern, accompanying his master King David in his second expedition into England, was there slain at the battle of Durham, on the 17th of October 1346, and, leaving no issue of his own body behind him, his brother Sir Alexander Moray of Drumshergard succeeded to his paternal estate, and the earldom of Strathern returned again to the crown; for, as Sir James Balfour observes, it was given to him and his heirs-male to be begotten of his own body, "*quibus deficientibus,*" that the said earldom should return to the crown, "*in eo statu et integritate quo eam reliquerat Malisius quondam Erneval-  
lensis comes.*"

This Sir MAURICE, upon his accession to the Earldom of Strathern, and in right of his mother, quartered, with his paternal coat, the arms of the old Earl of Strathern his uncle, *viz. or,* two cheverons *gules*; and his brother Sir Alexander Moray, who succeeded him in his paternal estate of Drumshergard, Abercairny, &c. had the same right of blood to the earldom and arms of Strathern which his brother Sir Maurice had, with this additional merit, that his brother the Earl had been killed in the king's service at the battle of Durham; but the king having been long detained prisoner in England, after that unfortunate battle where his Majesty was taken prisoner, Sir Alexander Moray had not so ready access to put in for so just a claim, and this gave Robert Earl of Carrick, Lord High Steward of Scotland, and afterwards King, time and opportunity to apply to King David his uncle, for the estate and earldom of Strathern, which his Majesty was pleased to bestow on him. However, Sir Alexander Moray retained in his bearing the arms of the old earls of Strathern, for the reasons above mentioned, and which his successors in the House of Abercairny do carry to this day, as may be seen delineated in the Plate of Achievements.

There is likewise another mistake in the First Part of this work, page 249, by which the author makes John Moray of Ogilface, who grants a charter to the convent of Holyroodhouse in the year 1409, with his seal appended, bearing a fesse between three stars, 2 and 1, to be the paternal ancestor of Sir Robert Moray of Abercairny.

It is like the resemblance of the titles of Ogilvie and Ogilfae has led our author into that error; for I am well informed, that John Murray of Ogilfae, who granted the charter, and carried the arms above mentioned, was a distinct branch of the Morays, and is now extinct; whereas the ancestor of the deceased Sir Robert Moray of Abercairny, at the date of the charter, is distinctly known by another name than John, and by the titles of Drumshergard, Abercairny, and Ogilvie, and none of that family, whose succession is clearly documented, and is still extant in the person of William Moray of Abercairny, ever carried their arms with a fesse, as mentioned by our author.

## CORSANE OF MEIKLEKNOX\*.

THIS surname and family have it handed down from age to age, that the first of their ancestors, in Scotland, was an Italian gentleman of the *Corsini* family, who came into this realm with an abbot of New-Abbey, or *Dulce Cor*, in Galloway, about the year 1280. This abbey was founded by Dornagilla, one of the three daughters and co-heirs of Allan Lord of Galloway, and wife to John Baliol Lord of Bernard-Castle, and mother to John Baliol, who was sometime King of Scotland; she founded also the Franciscan monastery at Dumfries, in *anno* 1262.

Among many other instances that might be given of this ancient name and family of *CORSANES*, appearing from authentic vouchers, this is one: Sir Alexander Corsane is witness to a charter granted by Archibald called the *Grim* or *Austere* Earl of Douglas, to Sir John Stewart Laird of Gryton, of the lands of Calie; though the charter is without date, yet it must necessarily have been before the year 1400, when the granter of that charter died.

The principal family of *CORSANE* was designed of Glen, which, in the reign of King James IV. went off with Marion, the daughter and only child of Sir Robert Corsane of Glen, by marriage to Sir Robert Gordon, who thereupon assumed the title of Sir Robert Gordon of Glen, and came to be designed of Lochinvar by the death of Sir Alexander his elder brother, who was slain at the battle of Flodden in *anno* 1504. And of that lady descended lineally the barons of Lochinvar and viscounts of Kenmure.

Sir JOHN *CORSANE*, an early cadet, and next heir-male of this family of Glen, settled at Dumfries, where he increased in riches and honour, and had a lineal succession of heirs-male for eighteen generations; and that they were all of the name John, has been constantly asserted by that family. Some of their brethren were ecclesiastics, particularly *Dominus Thomas Corsanus*, (designed perpetual vicar of Dumfries) in a charter granted by him for some church-lands in Dumfries, dated *anno* 1408.

That there were so many generations of that family, appears as well by other vouchers, as by an excellent inscription on the funeral monument of John Corsane, Provost of Dumfries, in the reign of King James VI. who was the thirteenth in order descended from the said Sir John Corsane inclusive, in a direct masculine course of succession.

This JOHN *CORSANE* was married to Janet Maxwell, one of the Lord Maxwell's family, who bore him several children, particularly John, his eldest son and heir, afterwards called Mr John Corsane, and Marion, who was married to Stephen Laurie of Maxwellton, ancestor of Sir Walter Laurie of Maxwellton, baronet. He was member of Parliament for the burgh of Dumfries in the year 1621, when the five articles of the Perth assembly received the sanction of a law. Having in his younger years executed the inferior offices of the magistracy in Dumfries, he was provost of the said burgh forty-five years, died when he was aged seventy-five years and an half, in *anno* 1629, and was buried with eleven of his grandfathers, as appears by the said funeral monument erected to his memory that same year, by Mr John Corsane, advocate, his son and heir; upon which, with his coat of arms, are many excellent inscriptions, in commendation of his learning, justice, and other good qualifications; of which the following are a specimen:

## JOANNES CORSANUS.

Fascibus in nostra urbe, senex, reliquoque juvena  
Functus honore, sub hoc clausus atro tumulo.

\* The heir-male of this family is John Corsane, Esq. of Dalwhat, in the parish of Glencairn and shire of Dumfries. E.

## ANAGRAMA. An sanus, Cor. senio ?

Sanus et in summa fueras, Corsane, juventa,  
 Sanus et in summo, Cor. fueras senio.  
 Corde tuo sano, præeras dum, sive juventa,  
 Seu senio, res hæc publica sana stetit.

## JOANNES CORSANUS.

## EPITAPHIUM.

Ter tria fatales et bis tria lustra sorores  
 Dimidiumque Ævo contribuere tuo.  
 Ter tria civiles humerum circumdare Faces  
 Lustra, dedit Sophiæ gratia digna tuæ.  
 Ter tribus ac binis, tandem prognatus eodem  
 Et lare, Corsanis contumularis Avis.

The said JOHN CORSANE being dead, as above, was succeeded in his lands and heritage by the said Mr John Corsane, advocate, his son, who a considerable time before had married Margaret Maxwell, one of the daughters and co-heiresses of Robert Maxwell of Dinwoody, a branch of the family of Maxwell, by whom he had issue. John, his eldest son and heir, Helen, who was married to Herries of Mabie, and several others. With the said Margaret Maxwell, his spouse, he got the lands of Bardennoch, and being well pleased with the amenity of its situation, after he had put his son John in possession of the lands of Meikleknock, he sometimes designed himself Mr John Corsane of Bardennoch. He was a very rich man; for besides his country estates in Nithsdale and Galloway, it is credibly reported he had a third part of the burgh of Dumfries, and lands thereto belonging, either in property or superiority, which vouchers, still extant, confirm: And, indeed, there are many old houses there which yet bear the arms of the family, and some of them are quartered with the arms of the families with which he and his predecessors were matched. He was a considerable time provost of Dumfries, about the time of the civil wars, and afterwards, when that place was attacked by the royalists, which cost him dear. He outlived his said son John Corsane of Meikleknock, and died in a good old age, *anno* 1671.

The said JOHN CORSANE married Jean Kirkpatrick, daughter to Sir Thomas Kirkpatrick of Closeburn, by whom he had several children; John, his eldest son and heir; Charles, who was a captain in King Charles II. his army, and, being in the garrison in Tangier, was wounded by the Moors in *anno* 1684; thereafter he was advanced to be a colonel, married an Irish lady, and died abroad without issue; Margaret, the eldest daughter of the said John Corsane, was married to James Grierson of Larghanglee, a son of Sir Robert Grierson of Lag, and had several sons and daughters. The said John died before his father, as above; but his widow, Jean Kirkpatrick, lived till the year 1696, having that part of his fortune, by which he was designed, as her jointure.

The said JOHN CORSANE of Meikleknock married Marion Maxwell, daughter to James Maxwell of Tinwald, (branched from an immediate son of the illustrious family of Maxwell) by his wife Elizabeth Grierson, one of the daughters of the said Sir Robert Grierson of Lag; they had several children, John, his eldest son and heir, Agnes, spouse to Mr Peter Rae, minister of the gospel at Kirkbride, and others, who died unmarried. The said John Corsane died February 2. 1680, and was succeeded by his son John, who was then but eight years old; and Marion Maxwell, his widow, died 5th November 1697.

His said son, JOHN CORSANE of Meikleknock, married, but died without any issue, 19th September 1717; however his wife being with child brought forth a son some months after his decease, which was also called John, and made the eighteenth heir-male of that family of Corsane, by a lineal course of succession.

This child having died in February 1721, the right to that estate devolved on the said Agnes, who had twelve children, whereof nine came to the age of men and women. Robert Rae, her eldest son and heir apparent, is, by his mother's special destination in *anno* 1731, with the special advice and consent of the said Mr Peter Rae her husband, to succeed to his maternal ancestors, and to assume the surname of Corsane, and the arms of the family of Meikleknock, which he hath done. She is the only heir of line, now alive, to her uncle Robert Maxwell of Tinwald.

**BLAZON.**—The ancient armorial bearing of Corsane of Meikleknock, in the stewartry of Kirkcudbright in Galloway, is *argent*, on a fesse *azure*, a savage's head erased, distilling drops of blood, and pierced through with two darts, disposed in saltier, points downwards, all proper, betwixt three mascles in chief, and as many mullets in base, *gules*; supported by two soldiers, armed cap-a-pee, each of them carrying a target on their sinister arm, and both girded with swords; he on the dexter embracing and holding up a spear, erected in *pale*, ensigned on the top with a lion's head erased, looking to the left; and he on the sinister bearing up another spear also erect in *pale*, and ensigned with an eagle, all proper, and both standing on a compartment: Above the shield an helmet befitting his degree, with a mantle *gules*, doubled *argent*; and on a torse, or wreath, of his colours, is set, for crest, an eagle crowned with an antique crown, and looking up to the sun in his glory, all proper; and, for motto, on an escrol above all, these words, *Premium virtutis gloria*.

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A GENEALOGICAL ACCOUNT OF THE FAMILY OF CHALMERS OF BALNECRAG  
AND CULTS.

THIS ancient family of BALNECRAG (still existing in the shire of Aberdeen) bears for their armorial arms *argent*, a demi-lion rampant, issuing out of a fesse *gules*, with a flower-de-luce in base of the last; and, for crest, an eagle in a rising posture, proper; with the motto, *Spero*.

For instructing the said arms to be the particular coat of this family, they, at this day, remain to be seen both cut on stone on their burial place, and carved on wood on their seat within St Nicholas's Church of Aberdeen, whereon is also inserted two ancient inscriptions; the first whereof is, "Hic jacet providus & honorabilis vir Alexander de Camera de Murthil, prepositus hujus burgi de Aberdeen, qui obiit octavo die mensis Octobris, anno Dom. 1413." The other is "Alexander de Camera consulis ejusque familiæ multorum sæculorum prosapia honoribus, que conspicuæ requietorium & cathedra, 1313." Which arms and inscriptions are proven to be cut on the foresaid places, by the notorial attestation of Robert Thomson and Walter Cochran, notars-public, as is clear from the original copy (which I did see) subscribed by them at Aberdeen the 12th November 1730.

But though the arms of this family be cut on their seat in the said church, adorned with all suitable exterior ornaments, to which are added supporters, viz. two angels, yet, on the consideration that the House of BalneCraig is of greater antiquity than the usage of supporters in arms, it is more probable to think that this addition has been but a fancy of the carver to decorate his work, seeing the oldest books of blazons we now have that are extant, though the above arms of this family be therein recorded, yet nothing of supporters is to be found as proper thereto.

As to the original of this surname of Chalmers in the north of Scotland, it is most probable that they are a branch of the clan Cameron, from the affinity of both their arms: And besides, Sir George Mackenzie, in his Genealogical Manuscript of the Families of Scotland, tells us, "That one of this clan going to France,

“ put his name in a Latin dress, by designing himself *Camerarius*, which in French is *De la Chambre*, who, upon his return to Scotland, according to our dialect, was called *Chalmers*; which tradition, says the said Sir George, is the more confirmed by the flower-de-luce carried in base in their arms; which addition their predecessor has no doubt got when in France, for some meritorious action done there.”

Again, as to the rise of the name Cameron, it hath certainly had its beginning from an accidental note, particularly that their predecessor hath had a wry nose; for in the Irish tongue this name signifies as much: and from such accidental notes the custom was, and is at present, in the Highlands of Scotland, to assume surnames taken from particular marks in the face or body of the principal chieftain, or leader of their clan, in imitation of the old Roman surnames, Cæsar, Balbus, Naso, &c. There are others again that derive the origin of this name from the designation *De Camera*, or office of Chamberlain; but that those of the surname of Chalmers in the North have their name and descent from the clan Cameron, and those in the South from the office of Chamberlain, will clearly appear by what follows.

For in respect the ancient descent and origin of families cannot be so well found out by surnames, as by their armorial bearings, (as all judicious antiquaries allow) arms being of greater antiquity than surnames, it is then demonstratively evident, that Chalmers of Balnecraig in the north, and that of Gadgirth in the southwest of Scotland, are two distinct families, and descended from a different stock and race of progenitors; for though both these families retain the same name, yet by their arms it appears they are descended of different ancestors, on the account there is not one figure in the arms of the one that corresponds with the arms of the other; for the clan Cameron carry two fesses *gules* for their arms, and Balnecraig, as a descendant therefrom, bears one of these fesses agreeable in tincture also; which figure, being generally taken by heralds to signify the military belt, or girdle of honour, denotes the valour of their ancestors; whereas the arms of Gadgirth are quite different, as will appear by the following blazon thereof, as it stands recorded in the oldest register of arms in Scotland, authorised by Sir David Lindsay of Mount, who was Lyon King at Arms to King James V. and confirmed to be the true register of arms for Scotland, by the said King in council, the original copy being now in the Lawyers' Library at Edinburgh, of which coat the blazon follows, viz. two coats, quarterly, first and fourth *azure*, a mullet *argent*; second and third *azure*, a fesse *chequé*, *argent* and *gules*. And it is further to be observed, that in the Register of Arms belonging to the present Lord Lyon of this kingdom, the cadets of Gadgirth's family are there also matriculated with the said quartered coat, only distinguished with suitable differences.

From hence I infer, that, forasmuch as in those shires where the Great Steward of Scotland had interest of old, most of the families, then residents there, were in use to chequer the figures in their arms from the Great Steward's fesse *chequé*, upon the account of patronage, who, being all vassals, did the same to show their dependence on him; and Gadgirth's predecessors being unquestionably one of his vassals, his lands lying in the shire of Ayr, where he had interest, it has been on that account he hath assumed, and still carries the said fesse *chequé*; and probably being one of his chamberlains, his descendants hath afterwards taken the surname *De Camera*, or Chalmers.

And certainly this name *De Camera* has led Sir George Mackenzie into the mistake of narrating that Gadgirth's predecessor was descended of the clan Cameron, from the affinity of the name *De Camera*. And, besides, gives him the particular arms of Balnecraig, on the account (no doubt) that he had never seen any documents to instruct that family's antiquity. But to prove the same, I proceed next to narrate the authentic charters following.

And, first, there is a charter still extant, granted by Andrew Garviehaugh of Caskieben, to Robert Chalmers, and Helen his spouse, who was aunt to the said Andrew, of the lands of Belode, Balnecraig, and Telanchsyn, with their pertinents, and a half merk of silver out of the mill of Lunfanan yearly, to be holden by him and his said spouse, and the lawful heirs of their body, in feu of the Earl Murray, for a pair of white gloves at Pentecost yearly, at the manor of Caskieben, if asked;

and if it happen that the said Robert and Helen die without lawful heirs of their body, in that case these lands, with their pertinents, are provided to the said Robert's heirs whatsoever. This is dated at Aberdeen the 8th August 1357. And which charter is confirmed to the said Robert Chalmers, (wherein he is designed of Kintore) and to Helen Garviehaugh his spouse, by Isabel Randolph, daughter and heir to John Randolph Earl of Murray, Lord Annandale and Man.

From this charter of confirmation I observe, that the said Robert Chalmers was a gentleman of an estate of his own, to wit, the lands of Kintore, before ever he got the lands mentioned in the above charter; so that it cannot be doubted but his predecessors were of a much older standing in the north parts of this kingdom than the date of the above charters; neither is it to be thought that the said Andrew Garviehaugh would have so much preferred his aunt as to dispoise his said lands, failing her and her issue, to the said Robert Chalmers and his heirs whatsoever, if he had not been both a man of merit and a fortune; that he was the first, the foresaid charter demonstrates in the onerous cause of granting it, viz. "Pro bono et fideli concilio, et auxilio suo mihi impenso et impendendo:" and that he had a fortune, the confirmation whereof designs him Laird of Kintore.

The above Andrew Garviehaugh was also a gentleman of a good descent, being son of Sir James Garviehaugh, who had from the great Sir Thomas Randolph Earl of Murray, a charter of the lands of Belode, Balnecraig, Cloychock, and Talanchsyn, with their pertinents, and half a merk of silver yearly out of the mill of Lunfanan, which is sealed with the said Earl's seal at his regality of Murray; but though it hath no date, yet it is well known when the said Earl flourished, being one of King Robert the Bruce's generals. All which original charters I saw and perused, and are still extant in the custody of Roderick Chalmers, Ross-Herald, a descendant of this ancient family.

But not having seen more sufficient documents to trace down the descendants of the House of Balnecraig to this present, I shall only narrate what Bailie Skeen hath inserted in his Survey of Aberdeen, which is printed there in octavo, anno 1685, where, in his Catalogue of the Provosts of that city, page 246, is set down that *Willielmus de Camera* (son of the aforesaid Robert of Kintore and Balnecraig) was Provost of Aberdeen in the year 1392, and several years after, as is clear from the oldest court-book of that city, which is in Latin, and dated anno 1398; also William Chalmers was likewise provost there, anno 1404. And *Thomas de Camera* bore the same character, anno 1412, and many years after. And Alexander Chalmers was likewise provost there in the year 1443, and for sundry different years after, even to anno 1595, at which time he is designed of Murthill: and besides in the public registers I find a charter granted by Alexander Chalmers of Balnecraig to Henry Forbes, of the lands of Thomaston and Fullarton, with an annual-rent of five shillings out of the king's lands of Kinkell and Diss, in the thanage of Kintore and shire of Aberdeen, to be holden blench of the king for a silver penny. This is dated at Aberdeen the 7th of April, and confirmed at St Andrews 1st March 1535. I next proceed to the family of Cults, an early cadet of Balnecraig.

The genealogy of this family of Cults I shall set down as I find it narrated in the principal *Litera Prosapie*, granted by King Charles II. to Mary Margaret Urrey, dated at Edinburgh 17th June, and sealed with the Great Seal the 9th September 1669, finely wrote on vellum; as also from a genealogical tree of this family illuminated, and approved by Sir Charles Erskine, Lord Lyon, and whereto his subscription and seal of office is affixed at Edinburgh the 26th January 1669, to which Joseph Stacy and John Bosillie, heralds, are subscribers; both which authentic documents are also in the custody of the foresaid Mr Chalmers, Ross-Herald, which I perused, and have farther supplied from authors and records of unquestionable credit, as follows:

And first, Alexander Chalmers of Cults, a son of the House of Balnecraig, married Agnes Hay, daughter of the Earl of Errol, by whom Alexander, his successor, who married Janet, daughter to John Leslie of that Ilk, by whom Alexander Chalmers of Cults and Methlick in Aberdeenshire, who married Elizabeth Douglas, daughter to Glenberrie, by whom Thomas of Cults and Methlick, who is serv-

ved heir to his said father Alexander, before the sheriff of Aberdeen, in the year 1505, as appears by the original retour still extant in the custody of the said Mr Chalmers, which I saw: this Thomas married Mary Menzies, daughter to Pittfodds, by whom Alexander. There is a precept of sasine in the public register, granted by Thomas Chalmers of Cults, to Alexander his second son, for infesting him in the hail lands of Cults, and mill thereof, with the pertinents, lying in the parish of Tarland and shire of Aberdeen, to be holden in ward by him and his heirs-male. This is dated at Aberdeen the 8th May, and confirmed at Edinburgh the 27th of the said month, *anno* 1549; he was also Laird of Strichen, as is evident from a charter granted by Alexander Chalmers of Strichen to Thomas, son to Alexander Fraser of Phlorth of the Mains of Strichen, with the mill thereof, to be holden ward; this is dated at Faithlie, 6th December 1558, and confirmed at Edinburgh 2d August 1559. This Alexander married Helen Rait, daughter to Halgreen, by whom Alexander Chalmers of Cults, who married Janet Lumisden, daughter to Cushnie; for proof hereof there is a precept of sasine granted by Alexander to this Alexander his son, and Janet Lumisden his spouse, upon the lands of Cults and mill thereof, dated 9th February 1565; the sasine following thereupon is dated 24th May 1566: This Alexander was Provost of Aberdeen, *anno* 1567, as the said Baile Skene narrates. *ibid.* By this marriage he had two sons, first, Gilbert his successor, and Mr William, minister at Boyndie, of whom after. As to the eldest son, Gilbert Chalmers of Cults, there is a charter under the Great Seal, confirming a charter granted by his father to him, of the lands and mill of Cults, with the woods called Bogs, all lying in the parish of Tarland, and shire of Aberdeen, dated 4th November 1601, with a precept also under the Great Seal, for infesting the said Gilbert in the said lands, which he afterwards sold to Lesmoir, as is confirmed by a sasine in favours of Sir James Gordon appearand of Lesmoir of the lands of Cults, comprehending the other lands therein insert, following upon a charter by Gilbert, son of Alexander Chalmers of Cults. The charter is dated the 29th January, and the sasine the 1st of February 1612. This Gilbert married Elizabeth Fraser, daughter to Dores, by whom Alexander Chalmers of Cults, who married Janet, daughter of James Irvine of Drum, by whom Alexander of Cults, who married Marjory, daughter of Robert Lumisden of Cashnie, advocate, by whom only a daughter, Marjory Chalmers, who married John Urie of Pittichy, by whom a son, Sir John Urie, who was a captain abroad, where he married Mary Magdalen, daughter of *Christopher Sebastian van Jasheim* of Exlabrun in Germany, by whom a daughter, Mary Margaret Urie, Lady Lamont, who is the person that procured the foresaid *litera prosapia*. This Sir John Urie coming afterwards to Scotland with the magnanimous James Marquis of Montrose, was made his Lieutenant-general, *anno* 1643, and, some days after the Marquis's execution, was himself beheaded at the Cross of Edinburgh for his loyalty, *anno* 1650.

I next proceed to speak of Mr William Chalmers, second son to the above Alexander of Cults, Provost of Aberdeen. He was the first legally established minister at the kirk of Boyndie (in the shire of Banff and diocese of Aberdeen) after the Reformation, and married Elizabeth, daughter of Mr William Chalmers (of the same family of Cults) minister of Skene, near Aberdeen, by whom four sons, all clergymen, viz. first, Mr William, minister at Fettercairn in the Merns, who married Elizabeth, daughter to Barclay of Towie, by whom two sons, Mr William, minister at Glamis in Angus, and Mr James, minister at Cullen in Banffshire. He was sent to England by the episcopal clergy in the north of Scotland, who took the oaths at the Revolution (yet were molested by the kirk judicatories) to solicit their affairs at court, and was introduced to her late Majesty Queen Anne, by Dr Compton then Bishop of London, immediately after her accession to the crown, to whom he presented an address from his brethren, which was graciously received; and besides, she settled a pension on him of L. 100 Sterling *per annum*, that his being there might be no expence to his constituents, who were necessitate to have one always upon the spot, to represent their case from time to time, as emergencies required, in which station he continued till his death.

The second son of Mr William Chalmers, minister of Boyndie, was Mr James, parson of Paisley, of whom hereafter. His third son was Mr John, minister of Peterhead in Aberdeenshire, who married Mary, daughter of Keith of Whiteriggs,

sheriff of Merns, a near relation of the family of the Earl Marischal of Scotland, and had issue. He was chaplain to John Earl of Middleton, commissioner to the first Parliament after the Restoration of King Charles II. and both he and his brother Mr James had the honour to preach several times before that great senate. Mr William's fourth son was Mr Patrick, who succeeded his father as minister of Boyndie : (His said father and his grandfather Mr William Chalmers, minister at Skene, are subscribers to the address of the synod of Aberdeen to his majesty's high commissioner.) This Mr Patrick married Anne, daughter of James Ogilvie of Raggell in the same parish, by whom two sons and a daughter ; the eldest, Mr James, is present rector of Lamarsh and Wickham, St Pauls, both in the county of Essex in England. He married first Mary, daughter of Peter Bulteel, merchant of London, gentleman, and widow of Richard Daniel of Colchester, and, secondly, Susanna, eldest daughter of John Edwards, Esq. of Walthamhall in Essex, by whom a son, Henry, and a girl, Rachel Katharine, both promising children. Mr Patrick's second son died a youth at the Marischal College of New Aberdeen ; and his daughter was married to George Ogilvie of Newrain.

Mr James Chalmers, second son to Mr William, Minister at Boyndie, was first one of the professors of philosophy in the Marischal College of New Aberdeen ; in which employ he acquitted himself both with honour and applause ; and here, in this station he was about *anno* 1650, when King Charles II. made his first attempt to recover his just rights to the government of these kingdoms, for he being a man both of great learning and good address, he employed his utmost endeavours in doing his majesty considerable service in that critical juncture of affairs, God having blessed him with a particular dexterity in managing negotiations of such importance ; and of his indefatigable industry herein, and unshaken loyalty, this king was so sensible, that he distinguished him upon all occasions, while at Aberdeen, with particular marks of honour, and especially once, when he waited on his majesty, as soon as he entered into his presence, he was received with these words, (not usual from a sovereign to a subject) *God save you Mr Chalmers*, which the king expressed in the audience of many then present. And some years after, entering into holy orders, he, for his bright parts, was presented to the kirk of New Machar, *alias* New Kirk, within seven miles of Aberdeen, but not continuing there long, he was translated afterwards to the Kirk of Cullen, (where his nephew, Mr James Chalmers, was afterwards incumbent.) During his ministry here, preaching once at his kirk on Jotham's parable, Judges, chap. 9th, in the time of Cromwell's usurpation, where was a company of his soldiers then quartered in that town, in his discourse on the same, he gave them so great offence that they carried him prisoner to Elgin, where he continued confined some time, till allowed to return again to his charge at Cullen, whereof he was in actual possession at the Restoration ; for I find him one of the subscribers (then designed minister of Cullen) to the humble address of the Synod of Aberdeen to his Majesty's High Commissioner John Earl of Middleton, against the murder of King Charles I., subjects taking up arms against the supreme magistrate, delivering up the King at Newcastle, act of the West Kirk, and other rebellious practices ; which address is dated at the King's College of Aberdeen the 18th April 1661 ; but, after episcopacy was established in Scotland in the year 1662, I find he was advanced to the kirk of Dumfries, and for confirmation hereof, and the passages above, there is an act of the Lords of Secret Council in his favour, dated 11th of December 1662, and registrate in their council books, *viz.* " The Lords of Secret Council taking to their consideration, " that Mr James Chalmers, late Minister at Cullen of Boyne, and now Minister " at Dumfries, has been at a great deal of charges and pains in pursuance of his " Majesty's interest and government, both in church and state, have therefore or- " dained, and by these presents ordain, that the present year's stipend, *anno* 1662, " due to the late minister of Dumfries, be paid to the said Mr James Chalmers, " and that the heritors, feuars, farmers, tenants, possessors, and others liable, make " ready and thankful payment of the same to him, or any having his order ; and, " if need be, ordain letters of horning to pass thereupon as effeirs : And this is " without prejudice to the said Mr James of the said year's stipend 1662, due to " him from the parish of Cullen." Mr James was some years after this advanced to the parsonage of Paisley in Renfrewshire ; and so much was he in the estima-

sion of the said King Charles, that he was nominated by him to the bishoprick of Orkney, and the *congé d'elire* sent down from court, in order to his election, but dying at Edinburgh before he could be consecrated, that See was filled with another bishop: He lies buried in the Chalmers's tomb in the Grayfriars Church-yard there; he married first a daughter of Mr William Scroggy, bishop of Argyle; and, secondly, Elizabeth, sister to Robert Petrie of Portlethin near Aberdeen, who was Provost of that city from the year 1664 to 1671, by whom two sons, first, Mr James, Minister of Kirkpatrick-Fleming, the second, Captain Charles.

Captain Charles Chalmers, his second son, possessed the estate of Portlethin, which belonged to his uncle Provost Petrie; but afterwards he sold the same to Thomson, now of Portlethin. He was admitted writer to the signet 16th October 1704; but leaving that employment, betook himself to the military, and was for some time a Captain in the Scots Guards, which commission he sold 1714; but being engaged afterwards in the memorable year 1715 to employ his valour at the battle of Sheriffmuir, was there killed, and lies buried at Dumblane in the burying place of Mr Chisholm of Cromlicks, within the church there. He married first Jean, daughter of Alexander Boog of Burnhouses in Berwickshire, by whom two sons, Roderick, of whom after, and James, picture-drawer; which family of Boog of Burnhouses is of good antiquity in the said shire, as is clear from the authentic documents following; for I find in the public registers, a charter granted by King James IV. in favours of John Boog of Burnhouses of the said lands of Burnhouses, Utherstone, Oxendean, Harcarse, Risybrigs, lying in the earldom of March and shire of Berwick, dated at Edinburgh the 23d January 1490, *Anno Regni 3tio*; there is also another charter by the said king, in favour of Archibald Boog his son, of the foresaid hail lands, confirming the above charter granted to his father, which is dated 6th May 1491: This Archibald's son was John Boog of Burnhouses, who had a son John, as is instructed by the special retour of John Boog as heir to John Boog his father, of the whole foresaid lands. This is dated the 18th January 1546; and which John was grandfather to the above Alexander Boog, whose daughter married Captain Chalmers; Captain Charles married, secondly, Helen, daughter of Alexander Young, Bishop of Edinburgh, and by her had issue also.

RODERICK CHALMERS, Captain Charles's eldest son, is present Ross-Herald, and herald-painter in Edinburgh; and hath married Mary, only child of George Wilson, gentleman, by whom several sons, viz. Charles, George, James, Roderick, and Alexander.

SIBBALD OF BALGONIE, AND LUNDIN OF BALGONIE, NOW REPRESENTED BY  
LUNDIN OF DRUM.

FROM the documents we have seen, and herewith produced, we are of opinion that the SIBBALDS of Balgonie is one of the ancientest as well as one of the best allied families in the kingdom. *Donatus* or *Duncanus Sibbald* seems then to be settled in the county of Fife, and doubtless is proprietor of the lands of Balgonie; for we find him witness to that charter by *Rogerus de Quincy Comes de Winton*, i. e. Winchester in England, to *Seyer de Seton*, one of the progenitors of the Earl of Winton. The charter is without date, a thing very usual at that time, but must be before the 1246, that the Earl of Winchester died. The same *Duncanus Sibbald*, in the 1251, is mentioned in a bull of Pope Innocent IV. referring the cognizance of a complaint made to his Holiness by the priory of St Andrews, that the Bishop of St Andrews had introduced into one of the churches, that of right belonged to them, the Order of the Blessed Trinity, for the redemption of captives. The same *Donatus Sibbald* is witness to another charter by the forenamed *Rogerus de Quincy Constabularius Scotiae, Adamo de Seton, de Maritagio heredis Allani del Fauside*. Then we meet with *Walterus Sibbald*, one of the ancestors of the house of Balgonie, whose son David, called *filius Walteri Sibbald*, who had a charter from Malcolm Earl of Fife, which must be before 1256 that the granter died. I have seen a charter in

the custody of the Earl of Wemyss, to Sir John Wemyss, Knight, of the lands of Camburn, granted by Robert Earl of Fife and Monteith in the 1374, to which, among other witnesses, there is *dominus Johannes Sibbald, miles*. And in another charter by Isabel Countess of Fife, disposing the whole earldom of Fife to Robert Earl of Monteith in the 1371; the original charter of this I have seen, dated the penult of March 1371.

There is a charter under the Great Seal by Robert Duke of Albany, Earl of Fife and Monteith, Governor of Scotland, *Johanni Sibbald de Balgony*, of the lands of Rossie; he had Sir Andrew Sibbald of Balgonie his heir and successor, and a daughter Elizabeth, who was married to George Earl of Angus: By this lady he had Archibald, the heir of that illustrious house, whose grandson and successor, Archibald Earl of Angus, by Margaret Queen Dowager of Scotland, daughter of Henry VII. of England, he had one daughter, the Lady Margaret Douglas, who was married to Matthew Earl of Lennox, whose eldest son, Henry Lord Darnly, Earl of Ross, and Duke of Albany, married Mary Queen of Scotland, who was declared King of Scotland, whose only child was James VI. of Scotland, the first monarch of Great Britain: So that of this ancient family of Sibbald of Balgonie, not only the royal family of Great Britain are descended, but most of all the crowned heads in Europe, who have intermarried with that serene house.

Sir ANDREW SIBBALD of Balgonie, son and heir of Sir John Sibbald aforesaid, executed the office of High-Sheriff of the county of Fife, in the 1457, as appears from Rymer, and he is designed *Vicecomes de Fife*, in the year 1466, in the records of Parliament. He left one daughter, his heir, Helen, who married Robert Lundin, second son to Sir John Lundin of that ilk, by Dame Isabel Wemyss his wife, of the House of Wemyss in Fifeshire, whose ancestor of the House of Lundin, from many authentic deeds still extant, was *William de Lundin*, as he is called, son-natural to King William of Scotland, commonly called the Lion, and married the heiress of the ancient family of Lundin, or *Lundoniis*, of which surname and family was *Thomas de Lundoniis Hostiarius Scotiae*, and *Comes Atholiae*, in the reign of Alexander II. *anno* 1246. So by marriage of the heir-female of Sibbald of Balgonie, that estate came to be transferred to the Lundins; and upon that account the family of Lundin of Balgonie quartered the coat of Sibbald with their paternal arms, and is still the same way carried by Lundin of Drum, the heir-male and representative of the House of Balgonie. Robert Lundin of Balgonie, and Helen Sibbald, aforesaid, his wife, heiress of Balgonie, had a son, Sir Robert Lundin of Balgonie, who was in high favour with King James IV.; and being a gentleman of parts and reputation for integrity, he was preferred to be Lord High Treasurer of Scotland, upon the removal of the Abbot of Paisley, Dr George Shaw, from the office, *anno* 1497, and he held the Treasurer's place for the space of five years, even till his death in the 1502, as from authentic documents I have seen and perused. His wife was a daughter of the Lord Lindsay of Byres, the ancestor of the present Earl of Crawford, as from the MS. History of that noble family I have seen, by whom he had a son, Andrew Lundin of Balgonie, and two daughters, Elizabeth, who was married to John Lord Lindsay, of whom the House of Crawford and Lindsay are descended, and Euphame to William Melville of Raith, and had issue, of whom, from authentic documents I have seen, is the Earl of Melville and Leven descended.

ANDREW LUNDIN, the third of the line of the Lundins of Balgonie, was, from the Records of Parliament I have seen, Sheriff of Fifeshire in the 1506, and, for what I see, held the office till the 1519 it was given to the Lord Lindsay. The writs of the family of Balgonie being now in other hands, we have no document to vouch to whom this gentleman, Andrew Lundin of Balgonie, was married, but he had his son and successor, viz.

JAMES LUNDIN of Balgonie. This is vouched from a deed I have seen granted by Andrew Lumisden, son to Thomas Lumisden of Conland, of the lands of Wester-Conland, to and in favours of James Lundin of Balgonie, *anno* 1528. He was succeeded by his son and heir

ROBERT LUNDIN of Balgonie, who added to his own estate, which was then one of the greatest in the shire of Fife, the lands and barony of Conland, by the marriage of Margaret Lumisden, the heiress thereof, whose ancestor, *Johannes de*

*Lumsden, is Vicecomes de Fife*, as from an authentic deed I have seen in the Register in the time of the regency of Robert Duke of Albany; and, it is remarkable, the Duke Regent, who was the second son of King Robert II. calls this *Johannes Lumsden, consanguineus suus*. From that time the family continued to flourish till the time of Queen Mary, that Andrew Lumisden, son and heir of Thomas Lumisden of Conland, left only one daughter, his heir, Margaret, who, as hath been said, was married to Robert Lundin of Balgonie, for there is a sasine I have perused of the barony of Conland, in favour of this Robert Lundin of Balgonie, in the year 1544. Further, there was another voucher in my hand at the drawing of this memorial, a renunciation by Mr Thomas Lumisden of the lands of Wester-Conland, in favour of an honourable lady, Margaret Lumisden, spouse to Robert Lundin of Balgonie, anno 1564. By this lady he had issue, Robert, his successor in the barony of Balgonie, James, who was provided to the lands of Conland, but he died without issue, and the lands of Conland came to a third brother, Andrew Lundin, the ancestor of Michael Lundin of Drum, by whom the male heir of this ancient family was preserved: He had also a daughter, Margaret, who was first married to George Halket of Pitferran, and again to Mr William Lundin of that Ilk, and had issue, as is evident from vouchers presently in my hands.

ROBERT LUNDIN, son and heir to the foresaid Robert, and the sixth of the line in succession of the Lundins of the House of Balgonie, succeeded his father. I have seen him designed witness to a contract of marriage betwixt Sir Michael Balfour of Burleigh, and Margaret, daughter of Mr William Lundin of that Ilk, dated the 12th of July 1501; he was afterward the first Lord Balfour of Burleigh. This Robert Lundin of Balgonie married Margaret, daughter of David Boswell of Balmuto, as from a voucher I have seen, and had a son in whom the family failed, and a daughter, Agnes, who was married to William Graham of Claverhouse, great-grandmother to Lieutenant-General John Graham of Claverhouse, thereafter Viscount of Dundee.

ROBERT LUNDIN of Balgonie, son and heir to the former Robert, was the last of the House of Balgonie, for he had no male issue, and he alienated his estate to Alexander the first Earl of Leven, who was designed of Balgonie, till he was raised to the honour of an earl in the year 1640. The family of Balgonie thus failing in the lineal succession, the representation of this ancient House comes to Lundin of Drum, as we have said. The predecessor was Andrew Lundin, younger son to Robert Lundin of Balgonie, by Margaret his wife, daughter and heir of Andrew Lumisden of Conland; to vouch this there is a sasine I have perused of the lands of Conland by Robert Lundin of Balgonie, Margaret Lumisden his wife, in favour of Andrew Lundin their son, in the 1578. This gentleman, Andrew Lundin of Conland, was much with King James VI. and in a good degree of favour. He went up to England with the king, when he succeeded to that crown, on the decease of Queen Elizabeth, anno 1603, where he spent most of his own estate, as well as what he had by the king's bounty, so that the barony of Conland was apprised from him by Sir Michael Arnot of that Ilk. He married Elizabeth Brown, daughter to the Laird of Fordel, whose mother was a daughter of Sir David Boswell of Balmuto, by whom he had David his eldest son, and Andrew Lundin of Kirny, the second son.

Which David went into the army in the time of the civil war, and being a gentleman of courage, prudence and industry, he rose to be a captain; and withal, being a frugal man, he redeemed the lands of Over and Nether-Drums, a part of the estate that his father had wadset and mortgaged; and upon that he took the title and designation of Lundin of Drum: and he also purchased a fourth part of the lands of Freuchy, and he got also a considerable estate in and about Falkland, by the marriage of Elizabeth, daughter and heir of George Paterson, a grandson of the House of Dunmore in Fife; by her he had issue, George, his successor; Robert, the second son, was first a captain in the Earl of Dumbarton's regiment, and then, by his merit, he rose gradually till he got the command of a regiment in the reign of King William, and was sometime Governor of Londonderry in Ireland, anno 1689: and though he fell under some suspicion, as favouring the giving the town to King James, while his army lay before it, yet it was without ground, and he had his conduct approved by the English Parliament, and was afterwards, in

the reign of Queen Anne, commissary-general in the army, and was at the battle of Almanza in Spain, and died about the end of her majesty's reign; he left a son who is at present a captain in the army.

GEORGE LUNDIN of Drum, the next of the line, married Isabel Arnot, daughter of Sir Michael Arnot of that Ilk, baronet, and had issue by her, John, his eldest son, who, after he had passed the course of his studies at the university of St Andrews, went into the army, and had a commission in the Earl of Dumbarton's regiment, and was slain at Sedgemoor in the engagement against the Duke of Monmouth; a very hopeful as well as a rising young man, but was snatched away in his twenty-fifth year, universally regretted by all who knew him, or heard his character; Michael, the second son, who became his father's heir, and is the present Laird of Drum; the third son, David, who was a captain in the war in Ireland, and died with the character of a very brave man.

MICHAEL LUNDIN, now of Drum, married Sophia, daughter and co-heiress of James Lundin of Drum, elder, and has James, his son and apparent heir.

The armorial bearing of this family of Lundin of Drum, as representing the Lundins of Balgonie as heir-male, and the ancient family of Sibbald of Balgonie as heir of line, is, quarterly, first and fourth *argent*, a cross moline *gules*, by the surname of Sibbald; second and third, *argent* and *gules*, in place of six *argents* and *gules*, on a bend of the last three escutcheons of the first; crest, a cross moline *gules*: motto, *Justitia*.

#### ABERCROMBY OF BIRKENBOG.

THE surname of ABERCROMBY, like others of great antiquity, is local, taken from the lands of Abercromby, in the county of Fife, which was the ancient possession of this family. The Abercrombies of that Ilk were very considerable gentlemen. Thomas Abercromby of that Ilk, in the reign of King James II. was one of the Lords of Session, or what at that time was a committee of Parliament, who were from one Session to another appointed for the administration of justice, *anno* 1457. He left a son, Thomas, his successor in the barony of Abercromby, and a daughter, Margaret, who was married to Maule of Panmure. And from this Thomas the line of the family continued till the reign of King Charles I. *anno* 1649, that Thomas Abercromby sold the barony of Abercromby to Sir James Sandilands of St Monance, who was created Lord Abercromby in the year 1647.

The most ancient cadet of this family of Abercromby of that Ilk, was the Abercrombies of Birkenbog, in the shire of Banff, whose predecessor was *Humphredus de Abercromby*, a son of the House of Abercromby, who obtained a charter and grant from King Robert the Bruce, of the lands of Harthill and Ardun *pro homagio & servitio suo*, as the charter bears, which is still extant in the custody of Sir James Abercromby of Birkenbog, baronet. It is without date, but appears to have been about 1315, the 7th year of the king's reign, immediately after the battle of Bannockburn, when that immortal monarch began to reward the loyalty and valour of such of his subjects as had served him hitherto with merit and fidelity. This Humphrey Abercromby of Harthill was succeeded by *Alexander de Abercromby*, who acquires from *Patricius Hay*, *dimidiam partem terræ de Ardbuennyn*, to be held of him and his heirs *in feudo & hereditate*; to the deed the granter's seal is appended, and the witnesses are *Domino Willielmo Episcopo Aberdonensi*, *Domino David Fleming*, *militi*, *Johanne de Periston*. The charter is granted in the reign of King David II. To this Alexander succeeded another *Alexander de Abercromby*, designed of Pitmithen; and to him succeeded his son and heir Alexander Abercromby of Pitmithen, as is vouched by a precept out of the Chancery by King James III. for investing the said Alexander in the lands of Harthill, Pitmithen, Pitmachy, Halton and Ardoun, *in Comitatu de Garioch*. The instrument of sasine is dated the 4th of August 1484, the 25th year of the king's reign. Then succeeded James Aber-

cromby of Ley and Birkenbog, who is also designed of Pitmithen. He was married to Margaret Ogilvie, daughter of Sir James Ogilvie of Findlater and Deskford, and was slain with King James IV. at the battle of Flodden. He was succeeded by George Abercromby of Pitmithen, his son, who, by Christian his wife, a daughter of ———— Barclay, of the Barclays of Gartlay, had James his son and heir, who succeeded him, and married Marjory Hay, a daughter to William Earl of Errol. Alexander Abercromby succeeded to James, and married Margaret, daughter of Leslie of Pitcaple, who was again succeeded by Alexander his son, who married Margaret Leslie, daughter of William Leslie of Balquhain, by whom he had James Abercromby of Birkenbog, and Alexander, who was Laird of Fitternier, father of Alexander Abercromby of Fitternier, who, by Jean his wife, daughter of John Seaton of Newark, had Francis Abercromby of Fitternier, who was by King James VII. created Lord Glassford for life, in regard that his children by his wife, Anne Baroness of Semple, were to succeed to the honours of Lord Semple; of which marriage is descended the present Hugh Lord Semple. The Lord Glassford had a younger brother, Patrick Abercromby, M.D. who wrote the Lives of the Scots Warriors, in two volumes, with great exactness and ingenuity. The above James Abercromby of Birkenbog was succeeded by Alexander Abercromby of Birkenbog, who was falconer to King Charles I. He married Elizabeth Beaton, daughter to Beaton of Balfour, by whom he had Sir Alexander Abercromby, baronet, John Abercromby of Glasshaugh, Walter Abercromby of Braconhills. Sir Alexander married, first, Jean Urquhart, of the family of Urquhart of Cromarty, and after her Jean Sutherland, of the family of Kilminity; and, lastly, Elizabeth Baird, daughter to Sir James Baird of Auchmeddan, chief of that name; by which last lady he had Sir James Abercromby of Birkenbog, and Alexander Abercromby of Tullibody, who succeeded to his cousin George Abercromby of Skeith (who was an ancient cadet of the family of Birkenbog) in the lands of Tillibody.

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#### OF THE FAMILY OF MELDRUM.

THE oldest writs of this family being lost, it cannot be condescended on at what particular time it had its rise; but Hector Boece in his History mentions the surname of Meldrum, amongst others, to have begun in the reign of King Malcolm Canmore; and it is not improbable it has been taken from the name of the lands, as was usual at that time.

We meet with severals of this name in the charters of King William the Lion, and of Alexander the II. and III. There is a perambulation of the lands of Cleish in Fife, *per Michaellem de Montealto & Philippum de Melgedrum, tunc Justiciarios Scotiae, Anno 1252,* (*penes Lindsay of Dowhill*), and *Alexander de Meldrum* is witness in the resignation of the lands of Beethwald by *John de Stratbarn, anno 1278.* (See First Vol. of this Heraldry, page 331.) We find also in Rymer's *Fœdera Angliæ*, Vol. V. pages 618, 625, and 657, several letters of safe conduct, granted by Edward the III. King of England, in the years 1348 and 1349, to the ambassadors of Scotland, who came to treat about the redemption of King David Bruce, then a prisoner in England, and *Willielmus de Meldrum* is named as one of the said ambassadors.

The said WILLIAM MELDRUM got a charter from King David Bruce of the lands and lordship of Meldrum, dated at *Dumbritton* the 10th day of October 1353, and his descendants in the male line continued to enjoy the said estate until the reign of King James I. when William Meldrum of that ilk dying, left by Elizabeth his wife, daughter of the Earl of Sutherland, only one daughter named Elizabeth, who was his successor, and married William Seaton, brother to Alexander first Earl of Huntly.

The said WILLIAM SEATON of Meldrum was killed in the king's service at the battle of Brechin, fought betwixt his brother the Earl of Huntly and the Earl of Crawford, May 18. 1452, and his son Alexander Seaton was served heir to Elizabeth Meldrum his mother, April 20th 1456.

ALEXANDER SEATON of Meldrum married Murriel, daughter of Sutherland of Duffus, ancestor of the Lord Duffus, by whom he had a son named William.

WILLIAM SEATON of Meldrum married Elizabeth, daughter of Leslie of Wardis, by whom he had a son named Alexander.

ALEXANDER SEATON of Meldrum was served heir to his grandfather in the lands and lordship of Meldrum, as then called, July 15. 1512, and married Agnes, daughter of Gordon of Haddo, ancestor of the Earl of Aberdeen, by whom he had William, his successor, and Alexander, who was Chancellor of Aberdeen, and Vicar of Bethelny. He married, for a second wife, a daughter of Leith of Barns, by whom he had Seaton of Blair.

WILLIAM SEATON of Meldrum was served heir to his father January 13. 1533, and married Janet, daughter to Gordon of Lesmoir, by whom he had Alexander his successor, John Seaton of Lumphard, and William Seaton of Slatie; and marrying afterwards Margaret, daughter to Innes of Leuchars, he had by her Mr George Seaton of Barra, Chancellor of Aberdeen, and James Seaton, who was the first of the family of Pitmedden, now represented by Sir William Seaton, baronet. This William Seaton of Meldrum granted a procuratory of resignation, dated January 24. 1533, for resigning his lands in the king's hands, for new infeftment to himself and Janet Gordon his spouse, and the heirs procreate betwixt them; which failing, to his nearest lawful heirs and assignees whatsoever; and upon this resignation charter and sasine followed: also the said William Seaton granted a charter, dated January 19. 1556, to Alexander his eldest son, and his heirs and assignees whatsoever, of the said lands and barony, to be holden of the king, upon which a charter of confirmation and infeftment followed; so, it is to be observed, that hitherto the succession continued settled on heirs whatsoever.

ALEXANDER SEATON of Meldrum married Elizabeth, daughter of Irvine of Drum, by whom he had one son named Alexander, and afterwards he married Jean, daughter of Abernethy Lord Salton, and had two sons, John and William; also two daughters, Margaret married to Chalmers of Balbithan, and Isabel to Erskine of Pittodrie. This Alexander Seaton of Meldrum granted a charter, dated December 3. 1584, to Alexander his eldest son, and the heirs-male of his body; which failing, to his heirs-male and assignees whatsoever, of his said lands and estate of Meldrum, to be holden of the king, with a reservation of his own liferent; and thereupon a charter of confirmation under the Great Seal was expedite, and infeftment taken; whereby the ordinary course of succession in the heirs of line was altered.

ALEXANDER SEATON, younger of Meldrum, married, *anno* 1584, Christian, daughter of Michael Fraser of Stonnywood, ancestor of the Lord Fraser, and dying before his father, *anno* 1590, left only one daughter, named Elizabeth, who married, *anno* 1610, John Urquhart of Craigintry, son to the Laird of Cromarty, and commonly designed Tutor of Cromarty, by whom she had Patrick Urquhart of Lethinty, Adam Urquhart of Auchintoull, Walter Urquhart of Crombie, James Urquhart of Old-Craig, and one daughter married to Fraser of Easter-Tyrie; and after the death of the Tutor of Cromarty, the said Elizabeth Seaton married Alexander Fraser of Philorth, afterwards Lord Salton, by whom she had Alexander, Master of Salton, grandfather to the present Lord. She was served heir in general both to her father and grandfather, March 19. 1617; but the succession to the estate of Meldrum, devolved, in the terms of the last settlement, upon her uncle John Seaton, who was eldest son of the second marriage, to Alexander Seaton her grandfather.

JOHN SEATON of Meldrum married Lady Grissel Stewart, daughter of the Earl of Athol, but died without issue, *anno* 1619, and was succeeded by his brother.

WILLIAM SEATON of Meldrum married Anne, daughter of Crichton of Fren-draught, ancestor of the Viscount of Fren-draught, but had no issue; and esteem-

ing it just and reasonable that, as the estate of Meldrum came to the name of Seaton by a marriage with the heir-female of Meldrum of that ilk, and that the course of succession continued settled in the heirs of line for a long time, it should in like manner descend to his eldest brother's daughter and her heirs, rather than go to an heir-male at a greater distance; and therefore, *anno* 1635, he entailed his estate, failing heirs of his own body, to his grand-nephew Patrick Urquhart of Lethinty, eldest son of the Tutor of Cromarty, by Elizabeth Seaton his niece; and he did accordingly succeed thereto.

PATRICK URQUHART of Meldrum was born *anno* 1611; he had not only his house of Lethinty plundered, but suffered several other hardships for his loyalty to his Majesty King Charles I. He married Margaret, daughter of James first Earl of Airly, by whom he had John, who died unmarried, Adam his successor, James Urquhart of Knockleith, Dr Patrick Urquhart, Professor of Medicine in the King's College of Aberdeen, and Captain Alexander Urquhart, who was killed in the king's service *anno* 1685; also one daughter, Elizabeth, married to Sir George Gordon of Gight, and afterwards to Major-General Thomas Buchan. The above-named Lady Margaret Ogilvie had the honour to save her brother's, the Lord Ogilvie's, life, who made his escape in her clothes from the prison at St Andrews, *anno* 1646, the very night before he was to have been executed with Sir Robert Spottiswood and others, who suffered at that time for their loyalty.

ADAM URQUHART of Meldrum was born *anno* 1635, and in his younger years, when his eldest brother was alive, served long abroad as a soldier, and, after his return to his own country, he had the honour to serve his Majesty King Charles II. as Cornet, and then as Lieutenant of that Independent Troop of Horse commanded by his uncle the Earl of Airly; and was thereafter made Captain of the said troop in room of the said Earl, in which station he continued till his death, *anno* 1684. He married, *anno* 1667, Mary, daughter of Lewis Marquis of Huntly, and sister of George first Duke of Gordon, by whom he had John, his successor, James Urquhart of Byth, Adam and Lewis, both churchmen in France; also three daughters, Mary, a nun at Dieppe in Normandy, Elizabeth, married to David Ogilvie of Clova, and Anne, married in France to Sir Florence O'Donogh an Irish gentleman, and an officer in the King of France's *Gens d'Arms*. The said Lady Mary Gordon, after Meldrum's death, married James Earl of Perth, then Lord High Chancellor of Scotland, and, after the Revolution, went to France with her husband, where she lived till the year 1726.

JOHN URQUHART of Meldrum married Jean, daughter of Sir Hugh Campbell of Calder, by whom he had Adam, who died unmarried, and William; also four daughters, Mary, married to William Menzies of Pitfoddels, Jean, to Alexander Stewart of Auchluncart, Elizabeth, to William Forbes of Edinglassie; and Anne, to Charles Gordon of Blelack. He died *anno* 1726, in the 59th year of his age, and was succeeded by his son.

WILLIAM URQUHART of Meldrum married Mary, daughter of Sir William Forbes of Monymusk, by whom he has several children.

The arms of this family, as matriculate in the Lyon Register, *anno* 1673, are thus blazoned; two coats quarterly, first and last *argent*, a demi-otter issuing forth of a bar, waved *sable*, crowned *or*, second and third *or*, three crescents within a double tressure, counter-flowered *gules*, above the shield and helmet, answerable to the degree, mantled *gules*, doubled *argent*; next is placed on a torse or wreath, for a crest, a boar's head erased *or*, and, for a motto, on an escrol above the crest, *Per mare & terras*.

## SCOTT OF BALWYRIE.

I SHALL not insist in giving an exact genealogy of this family, though, no doubt, among the ancientest in the kingdom, but rather choose to be particular in those evidents which make them often conspicuous in their services to their country.

*Uchtredus filius Scott*, and *Herbertus Scotus*, are mentioned in the reign of David I. as witnesses in the charters of the abbacies of Selkirk and Holyroodhouse: And though these persons are not designed, yet it is certain, from the following evidents, they were of his family.

*Ex Lib. Dumferm. fol. 96. verso.*

“ Cum mota esset controversia inter Willum Dei Gratia Abbatem et Conventum de Dumferlyn ex una parte, et Ricardum de Balverii ex altera, super tota terra de Balverii cum pertinentiis suis, quam idem Abbas et Conventus illicite alienatam asserebant, et eam revocare nitentur, per literas Domini Papæ, ad Abbatem de Lindoris et Seon, spontanea voluntate renunciantes omni actioni super illicita alienatione, &c. concesserunt eidem Ricardo et hæredibus suis in perpetuum totam dictam terram de Balverii, cum suis rectis divisis et pertinentiis, &c. et cum omnibus aliis libertatibus quas antecessores sui in eadem terra habuerunt.” The date of this writ is determined by that of the Pope’s letters; for it is expressly marked, “ Literæ Gregorii datæ Lateran, 6 Idus Junii, Pontificatus anno 1mo, et Domini nostri 1231.

*Ex eodem Lib. Dumferliensi, Fol. 86. recto.*

“ Michael Scotus et Margareta ejus sponsa, omnibus, &c. Noveritis Universitatis vestra nos, Divinæ remunerationis intuitu, et pro salute animarum antecessorum et successorum nostrorum, cum Duncani nostri hæredis, dedisse et concessisse, &c. Deo et Ecclesiæ Trinitatis de Dumferlyn, &c. totam terram de Gaskimeenimfin juxta Vueth, cum omnibus assiamentis ad eam pertinentibus, &c.”

This charter is ratified by Margaret his lady, daughter to *Duncan de Pyraes*, and all of them confirmed at Scoon by King Alexander, 22d April 1231. What I remark from these charters is, that they were a standing family at that time, and, without any stretch, may be supposed to have existed in the reign of Malcolm Canmore, when surnames first took place.

About this time was born the famous MICHAEL SCOTT of Balwyrie, whose writings to this day sustain their character; he was (says Dr Mackenzie, Vol. I. of his History of Scots Writers) one of the greatest philosophers and linguists of his age. Symphorianus, Camperius, Roger Bacon, and Cornelius Agrippa, praise him for his knowledge in the stars and physical matters; but his too great curiosity that way made the vulgar look on him as a magician, though it is observable in all his writings, none speak more respectfully of God and religion than he does.

His son and successor, Sir MICHAEL, was no less conspicuous in his way than his father; he is one of the *Equites Fifenses Illustres* sent by the guardians of the kingdom to bring home Margaret the Maid of Norway.

Edward of England writes in his favour to the bishops of St Andrews and Glasgow, &c. the foresaid guardians, to grant him or his family, when it should fall, their ward and marriage, as the recompense of his labour, “ in recompensationem laboris, quem Michael Scotus, pro communi utilitate prædicti regni,

"eundo ad partes Norwagiæ, pro filia regis Norwagiæ Domina Scotiæ et inde in terram Scotiæ conducenda," says the Record. *Fœd. Angliæ, Tom. II. p. 533. Buchan. Historia.*

He is chosen and named, *per Dominum Joannem de Baliolo*, with several others, to judge in the controversy about the succession to the crown. *Ibidem, Tom. II. p. 553.*

The family was no less active in successive reigns; for I find at the storming of the town of Berwick, under the command of Thomas Earl of Angus, Sir Andrew Scott of Balwylie, with five gentlemen of note, lost their lives. *Abercromby's History, Vol. II. Hector Boet. Book 15.* This happened, *anno 1355.*

*Anno 1432,* MICHAEL SCOTT of Balwylie is sent as hostage *ex parte Jacobi regis*, in place of Robert Logan, and on that account obtains the King of England's safe conduct. *Fœd. Angliæ, p. 510, 512.*

*Anno 1511,* Sir WILLIAM SCOTT of Balwylie is sent ambassador by James IV. to Henry VIII. of England, along with Archibald Earl of Argyle, John Lord Drummond, Robert Lauder of Bass, John Ramsay, and Mr James Henderson. *Ibidem, Tom. XIII. p. 305.*

*Anno 1513,* He is with John Lord Drummond *Commissarius Regis* to the Court of England. *Ibidem, p. 346.*

He was taken prisoner at Flodden, and sold a great part of his estate to raise his ransom; the contract of sale is in Had. Col. p. 542.

*Anno 1524. In indentura treugarum Scotiæ.*

The Counsellors and Commissaries of the Right Excellent, &c. James King of Scots, are Gilbert Earl of Cassilis, Lord Kennedy, William Scott of Balwylie, knight, and Mr Adam Otterburn, to which indentures they set their seals at Berwick, 4th September 1524, and the *obligatio Commissariorum Scotiæ* is subscribed by them 5th September 1524.

*Anno 1525.* In the confirmation of peace he is again named with several others; and in 1526, he is one of the commission to treat of peace and war.

*Anno 1528,* He is one of the commission for the last time, and first named, with Mr Adam Otterburn, and Andrew Ker of Fernherst, predecessor to the family of Lothian: When this Sir William died is uncertain.

*Anno 1590,* JAMES SCOTT of Balwylie is knighted at the coronation of Anne Queen of Scots.

The direct line ended in his grandchild Colonel WALTER SCOTT, who died in Flanders, in the reign of King Charles II. A little before his death he sent over to Sir John Scott of Ancrum, baronet, the seal of the family, along with a letter acknowledging him the nearest male relation of his family, being lineally descended from Andrew Scott of Glendoick, a younger son of that Sir William whom we have mentioned, so often employed with a public character in the service of his country: Which Andrew married Euphame Blair, daughter to Blair of Balthock, by whom he had Alexander, who married Margaret Ogilvie, daughter to Ogilvie of Inchmartin, ancestor to the Earl of Findlater, who bare to him George, married to Katharine Moncrief, daughter to Moncrief of Rhind, brother to Moncrief of that ilk; by her he had Patrick Scott, father to the above Sir John, by Elizabeth Simpson, daughter to Simpson of Monturpie in Fife, now extinct.

Sir JOHN SCOTT was married to Elizabeth Scott, daughter to Francis Scott of Mangerton, by whom he had Sir Patrick Scott his eldest son, and issue several sons and daughters.

Sir PATRICK had by his lady, Margaret Scott, daughter to Sir William Scott of Harden, Sir John his eldest son, and several sons and daughters.

Sir JOHN is married to Christian Nisbet, daughter to William Nisbet of Dirleton, and has by her, Patrick, William, John, Walter, and Christian Scotts.

All which is documented by sasines and contracts of marriage, in the hands of Sir John Scott.

## BAILLIE OF LAMINGTON.

MR ALEXANDER BAILLIE of Castlecairy, who was a very learned antiquarian, having with great care and ingenuity examined into the origin of the surname of Baillie, was of opinion that it was the same with Baliol, and that the family of Lamington was a branch of the illustrious House of the Baliols, who were Lords of Galloway in Scotland; and John Baliol, Lord of Galloway, was once King of Scotland. He had an uncle Sir Alexander Baliol of Cavers, who was Great Chamberlain of Scotland in the reign of his nephew King John, *anno* 1292, by Isabel his wife, daughter and heir of *Richard de Cbillam*, widow of *David de Strathbogy* Earl of Athol, by whom he had a son *Alexander de Baliol*, who was not so submissive to the English, after the abdication of King John his cousin, as might have been expected, but was in the interest of his country; for which, falling into the hands of the enemy during the war, he was imprisoned in the Tower of London, by order of King Edward II. But upon security given by his father, and two gentlemen of the Lindsays, he was enlarged (*a*). He had another son, I mean the Lord Chamberlain, named William, who was designed *William de Baliol*, who had the lands of Penston and Carnbrue in the barony of Bothwell, which are the ancientest possessions the family of Lamington had; he, after the abdication of his cousin and namesake King John, fell in with great zeal with other patriots in the defence of the liberties of their country, against the encroachments and invasions made on it by the English, which rendered him so obnoxious to King Edward I. that by act of the Parliament of England, he was fined in four years rent of his estate (*b*) in the year 1297. It is the same *William de Baliol*, as he is designed, who gets a charter from King Robert the Bruce of the lands of Penston, which were his own before (*c*). The *William de Baliol* who gave in pure alms to the Monks of Newbottle, *licentiam formandi stagnum in terra de Carnbrue*. This deed is confirmed by his superior *Willielmus de Moravia, miles, Dominus de Bothwell*, to which he appends his seal (*d*). The lands of Carnbrue being a very ancient possession of the family of Lamington, it is an argument that does not want its own weight, that they are of the family of the Baliols; that this *William de Baliol* is then possessed of these lands as early as the time of King Robert the Bruce, and may be sooner, and they continued in the family till they were given off to a younger son, who was the ancestor of the Baliols or Baillies of the House of Carphin. The fore-mentioned Mr Baillie of Castlecairy, who was a very learned and ingenious antiquary, was of opinion that *Baliol* was the Latin at that time for *Ballie*; and that *Ballie* in English is the very same that *Baliol* is in Latin. The first time that ever the surname is found Englished, that has been observed, was, that this gentleman, William Baillie of Lamington, being among other Scots men of quality, taken prisoner at the battle of Durham with King David Bruce in the year 1346; in the list of the captives he is designed William Baillie (*e*). This gentleman was, after his releasement, made a Knight by King David Bruce in the year 1357 (*f*); and having married the eldest daughter and heir of the renowned and ever justly celebrated patriot and hero Sir William Wallace Governor of Scotland, and General of the Army (*g*), under King John, with whom he got the barony of Lamington: and so far as the History of Sir William Wallace can be depended on, it vouches this marriage and alliance: for the author, Mr Blair, tells us expressly, that Sir William's daughter was married to a squire of the Baliols' blood, and that way got the barony of Lamington, which had formerly belonged to those of the surname of Braidfoot, whose heir-female of that name was married

(*a*) Rymer's *Fœdera*. (*b*) In the deed in Rymer he is designed *William de Baliol*. (*c*) In the old rolls of King Robert. (*d*) Chartulary of Newbottle. (*e*) Rymer's *Fœdera Angliæ*. (*f*) For there in the charter of Hosmono he is designed *William Baillie, militi*. (*g*) In a charter in my custody he is designed *Willielmus Wallace, miles, dux exercitus regni Scotiæ, persona præclara Principis Joannis Dei gratia Regis Scotorum*.

to Sir William Wallace; but I think we have a better voucher than the History of Wallace, that this Sir William Baillie was proprietor of the barony of Lamington; it is a charter under the Great Seal of King David II. which is in the charter-chest of the family of Lamington, which I have seen, and the exact copy of it here follows, at least as much as makes for our purpose, to illustrate the history and succession of the family.

“ David Dei gratia Rex Scotorum. Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto et fideli nostri Willielmo Baillie, militi, totam baroniam de Lambistoun: Faciendo nobis et heredibus nostris dictus Willielmus et heredes sui servitia debita et consueta, &c. Coram his testibus Willielmo et Patricio cancellario nostro Scotiae, Sancti Andreae et Brechinen. ecclesiarum episcopis, Roberto Comite de Strathern nepote nostro, carissimo Thoma comite de Marr consanguineo nostro, dilecto Willielmo Comite de Douglas, Willielmo de Livingstoun, Willielmo de Ramsay, et Roberto de Erskine, militibus. Apud Edinburgh vicesimo septimo die mensis Januarii, anno regni nostri tricesimo octavo;” that is the year of our Lord 1368.

This Sir WILLIAM BAILLIE of Lamington, by his wife aforesaid, the daughter and heir of Sir William Wallace, had issue two sons, William the heir of the family, and a second son Alexander, whom the great antiquary, Mr Baillie of Castlecairy vouched to be the first of the Baillies of the family of Carphin, and his own predecessor too: for of Carphin is descended, beside the Baillies of Parbroth, who are, or soon will be, the representatives of this branch of the House of Lamington, the Baillies of Park, Jeriston, Dunrogal, Carnbrue, Castlecairy, and Provan, the first of whom was Mr Robert Baillie of Provan, who was President of the Session from the 1565, till his death in the 1595. He left a daughter his heir, Dame Margaret Baillie, who was married to Sir Robert Hamilton of Silvertownhill. Of this branch of the Baillies of the House of Carphin was Mr Cuthbert Baillie, who was Rector of Cumnock, Commendator of Glenluce, and Lord High Treasurer of Scotland in the reign of King James IV. anno 1512 (a). To Sir William Baillie of Hoprig and Lamington succeeded another

WILLIAM, his son and heir, who is designed *Willielmus Baillie* of Hoprig, when he gets a charter from his cousin, as he is called, *Joannis de Hamilton, Dominus de Cadiow*, ancestor to his Grace the Duke of Hamilton, of the lands of Hyndshaw and Watston, dated the 4th of February 1595, “ test. Domino Joanni Hamilton, Domino de Fingletoun, Joanni de Hamilton de le Ross, Alexandro de Hamilton de Innerwick, militibus (b).” He married Isabel, daughter of Sir William Seaton of that ilk, ancestor to the Earl of Winton (c); by whom he had Sir William his son and heir.

This Sir WILLIAM BAILLIE of Hoprig, as he is designed, is one of the hostages sent to England for the ransom of King James I. in exchange for David Leslie of that ilk, anno 1432 (d). He married Katharine, daughter of Sir John Hamilton of Cadyow (e); by whom he had Sir William his successor, who gets a charter of the lands of Watston, &c. from *Jacobus Dominus Hamilton carissimo consanguineo suo*; and the granter calls him, *William Baillie de Eagleshane*, on the resignation of Sir William Baillie of Lamington, his father, in the 1445.

The witnesses to the Lord Hamilton's charter are John Stewart of Craigie, Philip Mowbray of Barnbogle, Ronald Crawford of Haining, and William Cleland of Clelandon. This Sir William, the younger of Lamington, gets a charter from King James III. of the fee of his father's estate, particularly of the lands of Penston; he is designed *filio et heredi apparenti Domini Willielmi Baillie de Hoprig, anno 1466 (f)*; and the same year in a retour of Robert Livingstone of Drumry, he is designed of Lamington; so that in this Sir William's time he has been promiscuously designed of Hoprig and Lamington; but from thenceforth he and his successors are uniformly designed of Lamington.

(a) Lives of the Lord High Treasurers. (b) The charter I copied out of the Registers. (c) Genealogy of the House of Lamington. (d) Rymer's *Fœdera Angliæ*. (e) Genealogy of the House of Lamington. (f) Charter in the records of the Great Seal.

In the 1484, he is one of the conservators of the peace with England on the part of Scotland, that then concluded at Nottingham, *anno* 1484 (*g*); and the next year thereafter, *anno* 1485, I find him witness to a charter granted by John Lord Somerville, to John Somerville his son, of the lands of Cambusnethan, procreated betwixt him and Mary Baillie his wife, who was daughter of this Sir William Baillie of Lamington: there are also witnessing to the charter, William Baillie, son and heir-apparent to Sir William Baillie of Lamington, and Richard Baillie, brother to the said Sir William Baillie (*b*). This Sir William Baillie of Lamington left issue Sir William his successor.

Margaret, who was married to John Earl of Sutherland (*i*), and had issue.

Mary to John Lord Somerville, and had issue.

Marion to John Lord Lindsay of the Byres, ancestor to the present Earl of Crawford (*k*), and had two daughters, his heir, and the heirs of line of this noble family of Lindsay; Margaret, who was married to Richard Lord Innermeath; and secondly, to Sir James Stewart of Bath, brother to Andrew Lord Evandale, and the paternal ancestor of the present Earl of Murray. Elizabeth, the second daughter, was married to her own cousin Sir William Baillie of Lamington.

SIR WILLIAM BAILLIE of Lamington, son to the former Sir William, is at the head of the family, and is Laird of Lamington himself, when, in the year 1492, he has a charter under the Great Seal to him, and Marion Home, his wife, in conjunct fee and infestment (*l*). This lady was the daughter of Sir Patrick Home of Polwarth, Comptroller of Scotland in the reign of King James IV. ancestor to the Earl of Marchmont, by whom he had William his son and heir, and John, of whom descended the Baillies of St John's Kirk, of whom are come the Baillies of Jerviswood and Walston (*m*).

SIR WILLIAM BAILLIE of Lamington, the next of the line and succession of this ancient honourable family, married Elizabeth, daughter and one of the heirs of line of John Lord Lindsay of the Byres, by whom he had William his son and heir, and a daughter, Janet, who was married to Sir David Hamilton of Preston, and had issue (*n*),

SIR WILLIAM BAILLIE of Lamington, his son and successor, was made principal Master of the Wardrobe to Queen Mary, by a gift under the Privy Seal, the 24th of January 1542 (*o*). He married Janet Hamilton (*p*), daughter of James first Earl of Arran, and sister to James Duke of Chatelherault, by whom he had Sir William his successor, and a younger son, of whom are the Baillies of Bagbie and Hardington, and their cadets (*q*). His alliance with the illustrious family of Hamilton brought him to fall in with them in the politics at that time, for he was a firm and steady friend to Queen Mary; for which he was afterwards forfeited for being of her party at the field of Langside, against the Earl of Murray the Regent, *anno* 1568 (*r*).

He married Dame Margaret Maxwell, daughter of John Lord Maxwell, and widow and relict of Archibald Earl of Angus, who had been formerly married to Margaret Queen Dowager of Scotland, and daughter of Henry VII. of England, by whom he had only one daughter, Margaret. During this marriage, Sir William having no male issue, and but in small hopes of any while his lady was alive, he was induced by her means, and her great and noble relations, to marry his daughter to a nephew of hers, Edward Maxwell, commendator of Dundrennan, the third son of John Lord Herries of Terreagles, and settled the fee of the estate on the issue of the marriage absolutely, reserving no more than a liferent to himself and the Countess of Angus his wife, and but a small provision to any lady or subsequent wife he might have. The condition he required of his heir of entail was that they should assume and use the surname of Baillie, and the arms of the House of Lamington; and there was a special act of Parliament procured to that effect (*s*). After

(*g*) Rymer's *Fœdera*. (*b*) Charter in the hands of the Lord Somerville. (*i*) Sir Robert Gordon's History of the House of Sutherland, MS. (*k*) Charter in the Records, *anno* 1497. (*l*) Charter in the public Records. (*m*) Genealogy of the House of Lamington, penes me. (*n*) Charter in the records of the Great Seal. (*o*) The gift is in the Registers. (*p*) Ibidem. (*q*) Genealogy of the House of Lamington, MS. penes me. (*r*) The act of forfeiture is in the records which I have seen, and from whence this note is copied. (*s*) Acts of Parliament.

this settlement, a little before the death of his lady, or, as they say, much about that time, he procreated upon a gentlewoman, one Mrs Home, a son, William Baillie, and, upon his lady's death, he married her, in view of legitimating the son in virtue of the subsequent marriage, imagining, that he might have got broke the settlement of his estate in favour of his daughter and her heirs; for it was always in failure of heirs-male of his own body that his heirs at law were to succeed: But it being clearly proven, by the presbytery books of Lanark, that the son was got while Lamington's lady, the Countess of Angus (†) was alive, the reducing the settlement to and in favour of his daughter was found impracticable. This rub in the young gentleman's way of succeeding to his father's estate, and which the father had so much at heart, discouraged him so much, that he went over to the German wars, and entered into the service of the renowned Gustavus Adolphus, King of Sweden, against the imperialists, where, by his conduct and gallant behaviour, he attained to the degree of a major-general, and had the character of an excellent officer. When the troubles began in the year 1638, he was, among other Scots general officers, called over from Germany and Sweden by the covenants, to head and command the army they raised under the obligation of the covenant, and listed himself in the Parliament's service. From the minutes of the Parliament 1641, which I have seen, it appears that Lieutenant-General Baillie made some faint efforts to reduce the settlement of the estate of Lamington, but the thing would not do in point of law; so it was dropped. He served the Parliament in the quality of lieutenant-general during the war, and was in several encounters with the Marquis of Montrose, as may be seen in the history of the times, to which I refer the reader. General Baillie married Janet, daughter of Sir William Bruce of Glenhouse, by Janet his wife, daughter and heir of John Baillie of Letham, with whom he got the estate of Letham in Stirlingshire, and had James his eldest son, who became Lord Forrester of Corstorphine, by the marriage of Jean, daughter and heir of entail both to the estate and honour of her father; but he dying without issue by her in the 1679, the estate and honour of Lord Forrester came, by virtue of the entail and special destination, to his brother's son, William Baillie, son of William Baillie of Torwood, by Lilius his wife, another of the daughters of George Lord Forrester, by whom he had George Lord Forrester, father to the present George Lord Forrester.

But, to return to the family of Lamington, we are to observe, that William Maxwell *alias* Baillie of Lamington, the grandson and heir of Sir William Baillie of Lamington, by Dame Margaret Baillie his daughter, was after that knighted by King James VI. He married Elizabeth Stewart, daughter of Henry Stewart of Craigiehall in Linlithgowshire, by Jean his wife, daughter of James Lord Ross of Halkhead; by whom he had Sir William his successor, James of Watsonhead, ancestor of Mr James Baillie, advocate; and daughters, Jean, married to the Laird of Coulterallers, and had issue, and \_\_\_\_\_ to Gavin Hamilton of Raploch; and had issue

SIR WILLIAM BAILLIE of Lamington, his son, married Grizel, daughter of Sir Claud Hamilton of Elieston, son to Claud Lord Paisley, and brother to James the first Earl of Abercorn, by Grissel his wife, daughter and heir of Robert Hamilton of Lickperrick, by whom he had Sir Samuel Baillie his eldest son, who died in the lifetime of his father; but left issue by Janet his wife, eldest daughter of John Lord Belhaven, a son, William, who was his grandfather's successor, and a daughter, Margaret, who was married to James Semple, son, and heir apparent of Sir William Semple of Cathcart, and had issue. Which William, so succeeding his grandfather, was a virtuous, frugal, worthy gentleman. He married first Marjory, daughter of John first Lord Bargeny, by whom he had a son, William, a very hopeful, promising young gentleman, who died in his seventeenth year, much regretted by all that knew him. After his son's death he married, secondly, Lady Henrietta Lindsay, daughter of William Earl of Crawford, Lord President of the Council in the reign of King William, by whom he had only daughters, Margaret the eldest, married to Sir James Carmichael of Bonnington, who sunk his estate into the family of Lamington, and to the heirs of the marriage, the heir-male being

(†) From Castlecairy's account of the House of Lamington.

to bear the surname of Baillie, and the arms of the House of Lamington, who is the present Sir William Baillie of Lamington, Baronet, as heir to his father's patent.

The other daughter of Lamington was married first to Robert Watson of Murrays, and again to Major William Erskine of Torry, nephew to the Lord Cardross.

#### HAY OF RANFIELD AND INCHNOCK.

THE first of this branch of the Hays was Mr ANDREW HAY, son to Hay of Linplum and Bara, who was a brother of the House of Yester, now dignified with the title of Marquis of Tweeddale; he was bred to the church, and was a canon of the Cathedral Church of Glasgow. At the Reformation he embraced the Protestant Religion, and continued his prebendary, and was rector and parson of the church of Renfrew, and was a learned and moderate man, and sometimes was a commissioner or superintendant of the churches in the west; of him our histories of the church speak with great regard and esteem. He continued parson of Renfrew till his death. He married Jean, daughter to Wallace of Craigie, by whom he had Mr John Hay of Ranfield, parson of Renfrew, his eldest son, and Dr Theodore Hay, parson of Peebles, and archdeacon of Glasgow; whose son, Mr John, succeeded him in the same office of parson of Peebles and archdeacon of Glasgow; and his grandchild, Mr John Hay, is present minister of the Gospel at Peebles.

Mr JOHN HAY, the eldest son, succeeded his father in the estate of Ranfield, and in the parsonage of Renfrew. He married, first, Agnes, daughter of Claud Hamilton of Cockney, by whom he had Mr John Hay of Ranfield, and parson of Renfrew, and three daughters, the eldest married to John Noble of Ferm, the second to John Walkingshaw of that ilk, and the third to John Montgomery of Scotston. He died, as his father, parson of Renfrew. He married to his second wife, Jean Somerville of the House of Cambusnethan, by whom he had Mr Andrew Hay of Zoarlands.

Mr JOHN HAY of Ranfield, and Parson of Renfrew, succeeded his father both in the estate and in the parsonage, and had been before minister at Killallan. He was, even in the highest times of presbytery, suspected of being a royalist, though he had complied by taking the covenant: but not being thorough-paced that way, and loyalty hanging about him, even to a crime, the presbytery, upon some frivolous pretences, and these very ill proven, found means to depose him from his function. Upon that he sold his estate of Ranfield in the parish of Renfrew, and acquired the lands of Inchnock in the parish of Monkland and shire of Lanark, that had belonged to Mr David Forsyth of Hallhill, commissary of Glasgow, his father-in-law. Here he lived privately and retiredly till the king's Restoration, that episcopacy being restored, he was reponed to his church and parsonage of Renfrew, where he continued to exercise his pastoral function till his death in the 1665. He married Agnes, daughter to the foresaid Mr David Forsyth of Hallhill and Dykes, by whom he had

Mr ANDREW HAY of Inchnock, his son and heir, who married Mary Hutcheson, daughter and co-heir of Mr John Hutcheson of Scotston, by whom he had, Mr John his successor, George Hay, the second son, whose son is Mr James Hay, writer in Edinburgh, heir-male and representative of the family, and several daughters; the eldest of which was married to Mr Robert Fleming, minister of the gospel at Kirkintulloch, and son to John Fleming of Caderoch, a branch of the ancient House of Weddellie, whose son is Robert Fleming, printer in Edinburgh, editor of this Work.

Mr JOHN HAY of Inchnock, in imitation of his ancestors, turned his thoughts toward the service of the church; and being put into holy orders, was first ordained

to the ministry at Yester, from whence he was translated to Dunlop, and afterwards to the parsonage of Monkland and sub-deanry of Glasgow, where he sat till the revolution in 1689, which he long survived, and was in very high esteem by people of all persuasions, and a worthy pious gentleman. He married Anne Graham, daughter of John Graham of Dougalston, by whom he had

JOHN HAY of Inchnock, who was a knowing, prudent, virtuous, and facetious gentleman. He died unmarried, so that his three sisters became heirs portioners of his estate. Margaret the eldest, married Mr John White, writer in Edinburgh.

The arms borne by this family was the three escutcheons, the common bearing of all the HAYS, and a mullet or star in the centre, as a brotherly difference.

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#### LOCKHART OF CLEGHORN.

THE present Cleghorn is lineally descended of Sir ALLAN LOCKHART of Cleghorn, of whom mention is frequently made in the reign of King James II. whose son Sir Stephen Lockhart is infeft in the ten-pound land of old extent of Cleghorn, 12th March 1476; and, by a charter from the crown of the lands of Grugfoot, dated in June 1482, and another of the twenty-merk land of Bothwell, 27th September 1483, he is in both designed his Majesty's armour-bearer. Anno 1493, a truce being concluded betwixt King James IV. and Henry VII. there was an additional subsidy laid on by Parliament for defraying the charge of the king's marriage, and Sir Stephen, with some others, are appointed to receive and account for that money. His son Allan, by a lady named Crichton, a near relation of the chancellor's, married Katharine, a daughter of Whiteford's of that Ilk, or of Milton; and upon his father's resignation, he and his spouse obtained a charter from the king of the lands of Grugfoot, dated the 22d November 1486; but being slain with the king at Flodden, anno 1515, his son Alexander is retoured to his grandfather Sir Stephen, in the above lands of Cleghorn and Bothwell, 17th of January 1519. And by Euphame, daughter to Hamilton of Innerwick, he had Mungo, who succeeded, conform to precept forth of the Chancery, and sasine thereon, dated 28th May 1569. Mungo married \_\_\_\_\_ Hamilton, daughter to Sir James Hamilton of Stenhouse, by whom he had Allan his successor, between whom, with consent of his father, and Elizabeth Ross, with consent of Robert Lord Ross her brother, and Dame Jean Semple her mother, there was a contract of marriage, 22d November 1582, conform whereunto, upon the 26th March 1583, the above Mungo resigns in the King's hands the lands of Cleghorn, Grugfoot, Bothwell, and others, extending to a fifty-three pound land of old extent; and, upon his resignation, Allan obtains from the crown a charter said year. Of this marriage there was Alexander and five other sons, of whom are descended sundry honourable and noble persons. Alexander succeeded his father, and married Nicolas, eldest daughter to Maxwell of Calderwood. Their contract is dated the 24th February 1604. His eldest son and successor, James, married Elizabeth, eldest daughter to Sir James Lockhart of Lee, one of the Senators of the College of Justice: in his contract of marriage his father disposes the above lands, extending to fifty-three pounds of old extent; and he obtained a charter thereon, 4th July 1627. This James suffered much in person and estate under the usurpation; for, besides the price of the lands of Grugfoot, which he sent to the king at Breda, he raised a troop of horse and company of foot, with whom he joined the Duke of Hamilton; but being taken, he was condemned to die, and though, by mediation of friends, he obtained his life, yet his estate was much impaired by a fine of fifty thousand merks. He had issue, Allan and James, who both succeeded him; Allan is infeft under the Great Seal 3d November 1665, and was bred up in the law at London, where he obtained to be a professor both in the Inn's and Chancery Court; but dying unmarried, James, his said brother, succeeded, and is infeft upon a retour.

dated 8th January 1681, whose son, the present Allan Lockhart of Cleghorn, married Anne Winram, heiress of Wiston.

The armorial bearing of Lockhart of Cleghorn, eldest family of that name extant on record, is, a shield parted per pale *azure* and *gules*, on the first three boars' heads erased *argent*, two in chief, and one in base, being his own paternal coat, the ancient bearing of his name and family, as appears from the arms cut on an *echancré* shield on his outer-gate, much defaced by length of time, and on several other places; on the second, a ram *passant* of the third, being the arms of Winram of Wiston, chief of that name, the heiress whereof is the present Lady Cleghorn, with crest and mantle befitting his degree; and, for motto, *Sit sine labe fides*, as per his coat of arms, Plate VIII.

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*An Account of the Family of the Name of CHARTERIS of AMISFIELD, as mentioned in the Ancient History of Scotland, and instructed by the Records of the Kingdom, extant in the Lower Parliament House, collected anno 1722.*

OUR historians say, that when Robert Bruce Earl of Carrick, son to Robert Bruce Earlof Annandale, returned from England to his own house of Lochmaben in Scotland, after the treacherous information given against him by John Cumin Earl of Buchan, to King Edward I. of England, he there found Edward Bruce his brother, Robert Fleming, James Lindsay, Roger Kirkpatrick, and THOMAS CHARTERIS, to whom he gave an account of the danger he had escaped.

These brave gentlemen standing firm to King Robert Bruce his interest, followed him in all his famous battles, until he retrieved his country from the English subjection (*a*).

The records of this kingdom being carried up to England by the usurper Oliver Cromwell, in their return hither, after the happy Restoration, many of the records were lost at sea, amongst which a great number of the ancient records of charters.

And because the first charter of the family of Amisfield, which is found amongst the records now extant, is only in King James III. his time, and that that charter makes mention of the services done by Sir Robert Charteris, great-grandfather to Robert, to whom the charter is granted, it is more than probable, that the charters in favour of Thomas first mentioned, and of the said Sir Robert, have had the misfortune to be lost at that time (*b*).

FOLLOW THE CHARTERS IN ORDER, AS BOOKED IN THE RECORDS.

I.

“ Carta Roberti Charters de Amysfield armigero nostro (*c*), pro suo fideli et  
 “ gratuito servitio, nobis temporibus præteritis multipliciter impensis, et præcipue  
 “ in virili resistantia, per ipsum Robertum exhibit. contra nostros rebelles et pro-  
 “ ditores, viz. quondam Alexandrum Stewart olim ducem Albanie, et Jacobum  
 “ Douglas olim comitem de Douglas, et alios nostros rebelles et proditores, et ve-  
 “ teres nostros Angliæ inimicos, super merchias nostros occidentales regni nostri in  
 “ bello commiss. ac etiam pro suo fideli servitio nobis impendendo, quatuor merca-  
 “ tas terrarum de Polmentre, cum pertinen. jacen. in dominio nostro Galurdie in-  
 “ fra senescallatum de Kirkcubright, que fuerunt quond. Roberti Charters militis  
 “ patris avi dicti Roberti, et ab ipso violenter, per predecessores dicti Jacobi  
 “ Douglas raptum et spoliatum, causa et occasione fidelis servitiis dicti Roberti,  
 “ nobis et progenitoribus nostris impensis, &c. Apud. Edin. quinto die mensis

(*a*) Anno 1306. (*b*) Anno 1661. (*c*) 5th Book, Ja. III. No. 134.

“ Martii, anno Domini millesimo quadringentesimo octuagesimo septimo, et regni nostri vicesimo octavo.”

## II.

“ Carta confirmationis Roberto Charters de Amysfield duas cartas (*a*), una videlicet dilecti nostri Roberti Crichtoun de Sanquhar militis factam et comessam dilecto nostro Roberto Charteris de Amysfield de tresdecem mercatas terrarum antiqui extentus, cum pertinen. jacen. in villa et territorio de Langniddrie, in baronia de Tranent, in constabularia de Haddingtoun, infra vicecomitatum nostrum de Edinburgh; aliam vero cartam confirmationis dilecti consanguinei nostri Joannis domini Setoun, super donatione predicti Roberti Crichtoun antedict. etiam prefato Roberto Charters, factam de mandato nostro visas, lectas, inspectas et diligenter examinatas, sanas, integras non raras, non cancellatas, nec in aliquibus partibus earund. suspectas, ad plenum intellexisse; cujus tenor sequitur, &c. Apud Edinburgum vicesimo primo die mensis Augustii, anno Domini millesimo quadringentesimo sexagesimo tertio.”

## III.

*Carta confirmationis Roberto Charters de Amysfield.*

“ Jacobus, Dei gratia, rex Scotorum, &c. (*b*). Sciatis nos quandam cartam dilecti nostri Roberti Crichtoun de Sanquhar militis factam et comessam, dilecto nostro Roberto Charters de Amysfield, de uno annuo reditu viginti librarum usualis monetae regni nostri, annuatim levam. de omnibus et singulis terris baroniae de Sanquhar, cum pertinen. jacen. infra vicecomit. nostrum de Dumfreis, de mandato nostro, visam, lectam, &c. Apud Edinburgum decimo nono die mensis Octobris, anno Domini millesimo quadringentesimo sexagesimo quarto.”

## IV.

“ Alia charta confirmationis dicti Roberti (*c*), de tresdecem mercatas terrarum de Langniddrie, anno 1463.”

## V.

*Carta confirmationis Roberto Charters de Amysfield.*

“ Jacobus, Dei gratia, rex Scotorum, &c. (*d*). Sciatis nos quandam cartam dilecti nostri Alexandri Campbel de Corswoul factam et comessam, dilecto nostro Roberto Charters de Amysfield, omnibus et singulis terris suis de Dalruskane, cum pertinen. jacen. infra vicecomit. nostrum de Dumfreis, de mandato nostro visam, lectam, &c. Apud Edinburgum quinto die mensis Aprilis, anno Domini millesimo quadringentesimo octuagesimo primo, et regni nostri vicesimo primo.”

## VI.

*Carta confirmationis Roberto Charters de Amysfield.*

“ Jacobus, Dei gratia, rex Scotorum (*e*). Sciatis nos, nostrique consilii dominos, clare cognoscentes et considerantes quandam cartam quondam serenissimi patris

(*a*) 7th Book, Ia. III. No. 107. (*b*) 7th Book, Ja. III. No. 120. (*c*) 7th Book, No. 130.  
(*d*) 7th Book, Ja. III. No. 137. (*e*) 13th Book, Ja. IV. No. 470.

" nostri bonæ memoriæ, cujus animæ propetietur Deus, hereditarie factam et  
 " comessam dilecto et fideli armigero nostro Roberto Charters de Amisfield, pro  
 " certis honourabilis et laudabilis causis in ipsa carta specificatis, de et super qua-  
 " tuor mercatis terrarum de Polmtree, cum pertinen. jacen. in dominio nostro  
 " Galwidie, infra senescallatum nostrum de Kirkcudbright, de mandato nostro  
 " visam, lectam, &c. ut in carta precedenti. N. I. Quamquidem cartam ac do-  
 " nationem, et concessionem in eadem content. prefato Roberto super predictis  
 " terris de Polmtree cum pertinen. ut premititur factam, in omnibus suis punctis  
 " et articulis, conditionibus et modis, ac circumstantiis suis quibuscunque forma  
 " pariter et effectu, in omnibus et per omnia nos, cum avisamento dominorum nostri  
 " consilii, approbamus, ratificamus, et pro nobis et successoribus nostris pro per-  
 " petuo confirmando donamus, et donando confirmamus, salvis nobis et successoribus  
 " nostris servitiis de dictis terris, cum pertinen. ante predict. confirmationem  
 " et donationem, nobis debitis et consuetis, &c. Apud Edinburgum sexto die  
 " mensis Augustii, anno Domini millesimo quingentesimo primo, et regni nostri  
 " decimo quarto.

## VII.

*Carta Joannis Charters de Amysfield.*

" Maria, Dei gratia, regina Scotorum, &c. (a). Sciatis nos, cum avisamento et  
 " consensu clarissimi consanguinei et tutoris nostri Jacobi ducis de Chattellarault,  
 " Araniæ comitis, domini Hamilton, regni nostri protectoris et gubernatoris, de-  
 " disse, concessisse, et hac presenti carta nostra, confirmasse Joanni Charters de  
 " Amysfield et Jonete Douglas ejus conjuge, et eorum alteri diutius viventi, in  
 " conjuncta infeodatione, et heredibus inter ipsos legitime procreatis, seu procrean-  
 " dis, quibus deficientibus, legitimis et propinquioribus heredibus dicti Joannis  
 " quibuscunque, totas et integras decem libratas terrarum de Dalrusken, cum per-  
 " tinen. jacen. infra vicecomitatum de Dumfreis: Quequidem terræ prescript. cum  
 " pertinentiis dicto Joanni perprius hereditarie pertinuerunt, et quas idem per  
 " fustum et baculum in manibus prefati nostri gubernatoris, tanquam in manibus  
 " nostris apud Edinburgum personaliter sursum reddidit, et simpliciter resignavit,  
 " &c. tenen. de nobis, reddendo jura et servitia debita et consueta. Apud Edin-  
 " burgum decimo quarto die mensis Februarii, anno Domini millesimo quingen-  
 " tesimo quinquagesimo tertio, et regni nostri undecimo.

## VIII.

*Carta domini Joannis Charters de Amysfield militis.*

" Jacobus, Dei gratia, rex Scotorum, &c. Sciatis nos dedisse, concessisse, dis-  
 " posuisse, &c. dilecto nostro domino Joanni Charters de Amysfield, heredibus  
 " suis, et assignatis quibuscunque, hereditariæ, totas et integras terras de Tinwald,  
 " cum terræ, fortalicio, molendinis, &c. Extenden. ad viginti libratas terrarum an-  
 " tiqui extentus, cum advocacione, donatione et jure patronatus ecclesiæ de Tyn-  
 " wald, jacen. infra vicecomit. de Dumfreis; quæquidem terræ, &c. perprius ad Ro-  
 " bertum vicecomitem de Rochester hereditariæ pertinuerunt, et quas ipse, &c. per  
 " fustum et baculum apud Edinburgum resignavit, cum omni jure, titulo, &c. in fa-  
 " vorem dicti domini Joannis Charters de Amysfield, heredum suorum et assigna-  
 " torum antedict. proque hoc novo nostro infeofamento, per nos, nostro sub magno  
 " sigillo ipsis desuper dan. et conceden. Insuper nos, pro bono, fideli et gratuito  
 " servitio nobis, et preclarissimis nostris progenitoribus, per dictum dominum Jo-  
 " annem Charters, ejusque predecessores, temporibus retroactis, prestitio, et im-  
 " penso, &c. nec non pro diversis aliis bonis causis et considerationibus, nos inven.  
 " ex nostro proprio motu certa que scientiæ, de novo damus, &c. Tenen. de no-  
 " bis et successoribus nostris, in feodo et hereditate in perpetuum, &c. reddendo

“ jura et servitia prius debita et consueta. Apud Greenwich in Anglia, vicesimo die mensis Maii, 1611.”

## IX.

*Carta domini Joannis Charters de Amysfield, militis.*

“ Jacobus, Dei gratia, Magnæ Britanniae, Franciæ et Hiberniæ rex, &c. Sciatis nos dedisse, concessisse et disposuisse, tenoreque presentis cartæ nostræ dare, concedere et disponere predilecto nostro domino Joanni Charters de Amysfield, suisque heredibus masculis, de corpore suo legitime procreatis seu procreandis, quibus deficientibus, suis legitimis et propinquioribus heredibus masculis quibuscunque, cognomen et arma de Charters gerentibus hereditariæ, omnes et singulas terras et baroniam de Amysfield, et terras de Dalruskane, &c. jacen. infra vicecomitat. de Dumfries; nec non totas et integras terras de Duchray, cum molendinis, &c. jacen. infra senescallatum de Kirkcudbright, et vicecomitatum de Dumfries; quequidem terræ, baronia, molendina, ac alia prescript. cum pertinent. per prius prefato domino Joanni Charters hereditariæ pertinuerunt, et quas ipse, &c. Apud Edinburgum per fastum et baculum resignavit, &c. pro hac nova nostra carta et infeodatione hereditaria sibi dicto domino Joanni, suisque heredibus masculis et tallie respective, nostro sub magno sigillo desup. danda et concedenda in debita forma, sub provisione et conditione tamen, quod casu defectus heredum masculorum legitime, et corpore proprio dicti domini Joannis procreat. et ideo quod heredes antedict. talliæ sibi in antedictis terris succederunt, quod dict. heredes talliæ in dictis terris succedentes tenebuntur, persolvere heredibus fœmin. dicti domini Joannis nomine provisionis, si una sit solummodo summam decem millium mercarum, et si plures sint, summam viginti millium mercarum, usualis monetæ regni nostri Scotiæ, equaliter inter ipsos: Insuper nos pro bono fideli et gratuito servitio nobis per prefatum dominum Joannem Charters de Amysfield, tanquam unum nostrum commissionerum de lie Middleshearis, nuper confines lie borders Scotiæ nuncupat. prestito et impenso, ac pro diversis aliis magnis respectibus, et bone considerationibus nos moven, de novo damus prefato domino Joanni, suisque heredibus masculis et tallie predict. totas et integras predictas terras et baroniam de Amysfield, &c. (particularly bounded as contained fully in the charter) cum advocacione et donacione, et jus patronatus viccariarum ecclesiarum de Balmaghie, Traililat, et Drumgray, &c. Tenen. de nobis et successoribus nostris in feodo, hereditate ac libera baronia in perpetuum, &c. Reddendo jura et servitia per prius debita et consueta. Apud Edinburgum, vigesimo octavo die mensis Novembris. anno Domini millesimo sexcentesimo quinto, ac regnorum nostrorum annis trigesimo nono et tertio.”

## X.

*Carta domini Joannis Charters de Amysfield, militis, et Margaretæ Fleyming ejus conjugii.*

“ Jacobus, Dei gratia, Magnæ Britanniae, Franciæ et Hiberniæ rex, &c. (a). Sciatis nos, cum avisamento, &c. dedisse, concessisse et disposuisse, &c. dilectis nostris domino Joanni Charters de Amisfield militi, et dominæ Margaretæ Fleming ejus conjugii, eorumque alteri diutius viventi in conjuncta infeodatione, ac heredibus masculis inter ipsos legitime procreatis seu procreandis, quibus deficient. dicti domini Joannis heredibus masculis quibuscunque, omnes et singulas terras et baroniam de Kirkmichael, comprehenden. villam et terras de Kirkmichael, molendinum et terras molendinarias earundem cum lie Plewlands earundem, totas et integras terras de Drysholme, Bekhouse, villam de Dryersdail, Torwood, Belheill, Belton, et Quais, cum turriæ, fortalicio, &c. omnes jacen. infra senescallatum de

(a) Ja. VI. lib. 1615. 16, 17. letter H.

“ Annandale, et vicecomitatum nostrum de Dumfries: Quequidem terræ et baronia ad Willielmum Kirkpatrick de Kirkmichael hereditariæ pertinuerunt, ac per eum, &c. per fustum et baculum, ut moris est, apud Edinburgum resignatæ fuerunt, &c. Preterea nos pro bona, fidei et gratuito servitio, nobis et predecessoribus nostris, per dictum dominum Joannem ejusque predecessoribus prestito, ac pro certis aliis causis, &c. et de novo dedimus, et pro perpetuo confirmamus, dictis domino Joanni Charters et dominæ Margarietæ Fleyming ejus conjugii, eorumque alteri diutius viventi in conjuncta infeodatione, ac heredibus masculis inter eos legitime procreatis seu procreandis, quibus deficient. omnes et singulas terras et baroniam de Kirkmichael, &c. jacen. ut supra, tenen. de nobis et successoribus nostris in feodo et hereditate, ac libera baronia, in perpetuum, per omnes certas metas, &c. Reddendo nobis et successoribus nostris jura, servitia et divorias ab antiquo usitat. et consuetis. Apud Edinburgum nono die mensis Januarii, anno Domini millesimo sexcentesimo decimo septimo, et regnorum nostrorum annis quinquagesimo et decimo quarto.”

## XI.

*Carta domini Joannis Charters de Amysfield.*

“ Jacobus, Dei gratia, Magnæ Britanniæ, Franciæ et Hiberniæ rex, &c. (a). Sciat nos, cum avisamento, &c. dare, concedere et disponere, &c. predilecto nostro domino Joanni Charters de Amysfield equiti aurato, nec non heredibus masculis inter ipsum et quondam dominam Margaretam Fleyming ejus sponsam legitime procreatis, quibus deficientibus, heredibus masculis dicti domini Joannis quibuscunque, hereditarie, omnes et singulas decem libratas terrarum de Kirkmichael, cum molendino et terris de Plewlands (ut in predicta carta) et quadraginta solidatas terrarum de Cragshiel et Dalorum, terras de Over et Nether Glenkills, extend. ad sex mercatas terrarum, quadraginta solidatas terrarum de Hoilhouse et Deir, terras de Gleimane, extenden. ad dimidiam mercatam terræ, cum turribus, fortaliciis, &c. cum officio balliatus baroniæ de Kirkmichael, &c. Quequidem terræ ad Willielmum Kirkpatrick de Kirkmichael hereditariæ pertinuerunt, per ipsum de nobis immediate tent. ac per ipsum resignati fuerunt in favorem dicti domini Joannis Charters de Amysfield, &c. (ut supra) tenen. de nobis et successoribus nostris in feodo et hereditate in perpetuum: Reddendo wardam et releviam eorum heredum quando cadere contigerint, cum omnibus aliis juribus et servitiis, de predictis terris ante predict. resignationem debitis et consuetis. Apud Edinburgum sexto die mensis Junii, anno Domini millesimo sexcentesimo vicesimo secundo, regnorumque nostrorum annis quinquagesimo quinto, et vicesimo.”

## XII.

*Carta Joannis Charters junioris de Amisfield, et Catharine Crichton ejus conjugii.*

“ Carolus, Dei gratia, Magnæ Britanniæ, Franciæ et Hiberniæ rex, &c. (b). Sciat nos, cum avisamento, &c. dedisse, &c. dilectæ nostræ magistræ, Catharinæ Crichton conjugii Joannis Charters junioris de Amisfield in vitali reditu, pro omnibus suæ vitæ diebus, totas et integras terras de Drumgreen, &c. et similiter dedisse, &c. prefato Joanni Charters junioris de Amisfield et heredibus masculis inter ipsum et dict. suam conjugem legitime procreatis seu procreandis, quibus deficient. legitimis et propinquieribus heredibus suis masculis et assignatis quibuscunque hereditarie, totas et integras terras et baroniam de Amisfield, in se continen. dominicales de Amisfield, cum domibus, &c. nunc in unum liberum burgum baroniæ erect. cum foro hepdomedario die Jovis tenen. et libero nundino ejusdem auatim die mensis Septembris vocat. festum Sancti Michaelis

“ tenen. ac cum omnibus et singulis privilegiis, libertatibus, tolloniis, custumis, casualitatibus, proficuis, et divoris pertinen. et spectan. dicto burgo baroniæ foris heredomodariis, et liberis nundinis, ejud. cum molendino de Amisfield, terris molendinariis, et multuris ejusd. jacen. (ut in predictis cartis); nec non totas et integras quatuor mercatas terrarum de Polmentrie, cum pertinen. jacen. infra dominium nostrum de Galloway; ac etiam totas et integras viginti duas libratas terrarum de Drysdail, comprehenden. villam et terras de Drysholme, Bekhouse villam de Drysdail, &c. jacen. infra senescallatum de Annandale; quequidem terræ, baroniæ, molendina, silvæ, piscariæ, aliaque, supra mentionat. cum omnibus suis partibus, pendiculis et pertinentiis antedict. ad dictum dominum Joannem Charters de Amisfield militem, per prius hereditarie pertinuerunt, per ipsum de nobis immediate tent. ac per ipsum suosque legitimos procuratores ejus nomine resignat. fuerunt, in favorem proque novo hoc nostro infeofamento sub nostro magno sigillo, de integris terris et baroniis aliisque prescript. prefato domino Joanni Charters, suisque antedict. in debita et competenti forma desuper dan. et comeden. &c. Preterea nos, cum avisamento et consensu, &c. de novo damus, &c. magistræ Cathariæ Crichton in vitali reddito, &c. terras de Drumgreen, &c. Et similiter de novo damus prefato Joanni Charters, heredibus suis masculis talliæ, &c. omnes et singulas terras, et baroniam de Amisfield in se continen. &c. et terras de Polmentrie, Kirkmichael, &c. omnes unit. et erect. in unam integram et liberam baroniam, nunc, et omni tempore a futuro baroniam de Amisfield nuncupand. ordinan. turrum, fortalitium et manerei locum de Amisfield, principale fore mesuagium dictæ baroniæ, &c. tenen. et haben. &c. de nobis et successoribus nostris, in feodo hereditate et libera baronia in perpetuum, per omnes rectas metas, &c. reddendo, &c. jura et servitia debita et consueta. In cujus rei testimonium, &c. Apud Edinburgum, decimo quinto die mensis Decembris, anno millesimo sexcentesimo trigesimo quarto, anno regni nostri decimo.”

## XIII.

*Carta Josephi Charteris de Duchrie.*

“ Carolus, Die gratia, Magnæ Britanniæ, Franciæ et Hiberniæ rex, &c. Sciatis nos cum avisamento, &c. dedisse, concessisse et disposuisse, &c. ad et in favorem dilecti nostri Josephi Charteris filii legitime Roberti Charters, fratris germani domini Joannis Charters de Amisfield militis, heredum suorum et assignatorum quorumcumque hereditarie, totas et integras terras de Duchrie, extenden. ad decem libratas terrarum antiqui extentus, continen. et comprehenden. in se terras de Tornoroch, &c. Quequidem terræ, molendini, piscationes, aliaque prescript. cum pertinen. per prius hereditarie pertinuerunt ad dict. dominum Joannem Charters de Amisfield militem, et Joannem Charters suum filium feudatarium ejusd. per eos de nobis immediate tent. et que terræ resignatæ fuerunt per illos cum consensu Georgii Rome de Kirkpatrick Irongray, pro suo interesse, &c. Apud Edinburgum in favorem dicti Josephi Charters ejusque predict. proque hoc novo nostro infeofamento et sasina desuper danda et concedenda illi de dict. terris et molendinis, &c. tenen. et haben. &c. de nobis et successoribus nostris, in feodo et hereditate in perpetuum, per omnes rectas metas, &c. reddendo, &c. jura, et servitia et divorias prius solvi solit. et consuet. In cujus rei testimonium, &c. Apud Edinburgum, vigesimo die mensis Martii, anno Domini millesimo sexcentesimo trigesimo septimo, et anno regni nostri duodecimo.”

By the writs above deduced it appears evidently that the family of Amisfield has continued in the name of Charteris from King Robert Bruce to this day.

And since all the writs above mentioned do not particularly name the ladies of that family, or of whom they are descended, I thought it would not be improper to condescend upon their names and surnames, so far as history mentions them; and particularly Mr George Crawford in his History of the Peerage of Scotland.

The first I find is Agnes Maxwell (a) second daughter to John Lord Max-

(a) Peerage, page 371.

well, by Agnes, daughter to Sir Alexander Stewart of Garlies. This lady was married to Sir Robert Charteris of Amisfield, about the year 1494, in the reign of King James IV.

The second lady mentioned in history is Janet Douglas (*b*), eldest daughter to Sir James Douglas of Drumlanrig, by Margaret Douglas, daughter of George, Master of Angus. This Lady was married to John Charteris of Amisfield, about the year 1530, in the reign of King James V. and in the year 1553, there is a charter granted by Queen Mary in favour of Sir John and the said lady, of the ten-pound land of Dalruskan, as noted in the 7th charter of this memorial.

The third lady mentioned in history is Lady Margaret Fleming, third daughter to John first Earl of Wigton, by Lady Lillias Graham, daughter to John Earl of Montrose. This lady was married to Sir John Charteris of Amisfield, about the 1610, in the reign of King James VI.; and in the year 1617 there is a charter granted by King James VI. in favour of the said Sir John and the said Lady Margaret, of the lands and barony of Kirkmichael, &c. as noted in the 10th charter of this memorial.

The fourth lady mentioned in history is Lady Katharine Crichton, second daughter to William first Earl of Dumfries, by Euphame Seaton, daughter to James Seaton of Touch. This lady was married to Sir John Charteris, younger of Amisfield, about the year 1633, in the reign of King Charles I. And there is a charter granted by King Charles I. in favour of the said Sir John and lady Katharine, and the heirs-male of their bodies, of the lands and barony of Amisfield; &c. erecting the village of Amisfield into a burgh of barony, with several privileges, such as weekly markets, yearly fairs, &c. as in charter 12. of this memorial, containing also a tailzie in favour of heirs-male, and in case of an heir-female redeemable from her for payment of 10,000 merks Scots.

The records of this kingdom being carefully searched, and there being no other family of the name of Charteris before the first mentioned Robert, great-grandfather to Robert, in whose favour the first charter on record is granted, it may be reasonably conjectured, that all the gentlemen of that name have sprung from the honourable family of Charteris of Amisfield, whereof there are some mentioned in the records, viz.

1. Charter in favour of THOMAS CHARTERIS (*c*), of the lands of Halton, Pit-morthie, and Craigmare, lying in the barony of Lumphynhanan, in the shire of Aberdeen; and of all and hail the lands of Kinfauns and Pitfundy, lying in the barony of Kinfauns, in the shire of Perth, upon the resignation of Sir William Charters of Cragmore, his father, dated 15th June 1487.

2. Charter in favour of ANDREW CHARTERIS, (designed) Provost of the burgh of Perth (*d*), of all and hail the barony of Cuthillgourdy.

3. *Litera Magistri* JOHANNIS CHARTERIS *Capitaneo de Galstoun terrarum de Lenfen* (*e*).

4. And in the same book of King James IV. there is a charter of confirmation in favour of JOHN CHARTERIS, of the lands and barony of Cuthillgourdy.

5. As also in the same book there is a charter of confirmation in favour of ANDREW CHARTERIS of the lands of Forgundefuy.

6. Charter in favour of JOHN CHARTERIS of the the lands and barony of Cuthillgourdy.

7. Charter in favour of JOHN CHARTERIS of Kinfauns (*f*) of the lands of Gok-ton, Ribno and Tullihou.

8. Charter of confirmation in favour of ALISON CHARTERIS of the lands of Forgundemy (*g*).

9. Charter in favour of JOHN CHARTERIS of Cuthillgourdy (*b*) of the lands of Drumnockqushiel and Drumquhasheil; and another charter in his favour of the lands of Ballatheis, with the fishings belonging thereto; as also contains the lands called the Mains of Kinclvine.

(*b*) Peerage, page 416. (*c*) 5th Book, K. Ja. III. (*d*) 8th Book, K. Ja. III. (*e*) 13th Book, K. Ja. IV. (*f*) 20th Book, K. Ja. V. (*g*) 25th Book, K. Ja. V. (*b*) 28th Book, K. Ja. V.

10. Charter in favour of JOHN CHARTERS of Windyhills, of the lands of Nether Kelwood and Bowerlands (*i*).

11. Charter in favour of ALISON CHARTERIS, of the half of the superiority of the lands of Kinclvine, Ballatheis, Drumnoquheill, &c. (*k*).

12. Charter in favour of ELIZABETH CHARTERIS, of the other half of the superiority of the lands of Kinclvine, Ballatheis, Drummoquheine, &c. (*l*).

13. Charter in favour of ALISON CHARTERIS, of the lands and barony of Kinclvine, comprehending other lands (*m*).

14. Charter of confirmation in favour of JOHN CHARTERIS of Kinfauns, of the lands and village of Crosschapple, with the teinds belonging thereto (*n*).

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#### LESLIE OF FINDRASSIE.

FOR the clearing more fully and effectually the right of primogeniture the LESLIES of Findrassie have to the family of Rothes, and setting that matter in a clearer light than it hath hitherto appeared, it will be proper to observe, that the noble family of Rothes were not raised to the honour and quality of earls, by letters patent erecting their lands into an earldom or *comitatum*, and therein specifying and appointing what set or species of heirs were to succeed to the dignity and estate, but by cincture and investiture in Parliament: For, by several authentic vouchers, which we have seen and perused, it is plain and evident, that George Lord Leslie upon Leven, as he is called in several deeds, was by the special favour of King James II. created and raised to the honour of Earl of Rothes in the year 1459 (*o*), by cincture of a sword, and the other rites and solemnities then usual; so an honour, after that manner established, devolves for ever to heirs-male of the first patentee, in exclusion of heirs of line, if some act and deed of the sovereign, the fountain of honour, do not intervene, altering the succession from heirs-male to heirs-female, as was the case in the family of Rothes; for, in the 1667, John, then Earl of Rothes, afterwards Duke of Rothes, having no heirs-male of his body, that he might disappoint the succession of the heir-male of George the first Earl of the House of Rothes, and exclude them from any title they might have had to the estate, resigned both the title, honour, dignity, rank, and precedency of Earl of Rothes, in the hands of his majesty King Charles II. in favour of his heirs-female, in failure of the heirs-male of his body, whereupon a charter was expedie under the Great Seal (*p*), in virtue whereof, Margaret Countess of Rothes succeeded the duke her father in the title of Earl of Rothes, on his death in the year 1681.

But to return to GEORGE the first Earl of Rothes, for the clearing the succession, and bringing down the line of the family of Findrassie, we must observe that this noble earl, by Christian his wife, daughter of Sir Walter Halyburton Lord of Dirleton, and Andrew, stiled Master of Rothes, who in the lifetime of his father married Janet, daughter of William the first Earl Marischal, by whom he had two sons, viz. George, who was his grandfather's successor in the honour; but he dying without issue-male, was succeeded by his brother William Earl of Rothes, who was slain at the battle of Flodden, leaving his son young at his death, George, commonly called the Great Earl of Rothes. This earl married first the Lady Margaret Crichton, only daughter of William Lord Crichton, by the Lady Cicely his wife, second daughter to King James II. of Scotland. She was not a natural daughter of the Lord Crichton's, as some insinuate, but the Lady Cicely, the king's daughter, was his lawful wife; and it is plain, that he was not forfeited for his indecent correspondence with the lady before her marriage, but for joining with the Duke

(*i*) 30th Book, Maria Reg. (*k*) 31st Book, Maria Reg. (*l*) Ditto Book, Maria Reg. (*m*) Ditto Book, Maria Reg. (*n*) 33d Book, Q. Mary. (*o*) Charta in publicis archivis. (*p*) In the public records.

of Albany in his unnatural rebellion against his brother King James III. *anno* 1483 (q).

The family of Rothes then being low, Earl George married this Lady Margaret Crichton, then the widow of one Mr Paular of the town of Montrose: She was a great fortune, and her vast estate in money contributed not a little to relieve the family from the great burden it was under, and put it in that condition of lustre it still continues: But this lady being much above the Earl in years, he commenced a process of divorce against her; but it is certain it could never proceed upon the disparity of their age; for that was a reason could never have been sustained by the canonists: it must have proceeded upon a nullity in the marriage *ab initio*, and that upon the score of consanguinity that had not been dispensed with by a bull from the Court of Rome, or from the delegates of the Apostolic See: however, in these cases, where there was a marriage *de facto*, there never failed a clause in these divorces, and a *salvo* reserving the legitimacy of the children procreated betwixt the parties, even though the marriage was declared void and null from the beginning, because they were born *bona fide*, and the defect could not be in reason imputed to them. The Earl, however, we are certain, proceeded to a second marriage with Dame Nicolas Somerville, dowager Lady Fleming, daughter of Sir John Somerville of Cambusnethan, by whom he had Andrew, afterwards Earl of Rothes. After the death of this lady, he married next the Lady Dowager of Crawford, who was a daughter of the House of Lundie, and after that a daughter of the Lord Gray, who was widow both to the Lord Glamis and the Earl of Huntly; but these ladies living very short while, from a conviction, it seems, of the injustice he had done to his first lady, Lady Margaret Crichton, he married her canonically, according to the rules of the church then in being, and made her, all impediments being removed, his lawful wife, as she is designed, and *Comitissa de Rothes*, in a charter under the Great Seal in the year 1542, which is in the public records (r). And so much is certain, that the children procreate betwixt the Earl of Rothes and the Lady Margaret Crichton were so far considered as lawful, that their eldest son, Norman Leslie, was stiled and designed in all public acts and deeds Master of Rothes, and fiar of the earldom of Rothes (s). This Norman was a noble gallant young man; but all these excellent qualities and endowments he was possessed of were miserably sullied by his imbruing his hands in the blood and murder of Cardinal Beaton, archbishop of St Andrews, in the year 1546, for which he was forfeited; and the father, by some act and deed of the crown that I have not seen, came to be fully invested in the estate of the earldom himself, and had it in his own power to dispose of it to any of his sons of his different marriages he had a mind. His younger son, Robert Leslie, by Lady Margaret Crichton, was the first of the Leslies of the House of Findrassie, who had these lands in patrimony from his father, while Norman, Master of Rothes, his elder brother was alive, and who was of the full blood with himself. It is strange he did not succeed his father in the earldom of Rothes; but it is plain it was not from any impediment in his birth, but, as Bishop Leslie tells us, from the special favour of the Duke of Chattelherault, while he was regent of Scotland in the minority of Queen Mary, that the fee of the estate, and the heritable offices of the family, came all to be vested in the person of Andrew Leslie of Kilmeny, as he is designed; and the earl's second son, by charters under the Great seal, on the surrender and resignation of the Earl his father, and to whom, by virtue of these investitures, he succeeded both in the estate and honour at his death on the 10th of November 1558. The only reason why that Robert Leslie of Findrassie, who was, as we have said, the son of George Earl of Rothes by Lady Margaret Crichton, could not quarrel in point of law his brother Andrew's succession, was, that the investiture of the estate was the rule of regulating the succession to the estate, as well as the descent of the honour in those days; and these were all ratified and confirmed to him by charters passed and expedite under the Great Seal many years before his father's death; for, in those days, it was no singular case in the family

(q) The process is extant in the registers of Parliament, and it proceeds upon his having stuffed, that is, fortified his Castle of Crichton against the king. (r) In the writs of the Privy Seal. (s) This is vouched both from the public archives and the histories of the time.

of Rothes to divert the succession from the right channel to heirs more remote ; for, about this very time, David, then Earl of Crawford, disinherited his own son, and resigned the fee of the earldom of Crawford, in favour of Sir David Lindsay of Edzell, who accordingly succeeded at the earl's death, both to the estate and honour of the House of Crawford. The reason of all this high degree of favour shown by the Duke of Chatelherault to the Earl of Rothes's son, Andrew Leslie, by Dame Nicolas Somerville, was, that he had married Grissel Hamilton his niece, daughter of Sir James Hamilton of Finnast and Evandale, his natural brother, to whose memory he had, during his whole administration, shown the highest regard ; for, immediately upon his accession to the regency, he reduced his forfeiture in the Parliament 1543. and got his son restored to his estate, and his daughter married to the Earl of Rothes's son, and the succession both of the estate and the honour settled on them and their heirs.

ROBERT LESLIE of Findrassie, the Earl of Rothes's son, married Janet, daughter of Robert Lord Elphinstone, by whom he had Robert his successor.

ROBERT LESLIE of Findrassie, who married Margaret, Daughter of Alexander Dunbar, Dean of Murray, one of the Senators of the College of Justice in the reign of King James VI. ancestor to Dunbar of Grange, and had Robert and John, of whom the present Findrassie. This Robert married Isabel Forbes, daughter to Abraham Forbes of Blackton, sixth son to William Lord Forbes, by Elizabeth his wife, daughter and one of the two co-heirs of Sir William Keith of Inverugie, by whom he had George, his eldest son, who died without succession, and Abraham the second son ; which George married Mary, daughter of ———— Bannerman of Waterton, but died without issue. Abraham succeeded his brother, and died without issue, and was succeeded by his great nephew John Leslie, now of Findrassie, second son to Robert Leslie the second Laird of Findrassie ; which John married Janet, daughter of ———— Nairn of Cromdale, and had John his son, who married Grissel, daughter of John Douglas of Tilloquhally, a cadet of the family of Morton, even since the house of Lochleven succeeded to that honour and dignity, and had John Leslie, now of Findrassie, who married Margaret, daughter of Charles Gordon of Glengorock, and had Alexander his son and heir.

As to the coat of arms given to George Leslie of Findrassie, by Sir Charles Erskine the Lord Lyon, I cannot say but it was a very proper cognizance he took from the family of Rothes ; for, to be sure, the bordure *chequé* was a distinction too remote for an imediate son of the house ; but it is plain the *chequé* bordure has been taken to keep up the memory of his descent from the royal family of Stewart, of which he had the honour to be descended so nearly by his predecessor's grandmother, being the second lawful daughter of King James II. just as we find the Maxwells of Calderwood carry the paternal coat of Maxwell within a bordure *chequé*, *azure* and *argent*, by reason that the first of the family of Calderwood was Sir Robert Maxwell, second son of Sir John Maxwell of Pollock, by Elizabeth his wife, daughter of Sir James Lindsay Lord of Crawford, and of the Lady Edgidia his wife, daughter of Walter, Great Steward of Scotland, and sister to King Robert II. ; so that as the first Sir Robert Maxwell of Calderwood assumed the *chequé* as his cognizance, to show his descent from the royal family, so did the Laird of Findrassie the same to show that his predecessor's grandmother was of the royal family, who we know was the Lady Cicely, the second lawful daughter of King James II. and, next to the House of Hamilton, the nearest descendants of the royal House of the Stewarts, that are not descended of King James VI. the first monarch of Great Britain.

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#### BANNERMAN OF THAT ILK.

THE surname of BANNERMAN derives its original from the office of banner-bearer to the king, and he who bore the banner before King Malcolm III. when he

was going against the rebels in Murray-Land, who, finding him cowardly in not attacking them, took the standard from him, and gave it to Sir Alexander Carron, ancestor to Viscount Scrimgeour of Dundee. See Boetius about *anno* 1180. For which cowardice (says Sir George Mackenzie in his Genealogical Account of the Families in Scotland) he and his successors were ordained in all time coming to bear in their coat of arms a banner, with the staff of it broken, whereof, being ashamed, they forbore to carry any arms at all for many ages, till of late they assumed these of Forbes, with some difference, because of their frequent alliance with that surname.

BANNERMAN of Waterton, thereafter of Elsick, began to use the old coat of Bannerman, without the mark of dishonour, thus, *gules*, a banner displayed *argent*, and thereon in a canton *azure*, a St Andrew's cross of the second; and, for his crest, a man in armour, proper. Motto, *Pro patria*. See Sir George Mackenzie, and Volume First of this System.

ANDREW BANNERMAN gives a charter to Henry Mercer of Lydenoch, of the lands of Wester-Cardeny lying in the barony of Logie, and shire of Perth; this is dated 9th July 1541, in *publica custodia*.

WILLIAM BANNERMAN of Cardine has a charter of Blackhills, and many other kirk lands in Perthshire, 1588. *Ibid.*

ALEXANDER BANNERMAN of Waterton, and Margaret Reid his spouse, have a charter dated 29th April 1590. *Ibid.*

ALEXANDER BANNERMAN of Waterton is Sheriff-Depute of Aberdeen, 1599. Scotstarvet's Collections, page, 184.

HENRY BANNERMAN of Waterton; there is an apprising led against him, at the instance of David, Bishop of St Andrews, of his lands of Bryanton, Rynd, and half of Pinsfield, in Forfarshire, for the non-entry duties, 25th February 1539. *Ibid.* page 603.

ANDREW BANNERMAN gives a charter to Henry Mercer of Ledinet, of the six-merk land of Easter-Cardeny, and nineteen shilling seven-penny land of Wester-Cardeny, lying in the barony of Logie and sheriffdom of Perth, 9th July 1541. *Ibid.* page 730.

ALEXANDER BANNERMAN of Waterton, and Margaret Reid his spouse, have a charter of the two-merk land of Auchmurky (*potius Armido*) in Aberdeenshire, on his own resignation, 25th March 1550. Page 947.

MARGARET BANNERMAN, daughter of Elsick, is spouse to George Gordon of Haddo, 23d November 1608, and was great-grandmother to the present Earl of Aberdeen; she has then a charter in *publica custodia*.

BANNERMAN of Elsick married a daughter of Alexander Hamilton of Binny, by a daughter of the Earl of Abercorn, whereby the family is descended of the blood royal. Genealogy of Sir George Hamilton of Tulliallan, baronet.

Mr GEORGE BANNERMAN of Dunboig was a second son of Elsick, a bright man; he was admitted an Advocate before the Lords of Session 14th February 1671. He was made Solicitor to King Charles II; to which post he was admitted 16th of January 1684. He married Elizabeth Oliphant, daughter to the Laird of Bachelton; but died, (to the regret of all honest men) and was buried in the Grayfriars of Edinburgh, the 20th November 1691. He never qualified himself to the Prince of Orange, being a staunch royalist, as all the family have been for many years past, which atones for the cowardice of his ancestor. He had several younger brethren, as Mr Robert Bannerman, minister at Newton, who was put out of his church in 1689, for not complying with the iniquity of the times. Captain

Bannerman was an officer in King James's forces, &c. He had also several sisters, one whereof was married to Leslie of Findrassie, who should have been Earl of Rothes, if his great-grandfather, Norman Leslie, fiar of Rothes, son of the Earl of Rothes, had not been forfeit for the murder of Cardinal Beaton, where-through the earldom of Rothes fell to the bairns of Nicolas Somerville, the first lady of the said earl, albeit the same was provided by the father to his second lady, Margaret Crichton, daughter of William Lord Crichton, begot on Cicely, lawful daughter to King James II.

There was another sister of the said Mr George married to Mr George Keith of Whiterigs, sheriff-depute of the Merns.

Sir PETER BANNERMAN, a son of this family, was Provost of Aberdeen in the year 1715.

The present laird married a daughter of Sir Donald M'Donald of Slate, whereby the family is come a second time of the royal family. See the armorial bearing of the family in Volume First.

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### RENTON.

SIR THOMAS RENTON, M. D. second son of William Renton of Mosscastle, of the House of Billy, by his ingenuity and great success in curing of ruptures was called to London 1719. After giving many ocular demonstrations of his great cures of ruptures, he was, by the government, retained in Chelsea College as a physician there for the benefit of that hospital.

King George I. for his faithful service and good offices done, conferred on him the honour of knighthood, and made him his own physician extraordinary, gave him L. 5000 in specie, with L. 500 *per annum* during life. His Majesty yet further, out of his great goodness and unparalleled favour, ordered my Lord Carteret, then Secretary of State, to cause (at his office) a patent to be drawn, to create the said Sir Thomas a Baron of Great Britain, and Lord Renton, who modestly desired to be excused; this, amongst many other tokens of respect shown him, both at home and abroad, when he had the honour to attend his majesty in his foreign dominions.

Carries, as his arms, *azure*, a lion rampant *argent*, on a chief *gules* three stars; crest, a demi-lion rampant *argent*, holding in his dexter paw a scimitar or sabre; motto, *Honor & honestas*.

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### ROBERTON OF THAT ILK, AND OF EARNOCK, IN THE SHIRE OF LANARK.

THE family and surname of ROBERTON, like most others of the greatest antiquity, is plainly local, and taken from their own hereditary lands of Robertson, when surnames, or *agnomina*, began first to be taken up and assumed by persons for distinction's sake; which most antiquaries are agreed were not in use in England before the conquest by the victorious Duke of Normandy, or with us before the reign of King Malcolm II. commonly called Canmore.

The first using the surname of ROBERTON, that is to be met with in any authentic deeds that have occurred to me, is *Robertus de Robertson*, or *Robertus de villa Roberti*, which is one and the same, who, in or about the 1200, is witness to a mortification by *Hugo de Bigris vicecomes de Lanerk, filius Roberti de Bigris, filii Valdevi de Bigris, Patronus æclesiæ sancti Mæcenti de Lesnabagow, totam decimarum Bladi terræ Ricardi Barde*; the other witnesses to the charter are *Reginaldus de Crawford, Vicecomes de Air*, and *Archibaldus de Douglas*. By the witnesses we come to know the date of the charter, for, from the same authority, the registers of the abbacy of Kelso, in the Lawyers' Library, Sir Reginald Crawford executed the office of sheriff of Ayr precisely in the 1228. The next of the surname and line of the family of Robertson is another *Robertus de villa Roberti*, that is Robertson or Robertston; for the word *villa*, in ancient times, was given for a town, as well as smaller village, to which it has been in latter times restricted; for upon our old coins we see that on one side they bear *Villa de Edinburge, Villa de Dundee, Villa de Aberdeen*, &c. denominating the different towns and places where they were

struck and coined : So that this *Robertus de villa Robertson* is just the same as Robert of Robertston, or Robertson of that Ilk. He under that title and designation is witness to a charter granted by *Thomas filius Tankardi, de una Carracatu terre*, a plough-gate of land *in libero maritagio Johanni Logan cum Beatrice sororo sua*, as is instructed by the original charter in the custody of Major John Robertson of Earnock. The deed has no date, but another witness to it is *Willielmus de Douglas, & Arkinbaldo filio suo*; which, by the ancient writs of the family of Douglas, appears to be about the beginning of the reign of Alexander III. anno 1250.

The next of the line of this ancient family was *Stephen de Robertson*, who, upon the demise of Margaret Queen of Scotland, commonly called the Maid of Norway, the grandchild and heir of Alexander III. when the competition for the crown began betwixt the Bruce and the Baliol, this *Stephen de Robertson* of that Ilk seems to have been attached to the side of Baliol : In the 1296, he, among the other barons and freeholders of the county of Lanark, swears fealty and allegiance to King Edward I. of England, as direct and immediate superior of the kingdom of Scotland, as he then called himself, as is instructed from the Ragman Roll, in Pryne's History of King John of England, which he calls his Papal Usurpations. The uncontroverted tradition in the family, and believed all the country over, is, that in the unhappy contest about the crown, that *Stephen de Robertson* of that Ilk adhered to the Baliol, as many others of note did ; and that upon the accession of Robert the Bruce to the throne he was forfeited, the barony of Robertson was given to Sir James Douglas of Larden, ancestor to the Douglasses of Dalkeith and Earls of Morton, and the lands of Earnock, in the barony of Cadyow, which till then were the patrimony of the crown, was given to Sir Walter, the son of *Sir Gilbert de Hamilton*, the ancestor of his Grace the Duke of Hamilton : In support of this traditional account, so much is certain, that the barony of Robertson soon after that time, and for long thereafter, was in the family of Dalkeith ; and *William de Douglas*, son and heir apparent of *Sir James de Douglas* of Dalkeith, is designed *Dominus de Robertson* in a deed in the *Fœdera Angliæ* about the 1404. And that the family of Hamilton came to be superiors of the lands of Earnock, is as plain as writs granted by a superior to his vassal can make it, of which the family of Earnock have a succession of charters from the illustrious family of Hamilton.

But though Stephen Robertson of that Ilk lost his estate for adhering to a sovereign he thought had the best title, and most agreeable to a hereditary monarchy, yet his family were not quite cut off, and utterly extinguished ; for Simon Robertson, his own son, by the favour of Sir David Hamilton of Cadyow, got back the lands of Earnock, by the marriage of his daughter, and by whom he had two sons, John, and Robert a younger brother, who is substitute in the succession, failing heirs-male of his brother, in the destination of the estate of Earnock, as appears from an original charter in Earnock's own possession. This John Robertson is the first of the family that is designed of Earnock ; for he gives *Johanni Ross de Hawkhead* the lands of Auchinback. *quo fuere Johannis Robertson of Earnock, in baronia de Renfrew* ; which charter of alienation is ratified and confirmed by King Robert II. by a charter under the Great Seal, still extant in the public register of charters at Edinburgh, in the year 1380. That which still more confirms that this John Robertson of Earnock had a near alliance and relation by blood to the family of Hamilton, is a charter still extant in the possession of the family of Earnock, granted by " *Johannes de Hamilton, Dominus de Cadzow dilecto consanguineo suo Johanni de Robertson filio et heredi quondam Symonis de Robertson, de terris meis de Earnock, Sansay, prout jacent in baronia de Cadzow* " in valle de Clydsdale, una cum terra illa que vocatur le Woolshaw, cum suis pertinentiis ; tenend. et habend. eidem Johanni de Robertson, et heredibus suis masculis de legitimo thoro procreandis, quibus deficientibus Roberto de Robertson, fratri ejusdem Johannis de Robertson." To the deed the granter, Sir John Hamilton of Cadyow, appends his seal, " *Coram his testibus, Robertus de Dangleton, Johannes de Hamilton de Fingleton, Alexander Hamilton, Johannis de Hamilton de le Ross, Alexander de Hamilton militibus, Willielmus de Hamilton, Rotaldo Wyeir, Simon de Nisbeth, David de Hamilton, Johannes de Allanson scutiferis.*" The charter has no precise date, but I am pretty confident that, from other concurring writs I have perused, it is in the 1390, or 1391. This John Robertson of

Earnock allied in marriage with the family of Somerville, and had a son, John, who was his heir and successor, and a daughter, Isabel, who was married to Sir Walter Scott of Murdieston, the direct and immediate ancestor of the present Duke of Buccleugh, as is vouched from the original contract of marriage in the charter-chest of the House of Cleland.

Which John Robertson of Earnock succeeded his father, and married Margaret Hamilton daughter of \_\_\_\_\_ Hamilton of \_\_\_\_\_ (a), by whom he had issue a son, John, who was his father's heir apparent, but died in the lifetime of his father: However, he left a son, Robert, who was served and retoured heir to John Robertson of Earnock, his grandfather, dated the 17th of February 1486 (b). This Robert Robertson of Earnock married Margaret, daughter of John Hamilton of Torrence (c), by whom he had John his son and heir, who succeeded his father, and married Elizabeth, daughter of Alexander Cleland of that ilk, an ancient family in the shire of Lanark, whose mother was daughter to the Lord Somerville, and had issue: He married next Margaret, daughter of Allan Lord Cathcart, by Helen his wife, daughter of William Lord Semple, and had a numerous posterity, viz. John his eldest son, who was the heir of the family, Robert Robertson, a younger son, who went abroad and settled in France.

JOHN ROBERTSON of Earnock, the next in succession of this ancient family, married Margaret Hamilton, daughter of James Hamilton of Torrence, descended of Thomas Hamilton, a brother of the family of Hamilton, in the reign of King James I. by whom he had James his heir and successor (d), who succeeded him in his estate, John Robertson Esq. the ancestor of the present House of Earnock, Archibald, the third brother, of Stainhall: He married Elizabeth daughter of Robert Baillie of Jerviston, by whom he had Mr James Robertson of Bedlay, who was one of the Senators of the College of Justice at the Restoration of King Charles II. great-grandfather to James Robertson now of Bedlay, and several daughters, one of whom was married to the famous Mr David Dickson, of whom is lineally descended the present Sir Robert Dickson of Carberry, baronet, and another to Mr John Rae, a Professor in the University of Glasgow, and had issue; of whom are descended by the mother side the Hamiltons of Bardowie, and the late Hamiltons of Dalsersf. This John Robertson of Earnock had also several daughters; Abigail, who was married to Mr David Forsyth of Halhill and Dykes, Commissary of Glasgow, of whom a numerous issue are descended; Margaret, another daughter, was married to Robert Hamilton of Little-Earnock, or Kennedy's-Earnock; and her second son was James Hamilton of Bangour, of whom that family is descended; and his second son was Sir William Hamilton of Whitelaw, one of the Senators of the College of Justice, and Justice-Clerk in the 1704.

JAMES ROBERTSON, the next of the House of Earnock in succession, married Christian Dundas, daughter to John Dundas of Newliston, whose mother was a daughter of the family of the Stewarts of Rosyth: She was a widow to Robert Dalziel of that ilk; by her he had James, who succeeded, and a daughter, who was married to Robert Hamilton of Airdrie, and had issue; another to Blair of Braxfield, another to Muirhead of Lynbank, and had issue; another to Mr Muirhead, a brother of Lynbank, of whom was lineally descended Mr John Muirhead, minister at Cambusnethan, and William Muirhead, Esq. his brother.

JAMES ROBERTSON of Earnock succeeded his father, and married Alison, daughter of Robert Hamilton of Preston, by whom he had a numerous issue of sons, John, Matthew, James, George, Andrew; several of these gentlemen, the younger sons of the family of Earnock, went abroad, and served under the Duke of Hamilton, in his expedition to Germany in the 1631, in the service of the renowned Gustavus Adolphus King of Sweden, against the Imperialists; particularly Matthew Robertson, the second brother, inclining to settle abroad, he obtained from the Marquis of Hamilton a certificate of his birth and family; which the Marquis accordingly caused draw up in form of a birth-brief, certifying the said Matthew

(a) Writes in the charter-chest of the family of Earnock, which I have seen and perused: (b) *Ibid.*  
(c) The writs of the family vouch all this succession. (d) *Ibid.*

Roberton to be younger son to James Roberton of Earnock; John Roberton, by corruption called Robton in France, was his grandson, and was a Counsellor of the Parliament of Paris: The Counsellor left behind him a son, John Robton or Roberton, who died in 1721, and was Secretary to his Majesty King George I. as Elector of Hanover, and left a son, George Robton, Esq. his son and heir.

From James Roberton of Earnock the estate of Earnock came to the heirs of his second brother John Roberton. This John Roberton got an annuity out of the lands of Allheirstocks, from William Bannatyne of Corhouse: In the deed he is designed John Roberton, brother-german to James Roberton of Earnock; it is taken to himself in liferent, and to Bartholomew Roberton, his eldest son, in fee, and to his heirs; which failing, to John Roberton his second son: it is dated in the year 1586 (a): This John Roberton, the ancestor of Earnock, married Christian, daughter of Robert Dalziel of that ilk, ancestor to the Earl of Carnwath (b), by whom he had John his eldest son, who died without succession, and Bartholomew, his father's heir and successor in the estate of Earnock. For vouching and instructing this descent, there is a precept of *clare constat*, by Robert Lord Semple, to James Roberton of Earnock, of the lands of Shawton in the barony of Glassford, and to the heirs-male lawfully procreate of his body; which failing, to "John Roberton filio et hæredi apparenti Johannis Roberton fratris-germani dicti Jacobi Roberton de Earnock, procreatum inter quondam Catherinam Dalziel sororem uterinam dicti Jacobi Roberton de Earnock, et hæredibus suis, quibus deficientibus Bartholomeo Roberton fratri suo germano, et hæredibus suis, quibus deficientibus hæredibus dicti Johannis Roberton patris, quibus deficientibus Archibaldo Roberton in Stainhill fratris-germani dicti Jacobi et Johannis, et hæredibus suis." This deed bears date the 8th of September 1598 (c): This John Roberton, after the death of Katharine Dalziel his first wife, married again Margaret Hamilton, daughter of John Hamilton of Orbieston, and sister-german to John Hamilton then of Orbieston, who is the party contracting for her in the 1595, as appears from the original contract in the Laird of Earnock's charter-chest, which I have seen. This John had by Katharine Dalziel, his first wife aforesaid, Bartholomew his heir, and the next Laird of Earnock, and John, who was Sheriff-Clerk of Lanark, of whom the Robertons of Whisleberry, and others, are descended. The above John likewise had a brother named Mr James, who preceded the last mentioned John as Sheriff-Clerk of Lanark, and who mortified a considerable sum of money for erecting an hospital at Hamilton, which subsists to this day; as the original in the hands of the Town-Council of Hamilton more fully bears.

Which Bartholomew Roberton then his father's son and heir apparent, on the 17th of October 1608, is, with consent of his father, contracted to Margaret Law, lawful daughter of John Law of Waterfoot in Merns: She was sister to Mr Andrew Law, minister at Neilston, grandfather to John Law, Esq. the great Mr Law, who was General Governor of the Finances of France in the minority of Lewis XV. during the regency of the late Duke of Orleans, who made such an illustrious figure in Europe at that time: By her, the said Margaret Law his wife, he had issue

JOHN ROBERTON of Earnock, his son and successor in his estate, who married Christian, daughter of Sir John Hamilton of Orbieston, who was one of the Senators of the College of Justice, and Lord Justice-Clerk, in the reign of King Charles I. by Bethia, his first wife, daughter of James Bonar of Rossie, an ancient family in the shire of Fife, but is now extinct; by whom he had a son, who was his successor, and a daughter, Anna, who was married to James Chancellor, son and heir of Robert Chancellor of Shieldhill, in the county of Lanark, and had issue.

Which John Roberton of Earnock married Bethia, daughter of Sir John Henderson of Fordel, the first baronet of that ancient family. Her mother was Margaret Monteith, daughter of William Monteith of Randeford in the county of

(a) The original is in the hands of the present Earnock. (b) Writs in the charter-chest of the House of Earnock, which I have seen. (c) Charter in the custody of Major Roberton of Earnock.

Fife, and of Margaret Colvil his wife, daughter of Robert Colvil of Clyth, ancestor to the Lord Colvil of Ochiltree, by whom he had issue, John, his son and heir, and one daughter, Christian, who was married to Archibald Robertson of Bedlay, and had issue.

JOHN ROBERTSON, the next of the family of Earnock, married Anne, daughter of William Hamilton of Raploch, descended of Thomas Hamilton of Darngaber, an immediate brother of the illustrious house of Hamilton, in the reign of King Robert III. Her mother was Jean, daughter of Sir John Kennedy of Colzean, by his first wife Margaret, daughter of Bryce Blair of that ilk, an ancient family in Ayrshire, from whom is paternally sprung the Earls of Dundonald: By her he had John, his eldest son and heir, and William, a younger brother, a fine young gentleman of great merit and virtue, who died unmarried, to the grief and regret of every one who knew him.

Major John Robertson, now of Earnock, married Elizabeth, eldest daughter of James Hamilton of Dalziel, by Margaret his wife, daughter of Sir Archibald Hamilton of Rosehall, baronet, and has issue, James Robertson, Esq. his son and apparent heir.

The armorial bearing of this ancient family is, quarterly, first and fourth *gules*, a close helmet *argent*, second and third *argent*, a cross croset *fimbrié gules*; crest, an anchor proper: motto, *For security*.

#### MEMORIAL ANENT THE DESCENT AND SUCCESSION OF THE STEWARTS OF LORN AND GRANDTULLY.

IT is plain and evident, from charters and other authentic documents, that the Stewarts of Lorn and their descendants are originally descended from James Stewart, son of Sir John Stewart of Bonkill, who was slain in the service of his country, at the battle of Falkirk, against the English, in the 1299: He was son of Alexander Great Steward of Scotland, and brother, *frater-germanus*, as he is designed both in Rymer's *Fœdera* and Prynn's Collections, *Jacobi Senescalli Scotix*, who was one of the Lords of the regency of Scotland after the death of the young queen, commonly called the Maid of Norway, the grandchild and heir of King Alexander III. anno 1291.

This JAMES, *Senescalli filius quondam Domini Joannis Senesealli militis*, as he is designed, had a grant from King Robert I. as the reward of his merit and services, of the lands of Pierston and Warwickhill, in *baronia de Cunningham & vicecomitatu de Air*, as the charter in the registers bear: He was slain, with two of his brothers, Sir Allan and John, at the fatal battle of Duplin in the 1332, as is vouched from Fordun, and the histories. He left clearly from authentic proofs three sons; Sir John, the eldest, became his father's heir in the lands of Pierston, and from whence he took his designation of *Dominus de Pierston*. He is, under that stile and title, witness to a charter of mortification, by *Joannis Maxwell dominus ejusdem*, of the patronage of the church of Libberton to the monastery of Kilwinning, which is ratified and confirmed by a charter under the Great Seal of King David, in the 1370, still preserved in the public archives. He had the honour of knighthood conferred on him by King Robert II. after his accession to the crown, and had moreover a grant from that prince of the lands and barony of Kelly in Forfarshire: In the grant he is designed by the king, *Dilectus consanguineus noster Joannis Senescalli, miles, filius quondam domini Jacobi Senescalli (a)*. This Sir John Stewart of Pierston and Kelly had no issue-male but only a daugh-

(a) Mr Simpson the Historiographer, in his Collections from the Registers.

ter, who was married to Sir William Douglas, who thereupon designs himself *Dominus de Pierston*, as we find him in a charter to *Reginaldus de Fullarton Dominus de Crosby*, in the 1394 (*b*), which I have seen; and in another charter of mortification by *Margareta Senescalli domina de Cragy*, to the convent of the Blackfriars of Ayr in the 1399, he is designed *Willielmus de Douglas Dominus de Pierston miles* (*c*). He left two daughters his co-heirs; Agnes who was married to John Blair of Adamton, and the other to Archibald Crawford of Thridpart, who make over their respective shares of the barony of Kelly to William Ochterlony, in the year 1445; as from the charter belonging to the family of Panmure, which I have seen.

Sir JAMES STEWART of Pierston had a second son, Sir Robert Stewart, and a third son, who was designed Sir Allan Stewart of Ugletree: He calls himself *filius quondam domini Jacobi Senescalli*, when he gives, by his charter, Sir Henry Douglas of Lochleven the lands and barony of Lugton, anno 1377 (*d*). In the deed Robert Stewart of Innermeth, knight, *frater suus germanus*, is a witness, and proves clearly that Sir James Stewart, son of the deceased Sir John Stewart, who got Pierston from King Robert I. had three sons, Sir John Stewart of Pierston, whose issue-male failed, as is observed, Sir Robert Stewart of Innermeth, whom Sir Allan Stewart, the third son, calls his brother-german, and himself *filius quondam Domini Jacobi Senescalli, militis*, in the charter he gives to Sir Henry Douglas of Lochleven: His issue-male also failed. The seal of this Sir Allan Stewart I have myself; it is the fesse *chequé*, surmounted of a bend ingrailed, and charged with three buckles.

Sir ROBERT STEWART, the other son of Sir James of Pierston, and brother to Sir John of Pierston and Sir Allan of Ugletree, carried down the line of the family: The first time I find him mentioned in any authentic deed that has come to my hands, is in a charter granted by "Thomas de Moravia Dominus de Bothwell Panitarius Scotiæ Roberto Senescallo, de omnibus terris de Shandbothy in baronia de Bothuel, ac vicecomitatu de Clackmannan" (*e*). Under this title and designation King David II. gave "Roberto Senescallo de Shandbothy terris de Dalziel et de Moderville, cum pertinentiis, in vicecomitatu de Lanark, nos contingen. pro eo quod hæredis quondam Roberti Delvall, militis, contra fidem et pacem nostram in Anglia commorantur, tenend. et habend. dictis terris in liberam baroniam adeo libere sicut quondam Malcolm Fleming, et prædictus Robertus de Lavall, tenuerunt. Apud Edinburgh, 20. March, anno regni nostri 33." which is the year 1362 (*f*).

The same *Robert de Senescalli de Shandbothy* gets a charter under the Great Seal of King David II. of the half of the lands of Redcastle in the shire of Forfar, on the resignation of Sir Andrew Campbell of Loudon, dated the 8th of March 1368 (*g*), and which lands continued in the family of Innermeth so long as they subsisted. The same Robert Stewart of Shandbothy had the honour of knighthood conferred on him by King Robert II.; and having by this time acquired the lands and barony of Innermeth, he came from thence to assume his designation. Under that title he gets a charter of the lands of Durisdeer in Dumfries-shire, from King Robert II. on the resignation of Alexander Menzies of Redhall; and the same Sir Robert Stewart of Innermeth is one of the *Proceres* and *Magnates regni Scotiæ*, who in a Parliamentary capacity recognize the right of apparençy of John Earl of Carrick to the crown, as the eldest lawful son and heir apparent of the king his father, the 4th of April 1373 (*h*). This Sir Robert Stewart of Innermeth died in the year 1386; and, from charters and other authentic vouchers left issue two sons and a daughter, viz. Sir John Stewart the eldest, the heir of the family.

(*b*) Penes W. Fullarton de eodem. (*c*) The original charter of mortification I have seen, belonging to the University of Glasgow. (*d*) Mr David Simpson's Historical Account of the Stewarts. (*e*) Charter in the writs of the family of Rosyth. (*f*) The original charter I have seen and perused in the custody of Mr Hamilton of Dalziel. (*g*) In the writs of Rosyth and the records which I have seen. (*h*) Act of Parliament still extant in the registers, and published by the noble and learned antiquary George Earl of Cromarty in the Vindication of the Legitimacy of King Robert III.

Sir ROBERT STEWART the second, who was the ancestor of the Stewarts of Durisdeer and Rosyth in the shire of Fife, where they long continued in lustre, and produced several honourable branches. The origin of the House of Rosyth is instructed from a charter in the writs of the family of Rosyth; more particularly, there is a charter granted by John Stewart of Innermeth, knight, of an annuity of L. 20 Sterling, payable out of the barony of Durisdeer, *Roberto Senescallo fratri suo germano*; which deed is confirmed by a charter under the Great Seal of King Robert II. the 20th of April, the 15th year of his reign, that is the 1386 (*i*). The same Robert Stewart gets a charter of the lands and barony of Durisdeer, on the resignation of Sir John Stewart of Innermeth his brother-german, dated the 1st of April 1388. This Sir Robert Stewart of Shandbothy and Innermeth had also a daughter, Elizabeth, who was married to Sir John Bethune of Balfour in the shire of Fife, and of whom all the family of the Bethunes are descended (*k*).

Sir JOHN STEWART of Innermeth was his father's successor, and designs himself *Dominus de Innermeath* in several deeds of that time: He married the daughter and heir of *Eugene de Ergadia Dominus de Lorn*, the head of the McDougal family, and thereupon he assumed, quarterly, the galley, the arms and bearing of that house, into his achievement, which was still carried by his successor, and now by Stewart of Grandtully, as the heir-male and representative of the House of Lorn and Innermeth, as we shall more fully vouch in the sequel of this memorial: After the marriage of Sir John Stewart of Innermeth, with the heir-female of the house of Lorn, he designs himself *Dominus Joannis Senescalli de Innermeath, dominus de Lorn*, both in public national deeds and in private documents, particularly in a charter granted by *Williemus Ruthven Dominus ejusdem, Malcolmo Ruthven fratri suo*, of the lands of Haslehead in the shire of Ayr, in 1411, in which he is a witness (*l*), and in several transactions with the English, in which he is acting either as a plenipotentiary, or a guarantee, too long to be insert in a memorial of this nature, but may be seen at large in Rymers's *Fœdera Angliæ*, wherein this *Joannis Senescalli* or *Stuart de Innermeath, et Dominus de Lorn*, is to be met with in the 1407 and downward: By his wife, the heiress of Lorn aforesaid, Sir John Stewart of Innermeth had issue several sons, viz. Sir Robert Stewart of Innermeth and Lorn, who was invested in the honour of a Lord of Parliament by King James II. whose son, John Lord Lorn, dying without any lawful male issue in the 1469, his estate of Innermeth went to his brother and heir-male, Walter Lord Innermeth, and the estate of Lorn went to his three daughters and co-heirs; Isabel, who was married to Colin the first Earl of Argyle; Margaret to Sir Colin Campbell his uncle, who was the first Laird of Glenorchy, the direct and immediate ancestor of the Earl of Breadalbane; Marion, the third daughter, was married to Arthur Campbell of Ottar, uncle to the Earl of Argyle (*m*), who all carried the galley in their arms, denoting their descent and alliance with the House of Lorn: We can only here just stay to mention, that the Stewarts, the Lords of Innermeth, were honoured with the title of Earl of Athol by King James VI. in the 1595, in the person of John Lord Innermeth; but his son James Lord Innermeth and Earl of Athol, dying without issue, the honour was transferred to the Earl of Tullibardin.

Sir JAMES STEWART, commonly called the Black Knight of Lorn by our historians, was the second son of Sir John Stewart of Innermeth and Lorn, who had the honour to marry Jane Queen Dowager of Scotland, widow of James I. and daughter of John Duke of Somerset in England, to whom she bare three sons, Sir John Stewart of Balveny, whom King James II. invested in the honour of Earl of Athol, whose line ended in John Earl of Athol, who died without issue-male in the 1594; so, as we have before observed in this memorial, that title was conferred on another Stewart of the same race and blood of the Stewarts, John Lord Innermeth, whose son, as we have said, James Earl of Athol died without issue;

(*i*) This from the writs of the House of Rosyth, in a manuscript of the family done by the learned antiquary Mr David Simpson, late historiographer of Scotland, in his own hand, in my custody, and the charter I have seen in the Duke of Douglas's hands. (*k*) Mr Martin of Clermons Collections.

(*l*) This charter the author of this memorial has seen in the custody of Lawrence Oliphant of Gask.

(*m*) All this alliance is fully vouched both from the writs in the Duke of Argyle's custody and the public registers.

so that the right of blood, and the representing the House of Innermeth and Lorn must fall to the next heir-male of that noble family, who are plainly and clearly the Stewarts of the House of Grandtully; whose ancestor, from undeniable vouchers that are lying before the author of this memorial at the writing of this paper, and shall be descended on, was Alexander Stewart, third son of Sir John Stewart of Innermeth and Lorn, brother to Robert first Lord Lorn, and to Sir James Stewart, called the Black Knight of Lorn, the ancestor of the first race of the Stewarts Earls of Athol. This is clearly vouched from a charter belonging to Sir George Stewart of Grandtully, baronet, and now in my hands, granted by "Joannis de Haia dominus de Tullibothy, dilecto suo Alexandro Stuart filio nobilis viri. " Joannis Stuart, militis, Domini de Lorn, de omnibus terris suis de Banchory, cum " suis pertinentiis, jacen, infra vicecomitatum de Clackmanan, pro patrimonio " inter præfatum Alexandrum et Margaretam sororem meam, fideliter contrahen- " do et completando." The charter proceeds upon the resignation of Christian More *domina* Bruntshiel, in her pure viduity, and bears date at Tillibody the 15th of July of the year 1416 (*n*). This deed is ratified and confirmed by Robert Duke of Albany, Earl of Fife and Monteith, Governor of Scotland in the minority of King James I. He ratifies " donationem illam et concessionem quam quondam con- " sanguineus noster Joannis de Haia de Tillibothy fecit et concessit Alexandro " Senescalli (Stewart) filii dilecti consanguinei nostri Joannis Senescalli de Lorn " militis." The charter has the Duke Regent's great seal, the seal of his office, appended to it, and bears date at Falkland the 19th of June 1419 (*o*). This Alexander Stewart of Banchory, third son to Sir John Stewart of Lorn, the first of the House of Grandtully by the aforesaid Margaret his wife, daughter of John Hay of Tillibody, and sister to John Hay of Tillibody (*p*), had a son,

THOMAS STEWART of Banchory and Grandtully, his heir and successor, who by his wife, daughter of \_\_\_\_\_ had a son, Alexander. This Thomas comes to be designed of Grandtully; for there is in the public registers a charter under the Great Seal, *Thomæ Stuart de Gairtully*, of a part of the lands of Comrie in the year 1452 (*q*). This same Thomas Stewart is substitute in an entail of the estate of the Lord Lorn, and is designed his *consanguineus*: For vouching this, there is a charter under the Great Seal by King James II. *dilecto consanguineo suo Joanni Domini Lorn*, of the estate and lordship of Lorn, and to the heirs-male of his body; which failing, to Walter Stewart his brother-german, and the heirs-male of his body; which failing, to Allan Stewart his brother; which failing, to William Stewart his uncle; which failing, *Domino Jacobo Stuart militi*; which failing, *Thomæ Stuart consanguineo suo*, who is the same Thomas Stewart of Grandtully, and to the heirs-male of their bodies respective, of the whole estate and lordship of Lorn, in the 1452 aforesaid; and that very same year, 1452, there is, we say, a charter under the Great Seal in the public records (*r*) *Thomæ Stuart de Gairtully*, of the half of the lands of Comrie which formerly belonged to Angus Menzies, and were resigned by him. This Thomas Stewart of Grandtully, son and heir of Alexander Stewart of Banchory, who was a son of Sir John Stewart of Lorn, the second of the line and succession of the House of Grandtully. By Agnes, daughter of Sir William Murray of Tullibardin, his wife, he had a son,

ALEXANDER STEWART of Grandtully, the third in the line and succession of the family: This is vouched and instructed from a deed in the custody of Sir George Stewart of Grandtully, which I have seen, whereby Alexander Stewart of Grandtully is served and retoured heir in special to the deceased Thomas Stewart of Grandtully, his father, in the lands of Banchory, lying within the sheriffdom of Clackmanan, and is of the date the 14th of June of the year 1462 (*s*). This Alexander Stewart of Grandtully married Matilda Stewart, sister to Andrew Lord Evan-

(*n*) Charta penes Dominum Georgium Stuart de Gairtully, Baronetum, marked No. 1. in the inventory of his writs. (*o*) Charter in the hands of Sir George Stewart, I have seen in the writing this memorial. (*p*) I have seen a charter in the custody of the Countess of Errol, by Joannis de Haia de Tillibothy, Joannis de Logy domino ejusdem, in 1368, the father of this John de Haia in 1419. (*q*) In the registers of the Great Seal in the Archives. (*r*) Charter under the Great Seal in the public archives to Thomas Stewart of Grandtully. (*s*) Service as heir to Thomas Stewart of Grandtully his father.

dale and grandchild to Murdoch Duke of Albany by James his son (t). There is in the custody of Sir George Stewart of Grandtully, and lying before me at the drawing up this memorial, a charter granted by Alexander Earl of Huntly as superior of the lands of Tillibody, " dilecto consanguineo suo Alexandro Stuart de Gairntully et Matildæ Stuart sponse sue," of the lands of Banchrys " in vice comitatu de Clackmannan:" The charter is dated at Badenoch the 10th July, anno 1469 (u). By the foresaid Matilda his wife he had a son, who was his heir, viz.

THOMAS STEWART of Grandtully, who was served and retoured heir in special to the deceast Alexander Stewart of Grandtully, his father, in the lands of Banchrys, pursuant to a precept forth of the Chancery, dated the 26th of January 1468. still extant in the custody of Sir George Stewart, baronet, which I have seen and perused.

This THOMAS STEWART of Grandtully married Agnes, daughter to Sir William Murray, and sister to another Sir William Murray of Tullibardin, ancestor to his grace the present Duke of Athol (v), by whom he had only one daughter, Elizabeth Stewart, his sole heir: she is designed *Elizabetha Stuart Domina de Gairntully*, when in the 1532 she gives a charter, with consent of Thomas Stewart of Grandtully, her husband, out of the lands of Banchory, to Alexander Shaw of Sauchie, the original of which I have seen in the custody of Sir John Shaw of Greenock and Sauchie, baronet.

This lady, Elizabeth Stewart of Grandtully, by the foresaid Thomas Stewart her husband, had a son, Thomas Stewart, whom she calls *filius suus et hæres apparens*, when she disposes him the fee of several parts of her estate, which is confirmed by a charter under the Great Seal in the public registers; but he dying without issue, and his mother quickly thereafter, she was succeeded in the estate of Grandtully by her cousin-german Thomas Stewart of Grandtully. This point of the succession of the House of Grandtully is instructed incontrovertibly by a precept out of the Chancery, for serving and retouring of *Thomas Stewart de Gairntully* in the lands of Banchory, " tanquam legitimus et propinquior hæres " quondam Elizabethæ Stuart, filię et hæredis quondam Thomæ Stuart de Gairntull, filię patris sui:" This is of the date the 10th of February 1542 (w). This Thomas Stewart of Grandtully, so succeeding his cousin-germain, married Elizabeth Stewart, daughter of John, the second of that line of the Earls of Athol (x), and dying in the year 1575, left issue Sir Thomas Stewart of Grandtully, his eldest son and heir, who was one of the Gentlemen of the Bed-chamber to his majesty King James VI. (y). He married Grissel, daughter of Sir Laurence Mercer of Aldie and Moncloar, as appears from several different deeds I have seen in the hands of Sir George Stewart of Grandtully; but he died without issue, and was succeeded by his brother

Sir WILLIAM STEWART, who was from his youth bred up at the court of King James, before his accession to the crown of England: He was first designed of Banchry, lands which he acquired from Sir Thomas Stewart of Grandtully, his brother-german. He had the honour to be attending on the king his master from the palace of Falkland to the town of Perth, in the memorable 5th day of August 1600, when John Earl of Gowrie, and Mr Alexander Ruthven, his brother, attempted to embroe their hands in the sacred blood of their sovereign: In his majesty's happy preservation Sir William Stewart of Banchory was eminently instrumental (z), which his majesty King Charles I. had the goodness fully to set forth in the narrative and preamble of a charter to him of his estate, under the Great Seal, in the public records, in the year 1637, which I have seen.

Sir WILLIAM STEWART of Banchory went to England with the king, who soon thereafter promoted him to be one of the Gentlemen of his Majesty's Bed-Chamber; and, getting into a high degree of confidence and favour, he came quickly to

(t) Historical deduction of the descendants of Murdoch Duke of Albany MSS. penes me. (u) Charta penes D. Georgius Stuart, baronet. (v) Ibidem ad annum 1523, which I have seen. (w) Charta penes D. G. S. de Gairntully. (x) Charta in publicis archivis ad annum 1552, and the Lord Ochiltree's Collections, MSS. penes me. (y) Grant to him in the records of the Great Seal, and so designed. (z) This is vouched both from writs I have seen in Gairntully's hands and from several charters and documents in the public records.

acquire the lands and barony of Strathbrand, from whence he took his designation, and is so designed, and Gentleman of our Sovereign Lord's Chamber in 1606, in several charters of lands under the Great Seal in the public archives which I have seen. He succeeded his elder brother, Sir Thomas, in the estate of Grandtully, and continued in high favour with King James till his death in the year 1625. Sir William Stewart of Gairntully was no less esteemed by his Majesty King Charles than he had been by his father King James; for he continued him in the Bed-Chamber, and always treated him with peculiar and distinguishing marks of his royal favour: witness the charter he had from the crown, of his estate in the 1637, we formerly noticed, wherein his long and faithful services are very remarkably taken notice of and set forth.

He married Agnes Moncreif, daughter of Sir John Moncreiff of that Ilk, a very ancient family in the shire of Perth, by Jean his wife, daughter of Mr John Spence of Condie, Lord Advocate to Queen Mary and King James VI. (a), by whom he had four sons, viz.

Sir THOMAS STEWART of Grandtully his eldest son.

Sir WILLIAM STEWART of Innernytie, the second son, who married ——— Crichton, co-heiress of Innernytie, and had issue, John Stewart of Innernytie his son and heir, who married Jean, daughter of James Lord Lindores, and had by her a son, his heir, John Stewart of Innernytie, who married Mary, daughter of Sir James Mercer of Aldie, and had one daughter, Anne, married to David the present Viscount of Stormont.

JAMES STEWART of Ludd was the third son, whose male issue is failed, but of an heir-female of him is some, and descended the Menzieses of Culdares, &c.

Mr HENRY STEWART, Advocate, the fourth son, the paternal ancestor of Sir George Stewart, now of Grandtully, baronet.

Sir THOMAS STEWART of Grandtully succeeded his father Sir William in his great and opulent estate: He married Grissel, daughter of Sir Alexander Menzies of Weem, (son of Sir James Menzies of Weem, and Dame Barbara Stewart his wife, daughter of John Earl of Athol) by Dame Margaret Campbell his wife, daughter and co-heir with her sister the Lady Bargeny, of Alexander Campbell of Carcko, Bishop of Brechin, brother to Sir James Campbell of Ardkinlas, by Helen his wife, daughter of George Clephan of Carslogie, by whom he had John Stewart his son and heir, and eight daughters.

JEAN, the eldest, was married to Colonel Sir James Mercer of Aldie, and had issue.

MARGJORY, the second, to David Fotheringham, son and heir apparent of Mr John Fotheringham of Powrie, and had issue.

GRISSEL, the third, to Sir John Drummond of Logie-Almond, second son to John second Earl of Perth, and had issue.

ANNE, the fourth, to James Seaton of Touch, and had only one daughter, who was married to James Moir of Leckie, and had issue.

CECIL, the fifth daughter, was married to ——— Stewart of Arntillie, but had no issue.

MARGARET, the sixth, to ——— Campbell, son to ——— Campbell of Lawers, and had issue.

HELEN, the seventh, to James Crichton of Ruthven, and had issue.

ELIZABETH, the eighth and youngest, to David, the second Lord Newark, and had issue.

JOHN STEWART of Grandtully, son and heir of Sir Thomas Stewart of Grandtully, succeeded his father. He was a fine gentleman, and a great encourager and promoter of learning, and a kind and bountiful patron of learned men: He died a bachelor on the 5th of March 1720, upon whose demise, John Stewart of Innernytie, his heir-male, by virtue of the investitures of the estate, would have succeeded to the estate of Grandtully, but he being attainted of high treason, by an act of the Parliament of Great Britain, for his accession to the rebellion in 1715, Grandtully upon that made a settlement of his estate upon certain heirs of entail, in virtue of which, there being no heir-male existing of Innernytie's body, nor of any other

(a) Penes Sir George Stewart.

collateral heir-male nearer than Sir George Stewart of Balcaskie, baronet, he accordingly succeeded to the estate of Grandtully on his cousin's death in the year 1720 aforesaid.

Sir GEORGE STEWART of Grandtully's ancestor was Mr Henry Stewart, Advocate, fourth and youngest son of Sir William Stewart of Grandtully, by Dame Agnes Moncrief, his lady, aforesaid; being a younger brother he was bred to the law, and was an Advocate before the Court of Session: He married Mary, daughter of Colin Campbell of Aberuchill, second son of Sir James Campbell of Lawers, and uncle to John first Earl of Loudon, who was Lord High Chancellor in the reign of King Charles I. and II.; by whom he had issue Sir Thomas Stewart of Balcaskie, his son and heir, and a daughter, Marjory, who was married to William Borthwick of Pilmuir, grandfather to Henry, now Lord Borthwick.

Sir THOMAS STEWART of Balcaskie, being also bred to the law, was promoted to be one of the Senators of the College of Justice, and by letters patent, bearing date the 2d of January 1683, he was created a baronet: He married Lady Jean Mackenzie, daughter of George Viscount of Tarbet, and after Earl of Cromarty, Lord Register in the reigns of King James VII. and King William, and Justice-General and Secretary of State in the reign of Queen Anne, by whom he had two sons, the foresaid Sir George Stewart of Balcaskie, who succeeded by virtue of the said entail to the estate of Grandtully, as is heretofore remarked in the memorial, and Colonel John Stewart, the second son, who married his first cousin, Elizabeth, daughter of Sir James Mackenzie of Royston, baronet, one of the Senators of the College of Justice, and has a son, John Stewart.

Which Sir George Stewart, now of Grandtully, baronet, is married with Dame Agnes Cockburn, daughter of Sir Archibald Cockburn of Langton, baronet.

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MEMORIAL OF THE ANCIENT FAMILY OF EDMONSTONE, MORE PARTICULARLY OF THE HOUSE OF DUNTREATH.

THE surname and family of EDMONSTONE is of very great and eminent antiquity; some are of opinion they are originally extracted from the illustrious family of the Counts d'Egmont in Germany; others again conjecture, from the identity of the arms of the surname of Edmonstone with those of Seaton, that they are of the same stem and origin with them; for it is a received maxim among heralds, that arms, or armorial bearings, are surer marks of the same blood and kindred than even surnames, especially in descents of greater antiquity: But waving this, we may observe, for the antiquity of the Edmonstones, what our learned antiquary Sir James Dalrymple has considered to have been the original ancestor of this family, viz. that one *Edmundus*, or *Admundus*, a person of note in the reign of King David I. who is witness to the charter granted by that prince of the lands of Riddel, *Waltero de Riddle, militi (b)*, got from the same king lands in *Laudonia*, now the shire of Edinburgh, which, according to a humour and custom of men calling their lands after their own name at that time, he called Admonston, or Edmonston, and transmitted it as a surname or hereditary appellation to his descendants. This conjecture of the learned and ingenious author is supported, and in some measure confirmed by a charter of mortification in the reign of King Alexander II. *anno 1212*, by *Willielmus de Craigmillar, filius Henrici de Craigmillar*, whereby he gives in pure and perpetual alms to the church and monastery of Dunfermline, "quandam "Tostunterre in Craigmillar, in australi parte qui ducit de villa de Niddreif ad "ecclesiam de Libberton, quas Henricus de Edmonston de me tenet (c). It would be foreign to the design of what is intended by this memorial, to give a regular

(b) Appendix to Sir James Dalrymple's Collections. (c) The Earl of Haddington's Collections from the registers and chartularies now in the Lawyers' Library at Edinburgh.

deduction of the whole lineal descent of the ancient family of Edmonstone; all that is proper here, is to give some hints of their antiquity, and some of the most memorable things relating to them, to illustrate the honour and dignity of the House of Edmonstone; and therefore we shall come to take notice of Sir John Edmonstone, knight, *miles*, as we find him designed (*b*), who made no small figure in the reign of King David II. This gentleman seems to have had a more than ordinary degree of favour from that prince, and which, we may very rationally conclude, was to reward his signal and eminent loyalty and merit; for there is a charter still extant in the rolls of that king (*c*), "Dilecto et fideli suo Joanni Edmonston, militi, de baronia de Boyne, in vicecomitatu de Bamff," dated the 17th of March 1369.

As this noble knight had a fair estate in the south, that seems very clearly to have been their ancient patrimonial estate, so it is plain he had also fair possessions in the northern parts of the realm; for we see that he had not only the thanedom and barony of Boyne, but also lands further north, the barony of Culloden in the county of Inverness, which came to his son Sir William Edmonstone of Culloden, as we find him designed in many authentic deeds and vouchers that are in my hands, and lying before me at the writing and drawing up of this memorial, who was the first of the Edmonstones that had the barony of Duntreath, of whom afterward. The same Sir John Edmonstone, knight, aforesaid, had, in further remuneration of his fidelity and loyal services, from King David, a charter "de officio Coronatorie Laudonie," *Laudonea* now, being by this time restricted to the sheriffdom of Edinburgh, the grant is to himself "hæredibus suis et suis assignatis," and is of date the 5th of November, the 33d of the king's reign (*d*). As he had a good degree of favour with King David, he seems to have been no less in the confidence of his nephew and successor King Robert II. the first of the Stewartine line of our kings; for that king did him the honour to bestow his own daughter upon him in marriage, the Lady Isabel, who was the widow and relict of the noble and heroic patriot James Earl of Douglas and Marr, who was slain at the battle of Otterburn in the 1388. There is a charter granted by King Robert II. "Joanni de Edmonston, militi, et Isobelæ comitissæ de Douglas sponsæ suæ filiæ nostræ carissimæ" (*e*). Having survived his father-in-law King Robert II. he appears to have been a favourite with his brother-in-law Robert III.; he gives him a charter under the Great Seal, ratifying and confirming a former deed and grant by the king his father to this gentleman, "Joanni de Edmonston, militi, et Isobelæ sponsæ suæ comitissæ de Douglas, sorori nostræ carissimæ, de terris baronie de Ednem in vicecomitatu de Roxburgh;" the grant is to themselves in conjunct inféftment, and to their heirs in fee, "eorum alteri divitiis viventi et hæredibus inter ipsos legitimi procreatis seu procreandis;" the charter bears date from Edinburgh the 25th of April, the third year of the king's reign, that is the year of our Lord 1392. During the reign of Robert III. Sir John Edmonstone of that ilk was employed as a commissioner and plenipotentiary in divers treaties betwixt the two nations of Scotland and England: He was also after the king's death, during the regency of the Duke of Albany his brother-in-law, employed as a plenipotentiary in three different treaties with England in the 1407, 1408, 1409, *successive*, as may be seen by the curious in the *Fœdera Angliæ* published by the learned Thomas Rymer, Esq. the contents of the different treaties, and his colleagues in the commission, would be too prolix to enlarge any further upon in this memorial.

This same Sir John Edmonstone Lord of That ilk, as he designed himself, with consent of Davy of Edmonstone, his son and apparent-heir, did enter into a contract by way of an indenture, as they call it, with Patrick Graham Earl Palatine of Strathern, with consent and assent of Euphame Countess of Strathern, his spouse, relative to a charter of confirmation they had obtained and procured for him of the lands and barony of Tulliallan; the contract bears date at the burgh of Perth, the 1st of April 1410 (*f*). By the Lady Isabel his wife aforesaid, daughter of King

(*b*) Charters in the rolls and registers of King David II. (*c*) In the public archives. (*d*) *Ibid.* (*e*) Her contract with the Earl of Angus, I have seen and perused, in the 1397, in the charter-chest of the Duke of Douglas. (*f*) This indenture I have seen in the hands of Mr Matthew Crawford, late professor of Ecclesiastical History of the University of Edinburgh, from whence the date of this writ is taken.

Robert II. he left issue Sir David Edmonstone of that Ilk, whom, in charters under the Great Seal, the Duke of Albany, Regent, calls, *nepoti meo* and *nepos noster*, that is very clear and plain, his nephew, by his sister the Lady Isabel Countess of Douglas (*g*), and a second son, Sir William Edmonstone of Culloden, the direct and immediate ancestor of the family of the Edmonstones of the House of Duntreath (*b*). Sir David Edmonstone of that Ilk was succeeded by his son and heir

Sir JAMES EDMONSTONE of that Ilk or Edmonstone: I have seen his retour and service to Sir David, his father, in the lands of Easter Hailes, which he held of the abbot and convent of Dunfermline (*i*). This Sir James had a new investiture of his estate under the Great Seal of King James II. in the 1458, in the public registers. He married Janet, daughter of Sir Alexander Napier of Merchiston, ancestor to the Lord Napier, and died without issue-male, leaving two daughters; Elizabeth, who was married to Sir Walter Ogilvie, second son of Sir Walter Ogilvie of Findlater and Deskford, and got in marriage-portion with her the lands, barony and thanedome of Boyne in Banffshire (*k*); Margaret, the other daughter, was married to Sir Patrick Blackadder, second son to Andrew Blackadder of that Ilk in the county of Berwick, nephew to Robert the first Archbishop of the Episcopal See of Glasgow, and got with the lady his wife, as co-heir to her father, the lands and barony of Tulliallan in the county of Clackmanan (*l*). And upon this account it is that both the families of Ogilvie of Boyne, and Blackadder of Tulliallan carry the three crescents, the coat of the Edmonstones, quartered in the second and third quarter of their respective achievements.

But since this memorial has a special reference to the family of Duntreath, we shall return to Sir William Edmonstone, the second son of Sir John Edmonstone of that Ilk, brother to Sir David, and uncle to Sir James Edmonstone of that Ilk that left the two heirs-female, and the direct and immediate ancestor of the family of Duntreath, to whom and his descendants we shall confine this memorial. That he got in patrimony from his father the lands and barony of Culloden in the county of Inverness we have already hinted, and from whence we find him designed before he got the barony of Duntreath.

This gentleman being a person of merit, joined to his illustrious birth, had the honour of knighthood conferred on him by King James I.; and as his own mother was a daughter of the crown, the Lady Isabel Countess of Douglas, as has been heretofore remarked in this memorial, so he had the honour himself to make a new and fresh alliance with the royal family; for he married the Lady Mary, the eldest daughter of King Robert III. (*m*). She was the widow of George Earl of Angus, ancestor to the Duke of Douglas, of James Kennedy of Dunnure, the ancestor of the Earl of Cassilis, and of Sir William Graham of Kincardine, ancestor to the Duke of Montrose. With this lady King James II. her nephew, gave, by his charter under the Great Seal, the lands of Duntreath. There is in the custody of the present Archibald Edmonstone of Duntreath, Esq. the said charter: "Willielmo Edmonston de Colloden, militi, et Mariæ Comitissæ de Angus sponsæ suæ, amicitæ nostræ carissimæ, et eorum alteri divius viventi in conjuncta infiadatione, et Willielmo de Edmonston eorum filio in feodo et hereditate." In the charter the haill lands are erected, united, and incorporated into one free and entire barony, to be called the barony of Duntreath, in the 1452. The lands of Duntreath were before that in the crown, by the attainder of Duncan, the last of the line of the old Earls of Lennox, who had been forfeited by King James I. in the 1426. This Sir William Edmonstone of Culloden died in the year 1462 (*n*), and left issue by Mary Countess of Angus, his wife aforesaid, only one son, William, who was his father's heir and successor in his estate, and a daughter, Matilda, who was married to Sir Adam Cunningham of Caprington, in the shire of Ayr, and had issue (*o*).

(*g*) In the public archives. (*b*) Charta penes D. Duntreath. (*i*) In the Chartulary of that monastery in the Lawyer's Library. (*k*) Penes Ogilvie de Rothemay in 1485, which I have seen. (*l*) Charta ad annum 1485, which I have seen, relating to the division of the lands betwixt these two ladies the daughters and co-heirs of Sir James Edmonstone of that Ilk. (*m*) Charta penes dominum Duntreath. (*n*) Charta penes D. Duntreath. (*o*) Ibidem.

SIR WILLIAM EDMONSTONE of Culloden and Duntreath, having fixed his residence in the west at Duntreath, in the county of Stirling, and though he kept the estate of Culloden till long after this, yet he relinquished that title, and took the designation of Duntreath, which his successors have continued ever since to do. This gentleman being royally descended both by his mother and grandmother, who were daughters of the crown, he was the first that I see of the family of Duntreath that assumed and took the double tressure round his arms as a mark of his descent from the royal family. His seal I have seen supported by two lions rampant, and circumscribed, *Sigillum Willielmi Edmonston de Duntreath* (*p*), the same as it is matriculated in the register of the Lyon-Office at Edinburgh; yet it is pretty odd that Mr Nisbet has not taken the least notice of it in his Treatise of Heraldry, though he had access to the Lyon Register when he pleased. This gentleman, the second in the line of the family of Duntreath, made a very noble and illustrious alliance himself by marriage; for his lady was Matilda Stewart (*q*), grandchild, by his son Lord James, of Murdoch Duke of Albany, Governor and Regent of Scotland in the absence of King James I. The lady was sister to Sir Andrew Stewart of Strathaven, thereafter Lord Evandale, who was long Chancellor of Scotland in the reign of King James III. and to Walter Stewart of Morphy-Frissel, the paternal ancestor of the Lords of Evandale and Ochiltree, and of the present Earl of Murray as Lord Doune. By this lady, his wife, he had two sons, Archibald, his heir and successor, and a young brother, William Edmonstone, who had a charter from the crown of the lands of Buchynhadrick, in the stewartry of Monteith (*r*); likewise a daughter Mary, who was married to Sir William Cunningham of Glengarnock in the shire of Ayr (*s*), and had issue. I find that this gentleman, William Edmonstone of Duntreath, was in the reign of King James III. one of the Lords of the Session for administration of justice in the 1472 (*t*), and died the year thereafter 1473.

SIR ARCHIBALD EDMONSTONE of Duntreath, the third of the line in the family, was served and retoured heir to his father in the 1473, as is vouched from the precept out of the Chancery for that effect, which I have seen in the charter-chest of the family.

This gentleman was in high favour both with King James III. and IV. By this last prince he had the honour of knighthood conferred on him, and made Captain of his Majesty's Castle of Doune, and Steward of Monteith and Strathgartney (*u*). He married Janet, daughter of Sir James Shaw of Sauchie, Comptroller of Scotland in the reign of King James III. (*v*). This turned out a very beneficial and advantageous match to the family of Duntreath; for the lady was a niece to George, abbot of Paisley, who was an opulent prelate, and Lord Treasurer of Scotland under King James IV. who took care to provide matches for his nieces, and got them married into many of the greatest families in the kingdom. By this lady Sir Archibald Edmonstone of Duntreath had a numerous issue; first,

SIR WILLIAM the eldest son, the heir of the family.

JAMES EDMONSTONE the second son, of whom sprung that branch of the Edmonstones of the House of Duntreath who were first designed by the title of Broik in the county of Stirling.

JACOB EDMONSTONE, a third son, of whom descended the Edmonstones of Balington in the stewartry of Monteith.

He had also these following daughters, all honourably and nobly allied, and are instructed and clearly vouched from contracts of marriage, or discharges of the marriage-portions, which I have had the honour to peruse in the archives of the family, and from thence they are all instructed (*w*).

JANET, the eldest, was married to William the first earl of the illustrious family of Montrose, and had issue.

(*p*) Charta penes Graham de Garvock, ad annum 1473, and also in the custody of the Laird of Duntreath. (*q*) Charta penes dominum Duntreath, ad annum 1456. (*r*) Charter under the Great Seal, &c. (*s*) Charta penes Vicecomitem de Garnock, who is now proprietor of the estate of Glengarnock, and has the writs of the family, which I have seen and perused. (*t*) President Spottiswood's Practicks. (*u*) Charta penes dominum Duntreath. (*v*) Charta in publicis archivis, etiam charta penes dominum Duntreath. (*w*) Charta penes dominum Duntreath.

CATHARINE, the second, to John Master of Eglinton, son and heir-apparent of Hugh the first Earl of Eglinton, and had issue.

CHRISTIAN, the third, to John the second Lord Ross of Halkhead and Melville, and had issue.

MARGARET, the fourth, to George Buchanan of that ilk, at that time grandson and heir-apparent of Walter Buchanan of that ilk, and had issue.

BEATRIX, the fifth, to James Muschet of Burnbank, commonly called the Laird of Muschet, in the stewartry of Monteith and sherrildom of Perth, then a very considerable family, and had issue.

Sir ARCHIBALD EDMONSTONE of Duntreath died in the 1502 (*x*), and was succeeded by

Sir WILLIAM EDMONSTONE his son and heir, who was knighted by King James IV. and appointed Captain and Keeper of the Castle of Doune, and Steward of the stewartry of Monteith, as is vouched from the commisson under the Great Seal, which I have seen.

He married, first, Sibilla, daughter of Sir William Baillie of Lamington in the county of Lanark (*r*), and after that Sibilla, daughter of ——— Carmichael of that ilk, in the county of Lanark (*s*). This Sir William Edmonstone of Duntreath conceiving that his ancient estate of the Barony of Culloden, that had been the patrimonial estate of his family, lay at a great distance from him, and therefore he thought fit to alienate these lands to Alexander Strachan of Scotston, which is confirmed by a charter under the Great Seal in the public records, bearing date the 30th of July 1506 (*u*).

Sir WILLIAM EDMONSTONE of Duntreath was slain under the standard of his royal master and sovereign King James IV. at the battle in Northumberland, as its called, or the field of Flodden, the 9th of September of the year 1513, leaving issue William, his heir and successor, Archibald, the second son, of whom came the Edmonstones of Spittalton (*b*), James Edmonstone, the third, of whom issued the Edmonstones of the Newtown of Doune, the Edmonstones of Cambus-Wallace and Coldoch (*c*); also several daughters,—Marion, the eldest, who was married to John Campbell of Glenorchy, paternal ancestor to the Earl of Breadalbane, and had issue (*d*), Agnes, the second to Robert Hamilton of Inchmachan and Kinkell, and had issue; Marjory, the third, to ——— Stewart of Craigarnelle, and had issue; Margaret, the fourth, to John Logan of Balvie, at that time an ancient and right considerable family in the county of Dumbarton (*e*), and had issue.

Sir WILLIAM EDMONSTONE of Duntreath, the son and heir of Sir William the last mentioned, was served and retoured heir to his father by virtue of a precept directed forth of the Chancery for that effect, bearing, that his unquihle father died, "obiit sub vexillo quondam domini nostri regis in bello de Northumberland." His sasine that followed thereon is dated the 2d of May 1516 (*f*).

This same year this William Edmonstone, and Archibald Edmonstone, his brother, are made joint captains and keepers of the Castle of Doune, and stewards of the stewartry of Monteith and Strathgartney: He married first Lady Agnes Stewart, daughter of Matthew the first Earl of the line of the Stewarts Earls of Lennox (*g*), and after her death Margaret (*h*), daughter of Sir James Campbell of Lawers, paternal ancestor to the present Earl of Loudon, and had issue Sir James, his successor, and five daughters.

ELIZABETH, who was married to John Stirling, son and heir-apparent to Walter Stirling of Ballagan (*i*), and had issue Janet, who was married to Luke Stirling of Band, and had issue (*k*).

MARJORY, who was married to Mungo Graham of Rattern and Urchill, son to William the second Earl of Montrose, and had issue (*l*).

SIBILLA, who was married to John Stewart, at that time son and heir-apparent to Matthew Stewart of Barsecabe (*m*), in the shire of Renfrew, who was a son of the House of Lennox, and had issue.

(*x*) Charta penes dominum Duntreath, etiam in rotulis 1509. (*y*) Charta in publicis archivis ad annum 1500. (*z*) In the Registers of the Privy Seal 1506. (*a*) Charta penes dominum Duntreath. (*b*) Ibidem. (*c*) Charta in publicis archivis ad annum 1546. (*d*) Charta penes dominum Duntreath. (*e*) Ibidem. (*f*) Charta in publicis Archivis ad annum 1516. (*g*) Charta penes dominum Duntreath ad annum 1522. (*h*) Ibidem. (*i*) Charta ad annum 1545. (*k*) Charta penes dominum Duntreath. (*l*) Ibidem. (*m*) Ibidem.

ANABELLA, who was married to John Stirling, son and heir-apparent of George Stirling of Glorat, Captain and Governor in chief of the Castle of Dumbarton (*n*), and had issue.

MARION, the fourth daughter, was married to David Semple of Nobleston (*o*), in the county of Dumbarton, and had issue; after that to Robert Denniston of Colgrain in the foresaid county, and had issue; and last of all to John Shaw of Bargarran, in the barony and sheriffdom of Renfrew.

This gentleman being a near relation and ally of the House of Lennox, was in every respect much attached to the interest of that illustrious family: upon the restoration of Matthew Earl of Lennox in the 1565, when his son Henry Lord Darnly was married to Queen Mary, the Laird of Duntreath was brought into the Privy Council (*p*), and soon after that he had the honour of knighthood conferred on him; for in the records of council, when he is marked present, he is designed *Willielmus Edmonston de Duntreath* (*q*).

Sir JAMES EDMONSTONE of Duntreath succeeded his father Sir William; he was made a knight by King James VI. and had a good share of favour and countenance from that prince before he left Scotland, and went into England. He married Helen, daughter of Sir James Stirling of Keir (*r*), by Jean his wife, daughter of Dr William Chisholm, Bishop of Dumblane, who was a brother of the House of Cromlicks, in the county of Perth, and had issue by her, William his eldest son, who succeeded him, and a younger son, Mr John Edmonstone; also three daughters.

MARY, the eldest, was married to Sir John Cunningham of Cunninghamhead in the county of Ayr, and had issue.

MARJORY, the second, to Claud Hamilton of Cocknay (*s*), in the county of Dumbarton, and had issue.

HELEN, the third, to John Lennox of Brarsogle (*t*), in the county of Stirling, and had issue.

Sir James Edmonstone of Duntreath married to his second wife Margaret, daughter of Sir John Colquhoun of Luss (*u*), and had Robert a son, and Elizabeth a daughter, who was married to James Edmonstone of Balewn, but had no issue.

WILLIAM, succeeded his father Sir James Edmonstone, in his estate of Duntreath. He married Isobel, daughter of Mr John Haldane of Gleneagles, a very ancient family in Perthshire, by Isobel his wife, daughter of Sir David Hume of Wedderburn in the county of Berwick, by whom he had issue, Archibald, his eldest son and heir, the second James, the third John, who married Elizabeth, daughter and sole heir of James Edmonstone of Broik, and had a numerous issue, which has produced a great many younger branches of the family. This Laird of Duntreath had also two daughters.

HELEN, the eldest, was married to John Doloway of Bellichill, Esq. in the county of Down in Ireland, and had issue.

JEAN, the second daughter, was married to Sir Robert Adair of Kilhill, knight, in the county of Wigton, and had issue. He died in the year 1647, and was succeeded by

ARCHIBALD his son, who was a member of Parliament for the county of Stirling to the Parliament 1633, wherein his majesty King Charles I. was present in his own royal person. This gentleman married Jean, daughter and heir of Archibald Hamilton of Halcraig in the county of Lanark, brother to Sir James Hamilton Lord Viscount of Clanebooy, ancestor to the Earls of Clanbrassil, of the kingdom of Ireland, by whom he had William the eldest son, who being dumb, did not succeed Archibald the second son, his father's successor, and a daughter Helen, who was married to Thomas Niven of Monkerden, in the county of Ayr.

Which Archibald Edmonstone of Duntreath so succeeding, married Anna Helena, daughter of Colonel Walter Scott of Harwood-Burn, by whom he had Archibald his son and heir.

ELIZABETH, his eldest daughter, was married to James Montgomery of Rosemond, Esq. and had issue.

ANNA HELENA to Alexander Doloway of Bellichill, Esq. and had issue.

(*n*) Charta in publicis archivis. (*o*) Charta in the charter-chest of the family of Duntreath. (*p*) *Ibidem*. (*q*) Charta penes D. Duntreath. (*r*) *Ibidem*. (*s*) *Ibidem*. (*t*) *Ibidem*. (*u*) *Ibidem*.

ARCHIBALD EDMONSTONE, the present Laird of Duntreath, married Anne, daughter of David Lord Cardross, and sister to the present Earl of Buchan, and had only one daughter, Miss Katharine Edmonstone.

He married \_\_\_\_\_ daughter to Mr John Campbell of Mamore, son to Archibald Earl of Argyle, and uncle to his grace the present Duke of Argyle, by whom he has

ARCHIBALD EDMONSTONE, Esq. his eldest son, and apparent heir. And  
CAMPBELL EDMONSTONE, Esq. &c.

I shall conclude this memorial by adding the arms of the family; and this I judge the more necessary, because Mr Nisbet has neglected to insert the coat-armorial of Edmonstone of Duntreath, out of the register of the Lyon Office, though it is there recorded. To supply that neglect, I shall blazon it as follows: *or*, three crescents, within a double tressure, flowered and counter-flowered, *gules*. This addition they bear of the double tressure, as a mark of their descent from the royal family, just in the same manner as that honorary addition is borne by the Earls of Strathmore, and Cassilis, and Graham of Fintry. The supporters are two lions rampant, *gules*; crest, a swan's head and neck issuing out of a ducal crown. Motto, *Virtus auget honorem*.

#### MEMORIAL FOR THE FAMILY OF STEWART OF BURRAY.

THE title of Lord Evandale having become extinct by the death of Andrew Lord Evandale in the 1488, without heirs-male, King James IV. in the 1499, honoured Andrew Stewart of Morphy, the said lord's grand-nephew, with the dignity of a lord of Parliament *de novo*, by the title of Lord Evandale (*w*). He married Margaret Kennedy, daughter of Sir John Kennedy of Blairquhan, in the shire of Ayr, by whom he had issue,

ANDREW LORD EVANDALE, who, by act of Parliament, got his title changed from Lord Evandale to Lord Stewart of Ochiltree, in the 1543, of whom descended the line of the Lords of Ochiltree.

Sir HENRY STEWART, the second son, enjoyed many honourable offices in the reign of King James V. He married the Queen Dowager, widow of King James IV. and daughter of Henry VII. of England; upon which he was created Lord Methven 5th September 1528; the family failed in the male line in the 1595.

Sir JAMES STEWART of Beith, the third son, in the 1534, got from the crown the keeping of the Castle of Doune, with the stewardry of Monteith, and was slain by the Edmonstones of Duntreath in Dumblane, on the 15th of May 1547 (*x*).

ANDREW Lord Evandale had besides these three sons a daughter, Barbara, who was married first to Sir James Sinclair of Sanday, knight, and again to Roderick M'Leod of the Lewis: By Sir James Sinclair she had no issue but a daughter, who died without children. By Roderick M'Leod she had a son, Torquill, who, at the age of twenty-four, perished at sea, and Janet M'Leod, of whom afterwards. This Barbara feued the estate of Burray from the bishop of Orkney.

But to return to Sir James Stewart of Beith: He left issue three sons, Sir James, Mr Henry, and Archibald Stewart of Burray, who was sometime Provost of Edinburgh, and died without issue (*y*), and a daughter who was married to Sir Robert Crichton of Cluny.

Sir JAMES STEWART, the eldest son, was first Commendator of St Colme, and by

(*w*) Charta in publicis archivis ad annum 1499, terrarum de Morphy-Frissel, Andrea Domino Evandale, et Margaretae Kennedy sponsae suae. (*x*) Charta in publicis archivis ad annum 1547. (*y*) Specialis Retornatus ultimo Augusti 1588, penes Dominum Jacobum Stuart de Burray.

King James VI. was created Lord Stewart of Doune in the 1581 (*a*), of whom it lineally descended the present Earl of Murray.

Mr HENRY STEWART, the second son, is in several deeds designed of Bucklivie and in others, brother-german to Sir James Stewart of Doune: He married Elizabeth, only daughter of John Robertson, portioner of Aberdour (*b*), by whom he had a son,

JAMES STEWART, who married the before-mentioned Janet Macleod, daughter to Roderick Macleod of the Lewis, and Dame Barbara Stewart, his wife, daughter to the above-named Andrew Lord Evandale, with whom he got the estate of Burray. By her he left only one daughter, Barbara Stewart, who was married to

WILLIAM STEWART of Mains, second son to Sir Alexander Stewart of Garlies, and brother-german to Alexander the first Lord Garlies, and Earl of Galloway, in whose favour the estate of Burray was confirmed by a charter under the Great Seal, upon the *penult* day of July 1631 (*c*). This William Stewart of Mains and Burray was Admiral-Depute of Orkney and Zetland (*d*), and in order to make up a title to the estate of the Lewis, that had been wrested from the Macleods by the tutor of Kintail, his lady was, in the 1630, served and retoured as nearest and lawful heir to Torquill Macleod of the Lewis, her grandfather by the mother; but the troubles coming on, their claim was never prosecuted. The said William Stewart of Mains and Burray had issue by the before-mentioned Barbara Stewart his wife, James, his eldest son, who died before him, Henry, his second son, who was slain in the king's service under the command of the Marquis of Montrose, Colonel William Stewart his third son, and Archibald the fourth; he had also several daughters, whereof Jean, the eldest, was married to Sir James Sinclair of Murkle, knight, ancestor to the present Earl of Caithness, and was succeeded by

WILLIAM STEWART of Mains and Burray, his third son, who died without issue, and was succeeded by

ARCHIBALD his brother, who joined the army commanded by the Duke of Hamilton in the year 1648, for rescuing King Charles I. out of the hands of the rebels, where, being made a prisoner, he in a short time thereafter escaped, and joined the Marquis of Montrose, to whom he adhered to the last; and when the said noble Marquis of Montrose, by command of the usurping powers for the time, was ignominiously dragged through the streets of Edinburgh, the said Archibald Stewart was compelled to follow the cart whereon he was carried, with his hands bound with chains or shackles, and cast into the prison of Edinburgh, where he was detained seven months, and sentenced to death by that faction; which he had undoubtedly suffered, if the prison doors had not been accidentally opened upon the arrival of the English usurper: yet notwithstanding of these misfortunes he joined King Charles II.'s army in their march to Worcester, where he was a captain, and gave a signal proof of his valour and skill of military affairs: and these forces having been defeated by the supernumerary troops of the rebels, he was again made a prisoner, and detained seven months in Chelsea College, where he suffered great miseries and hardships, until he got an opportunity to escape. After the Restoration he was appointed Lieutenant-Colonel of the Militia of Orkney, by commission under the Privy Seal, in *anno* 1683; and, in the year 1687, his late Majesty King James VII. being highly sensible of the loyalty and sufferings of the said Archibald Stewart, and therefore, willing to bestow a lasting mark of his royal favour, conferred the dignity of a knight-baronet upon him by letters patent, bearing date at Whitehall the 4th November 1687. He married Isabel, daughter to Sir William Murray of Abercairny, by whom he had Sir Archibald his heir and successor, Mr John, who died without issue, and three daughters, Lilius, Isabel, and Sophia who was married to David Sinclair of Freswick.

Sir ARCHIBALD STEWART of Burray married Margaret, daughter of Archibald Stewart of Dunnavern, brother-german to Alexander Earl of Murray, by whom he had the present Sir James Stewart of Burray, baronet, Mr Alexander Stewart and several other sons, who died in their youth, besides daughters.

(*a*) Acts and records of Parliament. (*b*) Writs of the family of Down, mentioned by Mr David Simpson. (*c*) Charta penes Dominum Jacobum Stuart de Burray. (*d*) Commission 28th August 1619, *Ibidem*.

The armorial achievement presently borne by Sir James Stewart of Burray, as matriculated in the Lyon Register, is already given in the First Volume of this System, page 52, and engraven on the Twelfth Plate of the Achievements of the Subscribers; only, by mistake of the engraver, the bordure is made plain instead of being indented, as blazoned in the said 52d page: But that bearing having been assigned to his grandfather when a younger brother, and distinguished by a suitable mark of cadency, and he being now the only representative of the family, may lay it aside, and assume the principal achievement as borne by William Stewart of Mains his great-grandfather, viz. *or*, a fesse *chequé*, *azure* and *argent*, surmounted of a bend ingrailed betwixt two lions' heads erased, all within a double tressure, flowered and counter-flowered *gules*, and quartered with the arms of Stewart Lord Evandale, with a suitable brisure, and of Macleod of the Lewis, as his only representative.

Before finishing this memorial, it will not be improper to notice two mistakes that have been committed in the First Volume of this System, probably for want of proper information; the first is in page 52, where, in place of Robert Stewart of Burray, second son of Mains, it ought to be Archibald Stewart of Burray, youngest son of Mains, as is evident from the above memorial. The other error is in page 410, where it is asserted that Stewart of Burray used a tower embattled, quarterly, as descended from an heiress of Macleod of that Ilk; whereas none of the family of Burray ever married an heiress of Macleod of that Ilk, but of Macleod of the Lewis, as the above memorial evidences, and is vouched by charters and many other original writings in the custody of Sir James Stewart of Burray, too numerous to be here mentioned. This would seem to have been a general mistake, probably occasioned by not distinguishing the family of Macleod of that Ilk from Macleod of the Lewis, which has been many years extinct, and consequently little known or noticed. This conjecture is founded on inspection of the seal of Roderick Macleod of the Lewis before mentioned, (who lived in the reigns of King James V. and VI. and was the last of his family that enjoyed the estate) appended to a deed of his in the custody of Sir James Stewart of Burray, where there is no such figure as either castle or tower to be found: The arms thereon are thus blazoned, viz. parted per fesse first, parted per pale first, a lion rampant second, a dexter hand *coupé*, paleways; and in the second or base grand partition, a galley or lymphad. The tinctures cannot be discovered from the seal.

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#### MEMORIAL OF THE ANCIENT FAMILY OF ST CLAIR OF ROSLIN.

THE first of the surname of ST CLAIR (according to *Jacob van Bassan's* Manuscript) was son to *Woldernus Comite de St Clare*, and his wife, Helena, daughter to the Duke of Normandy, and cousin-german to William the Conqueror, who, coming to Scotland, obtained a grant of the lands and barony of Roslin, whereof Malcolm III. King of Scotland, commonly called Canmore, granted a charter of confirmation (*a*), in favour of William St Clair, who was steward to Queen Margaret, and married Agnes Dunbar, daughter to Patrick Dunbar the first Earl of March; and the aforesaid barony of Roslin was afterwards confirmed (*b*) by William the Lion King of Scotland, *Willielmo de Sancto Claro*, in or about the 1180. His son, Henry St Clair Baron, of Roslin, married Katharine, daughter to the Earl of Strathern, by whom he had Henry St Clair, who succeeded him in the estate of Roslin, and married Margaret Marr, daughter to the Earl of Marr. Their son, *Willielmus de Sancto Claro, dominus de Roslin*, married Lucia, daughter to the Earl of Strathern, and Matilda, only daughter and heiress to Magnus Earl of Orkney and Zetland. He executed the office of high sheriff of the shire of Edinburgh in the 30th year of Alexander III. *anno* 1278 (*c*); and in a charter granted by *John*

(*a*) Charta confirmationis penes Gulielmum Sinclair de Roslin. (*b*) Alia charta confirmationis penes eundem. (*c*) Chartulary of Dunfermline, MSS. in the Lawyers' Library.

de Strathern, to which he is witness, he is accordingly designed *Dominus de Sancto Claro, Vicecomes de Edinburgh*. He was succeeded by his son Sir Henry St Clair of Roslin, who made a very illustrious figure in the war occasioned by the competition for the crown betwixt the Bruce and Baliol; and being a faithful adherent to the former, King Robert, in the 11th year of his reign (*d*), erected the muir of Pentland and several other lands into a free hunting, as they were in the reign of King Alexander, for payment of a tenth part of a soldier. This Sir Henry St Clair married Florentia, daughter to the King of Denmark, with whom he got a great estate in Norway, and, after the forfeiture of his grandfather of the earldom of Strathern, he, in right of his mother, got the earldom of Orkney and Zetland, which he held of the King of Denmark. After the death of King Robert Bruce he accompanied the Douglas with his heart to the Holy Land, and in his way the Emperor created him a Knight of the Order of the Golden Fleece. His son, Sir Henry St Clair of Roslin, was created Earl of Orkney by Haco King of Norway, in the 1379 (*e*), and was at the same time invested in the same honour by his own natural sovereign King Robert II. as appears by a charter in the rolls, granted by that prince, "dilecto consanguineo suo Henrico Comiti Orcadiæ domino de Roslin, baroniæ de Roslin," proceeding upon his own resignation thereof. He was likewise Lord of Zetland, and was created Duke of Oldenburgh in Denmark by Christian, the first of that name, King of Denmark. He was also created a Knight of the Orders of the Thistle, the Cockle, and Golden Fleece, by the different sovereigns of these several orders. He married Egidia Douglas, daughter to William Lord Nithsdale, and the fair Egidia, daughter to King Robert II. and had by her one son, William, who succeeded him, and three daughters; Elizabeth, the eldest, was married to Sir John Drummond of Stobhall, ancestor to the Duke of Perth, as appears by a deed in the charter-chest of that family, whereby Sir John and his lady, Elizabeth St Clair, disclaim any right they could pretend to the lands lying within the kingdom of Norway, belonging to her father Henry Earl of Orkney. The second daughter, Helen, was married to John Stewart Earl of Athol, and the third, Beatrix, to John Douglas Lord Aberdeen. This Henry Earl of Orkney went governor with James I. then prince, for France; but they were both taken prisoners by the English in their way thither. He was succeeded by his son William Earl of Orkney and Caithness, who was the greatest subject by far of all others in his time, being designed by the following lofty titles, *Willielmus de Sancto Claro, Duke of Oldenburgh, Earl of Orkney and Caithness, Lord Zetland, St Clair and Nithsdale, with the vallies of Nith and town of Dumfries, and Sheriff thereof, Great Admiral of Scotland, Warden of the Marches, and Justice-General, Knight of the Golden Fleece, Baron of Eckford, Greenlaw, and Kilkbellan, Roxburgh, Caverton, Cousland, Roslin, Pentland, Herbertshire, Carden, St Clair, Pomers, Dysart, and Newburgh in Buchan*. He married Elizabeth Douglas, daughter to Archibald Earl of Douglas, and, after her death, Marjory, daughter to Alexander, Master of Sutherland. The said William Earl of Orkney and Caithness was likewise High Chancellor of Scotland, and executed that great office from the 1455 till the 1458. He exchanged with King James III. the lordship of Nithsdale for the earldom of Caithness, then fallen to the crown by the demise of Sir George Crichton; and in the 1471 he resigned to the crown the earldom of Orkney, which was thereupon annexed to the crown (*f*); though it is plain he retained even after that the title of *Comes Orcadiæ* as well as that of *Comes Cathaniæ*. This noble person founded and erected a collegiate church near his own castle of Roslin, in the year 1441, which he nobly endowed with suitable revenues for a provost and seven prebends for performing divine service according to the custom of these times. This collegiate church is a noble and magnificent structure of Gothic architecture, enriched both within and without with great variety of ornaments suitable to that order, and beautified in several places with histories, emblems and other figures, curiously represented in bas-relief, which yet discover that they have been handsomely gilded and painted. The fabric in general has always been looked upon as a master-piece in its kind, and is still esteemed as such

(*d*) Charta penes Gulielmum St Clare de Roslin. (*e*) Torpheus' History of Orkney. (*f*) Haddington's Collections from the Records.

by very good judges of architecture, and upon that account is frequently resorted to by the curious, as well natives as foreigners, who view it with pleasure and satisfaction.

This William Earl of Orkney and Caithness, for reasons not to be discovered at this distance of time, thought fit to pass by Sir William St Clair, his eldest, son in the succession to the gross of his estate, and gave him only the barony of Newburgh in Aberdeenshire; from which Sir William the Lord Sinclair's family is lineally descended by an heir-female. Betwixt the two sons of his second wife, Marjory, daughter to Alexander, Master of Sutherland, he divided his great estate: To Sir Oliver St Clair, his eldest son of that marriage, he disposed the baronies of Roslin, Pentland and Pentland-muir, the barony of Herbertshire in Stirlingshire, the lands of Cousland, the barony of Ravenscraig, Dubbs, Carberry, Dysart, &c. being the whole of the Earl's estate be-south Tay. This deed is confirmed by a charter under the Great Seal of King James III. the 10th of September in *anno* 1476, still extant in the rolls. To William St Clair, his second son of the foresaid marriage, the said earl disposed the earldom of Caithness, and from him the present Earl of Caithness is lineally descended, in a direct masculine course of succession.

This Sir Oliver St Clair of Roslin married Margaret, daughter of William Lord Borthwick, by whom he had Sir William his heir and successor.

Dr HENRY ST CLAIR, who was bred to the church, and taking orders, was soon thereafter made Dean of Glasgow, which, with consent of the crown, he exchanged with Gavin Hamilton for the Abbey of Kilwinning; he was afterwards promoted to the Episcopal See of Ross, and was President of the College of Justice; which office he held till his death in the year 1565.

Sir OLIVER ST CLAIR, the third son, was stiled of Whitekirk and Pitcairns. This was the gentleman that King James V. held in so great esteem for his skill in military affairs, that he pitched on him to command the Scot's army at the battle of Solway, *anno* 1542; which, without reason, gave so great disgust, that, however just the choice might be, the army behaved very ill on that occasion, and was thought by some to hasten on the king's death. His lineal heir-female was married to Captain William Ramsay, and was mother by him to William the present Earl of Dalhousie.

Dr JOHN ST CLAIR, the fourth son, was bred also to the church; he was Dean of Restalrig, and afterwards promoted to the Bishoprick of Brechin. He was a learned man, both in the civil and canon law, and was made President of the Session after the demise of his brother the Bishop of Ross; in which state he continued till his death *anno* 1567.

The above-mentioned Sir William St Clair of Roslin was in a high degree of favour with King James V. who, by his special writ of summons, called him frequently to sit in Parliament, as appears from the Registers of Parliament. He married Elizabeth Home, of the Lord Home's family (*g*), by whom he had Sir William St Clair of Roslin, who was Justice-General of Scotland in the reign of Queen Mary. He married Isabel Ker, daughter of Sir Walter Ker of Cessford, ancestor to the Duke of Roxburgh, by whom he had Edward St Clair of Roslin, his eldest son, who married Elizabeth, daughter of Sir George Douglas of Parkhead, but had no male succession. And

Sir WILLIAM, his second son, who married Janet, daughter to ——— Edmonstone of that ilk, and had by her Sir William his son and heir, who married Anne, daughter of Dr John Spottiswood, Archbishop of St Andrews, and Lord High Chancellor of Scotland in the reign of King Charles I. and had by her James St Clair of Roslin, who married Jean, daughter of Sir Henry Spottiswood, High Sheriff of Dublin, by whom he had Alexander St Clair of Roslin, who married Jean, daughter of Robert Lord Semple, and had by her William St Clair, now of Roslin, his son and heir, and heir-male to the above-mentioned William Earl of Orkney and Caithness, who was Chancellor in the reign of King James III.

(*g*) Charter under the Great Seal 1526.

The said William St Clair of Roslin, Esq. bears, for his armorial achievement, *argent*, a cross ingrailed *sable*, supported on the dexter by a mermaid, holding in her right hand a trident, with the point upwards, and on the sinister by a griffin; for crest, a dove holding an olive branch in its beak, all proper; and, for his motto, the word *Credo*.

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CAMPBELL of SKERRINGTON.

THIS family lies in the shire of Ayr, in the southmost parts of the middle division thereof, called Kyle, where the name of Campbell were very early proprietors, as appears from a gift by Sir Colin Campbell, son to *Gillescop Campbell* of twenty merks out of his lands of Symington in Kyle to the abbacy of Newbottle, *anno* 1290, recorded in the Chartulary Books of Newbottle in the Advocates' Library.

The original writs of the family are either lost, or, through age and bad keeping, cannot be read.

The earliest legible instruction is in the year 1348; there appears to have been a resignation or surrender of the lands and estate of Skerrington, for infeftment to David Campbell of Skerrington.

DAVID CAMPBELL was succeeded by his son Andrew Campbell, as appears by a deed made by the Baron of Cumnock in favour of Andrew Campbell of Skerrington, son to umquhile David Campbell, *anno* 1360.

To Andrew succeeded David Campbell, the second of that name, as appears by a charter granted by him to his son, *anno* 1460, running in thir terms: "Omnibus hanc chartam, &c. David Campbell Dominus de Skerrington salutem in domino sempiternam," &c. He is said to be married to a sister of Stewart of Haining.

DAVID CAMPBELL is succeeded by his son Andrew Campbell of Skerrington, the second of that name, as appears by the foresaid charter, and by another charter granted him by Hodgison of Barshare of the lands of Craigens, *anno* 1490, running in thir terms: "Omnibus, &c. Joannes Hodgison de Barshare, &c. noveritis me titulo venditionis alienasse honorabili viro Andreæ Campbell de Skerrington," &c. And by several other charters, granted him before this time, he is said to be married to ——— Boyd, daughter of the family of Kilmarnock.

To Andrew Campbell succeeded Alexander Campbell of Skerrington, as appears from his charter of the estate, *anno* 1509, and other charters granted to him about that time; he was married to his cousin Mrs Campbell, sister to Campbell of Cessnock.

ALEXANDER CAMPBELL was succeeded in an opulent estate by his son Andrew Campbell of Skerrington, the third of that name, as appears from many charters from the year 1534, forward, that were granted him in thir terms: "Honorabili viro Andreæ Campbell de Skerrington;" he had at that time the barony of Barbour, with many other lands, and left no issue.

CHARLES CAMPBELL, cousin to Sir George Campbell of Loudon, and nephew and heir to Andrew Campbell of Skerrington, succeeded him about the year 1560 or 1570; he designed himself first of Skerrington and then of Horsecleugh, where he afterwards dwelt, as appears from his charters and writs about that time, where he is designed *Dominus de Skerringtone*, and thereafter his writs run in thir terms: "Honorabili viro Carolo Campbell de Horsecleugh, &c." Through mistake he is called in some parts of Knox's History of the Reformation, to which he was very assistant, William instead of Charles: He was married to Mrs Campbell, daughter to Campbell of Shankston, a baron descended of the family of Loudon.

CHARLES CAMPBELL was succeeded by his son George Campbell of Horsecleugh about the year 1590 or 1600, who had to his brother Mr William Campbell, grand-

father to James Campbell of Little Cesnock, who died without issue, whereby his estate returned thereafter to the family, *anno* 1727. George Campbell was married to Mrs Mary Gordon of the family of the Lord Viscount of Kenmure; he spent almost all his estate, and left to succeed him his eldest son.

JOHN CAMPBELL of Horsecleugh, who succeeded about the year 1640, and was in- feft under the Great Seal in the remains of his estate of Skerrington and Horse- cleugh, *anno* 1644; after a marriage with a daughter of Gordon of Skirmer's he was married to Jean Nicol or Nicolson, daughter of Mr Thomas Nicolson, merchant in Ayr.

JOHN CAMPBELL of Horsecleugh was succeeded by John Campbell his eldest son, the second of that name, about the year 1700, who spent the most part of his life in the army; he was first married to Mrs Jean Boswell, eldest sister to Mr James Boswell of Auchinleck, advocate, and after her death without issue, to Abigail Ranken, daughter and heiress to Mr William Ranken of Bankhead, and heiress of line to her great grandfather, Laurence Ranken, Laird of Shiel, as he is designed in Knox's History of the Reformation, who was chief of the name, and by her mother she is likewise heiress of line to Robert Cathcart of Drumjoan, an ancient family of that name. John Campbell of Horsecleugh aforesaid, died the 28th of July 1725, having by her of male heirs John and James Campbells.

He is succeeded by Mr John Campbell of Skerrington, advocate, his eldest son, who assumed the title of his predecessors.

*An Historical and Genealogical Essay on the Illustrious Family of the Earls, Mar- quisses, and Dukes of ATHOL, from its first erection into a Feudal Dignity in the Reign of King DAVID I. to the present time.*

AS this is undoubtedly one of the most ancient dignities among us, so it has been successively enjoyed by many royal, noble, and illustrious persons, who have been eminent for their birth, quality, and merit, in their several ages: so that I may venture to say, that the honorary title of ATHOL has been borne by more royal branches and sons of the crown, from time to time, than any other title or dignity in Scotland whatsoever, as will appear from the sequel of this narration, from which I shall detain the reader no longer, but proceed directly to give the deduction of the several dignitaries in a clear and distinct chronology from the æra we have fixed on till his grace the present Duke of ATHOL.

The first illustrious person who enjoyed this honour of Earl of Athol was Mal- colm, son to King Donald VII. surnamed Bane, brother to King Malcolm Can- more, who was by King David created Earl of Athol (*a*). Torfæus the Danish Historiographer, speaking of this Earl of Athol (*b*), says he was the noblest prince of Scotland: "Omnium Scotiæ principum facile nobilissimus patruelis quippe Davidis: " regis Scotiæ in præsens regnantis." This same *Malcolmus Comes* is a witness and a consenter to the charter of foundation of the monastery of Scoon, by King Alex- ander I. *anno* 1115 (*c*). He married Margaret, daughter of Haco Earl of Orkney (*d*), by whom he had a son, his heir,

MALCOLM Earl of Athol, who was a donator to the Abbey of Scoon; for, by li- deed and grant, he made over to the abbot and convent perpetually the church of Login Muchbed, with four chapels thereunto belonging, for the safety of his soul, &c. (*e*). He was also a benefactor to the monks of Dunfermline; for to that

(*a*) Buchanan and our other historians. (*b*) In his History of the Earls of Orkney in the Advocates' Library at Edinburgh, cap. 22, page 100. (*c*) Chartulary of Scoon, which I had from the late Vi- count of Stormont. (*d*) Torpæus, page 100. (*e*) Chartulary of Scoon.

convent he gave in pure and perpetual alms the patronage and tithes of the church of Moulin, "pro salute animæ suæ, et anima sponsæ suæ et pro animabus regum Scotiæ, predecessorum suorum, ibidem requiescentium;" and that when it shall please Almighty God to call him and the countess his wife to his mercy, that they shall be interred in the abbey church there (*f*). To this deed King William and the Bishops of Glasgow, Aberdeen, Dunkeld, and Brechin, are witnesses. To Malcolm Earl of Athol succeeded his son

HENRY Earl of Athol, who ratifies and confirms to the abbot and convent of Dunfermline the grants his father had made to them for the health and welfare of himself and relations, whether dead or alive (*g*). He died without issue-male, and the feudal honour returned to the crown, and being in the king's disposal, Alexander II. gave the earldom, and the title of Earl of Athol to *Allanus de Lundoniis Ostiarius Regis*, who was then in great favour and confidence. This is vouched and instructed by a deed of *Allanus Ostiarius Regis Comes Athole*, whereby he gives to them the monastery of Arbroath, the wood and forrest of Orphack in Aberdeenshire, which had been formerly given by *Thomas de Lundin Ostiarius Regis, pater suus*, to that convent. This donation is ratified by King Alexander II. the 12th of October, the 19th year of his reign, that is the year of our Lord 1230 (*b*). I conjecture that this *Allan Hostiarius* has married the eldest daughter of Henry Earl of Athol, and upon that has been invested in the honour of Earl of Athol by cincture of the sword and the other usual ceremonies of creation; but that his wife dying soon after the marriage without any issue, he resigned the dignity back to the crown, in order that it might be established upon a gentleman of great rank and quality, who, we are certain, from unquestionable vouchers, married the Lady Isabel, another of the daughters of Henry Earl of Athol, and that was Thomas of Galloway, son of Uchtred, and brother of Allan Lord of Galloway, who was also honoured with the title and dignity of Earl of Athol; for in the chartulary of the abbacy of Dunfermline we find *Thomas de Golouyea comes Atholie, et Isobella comitissa Atholie sponsa sua*, giving and confirming deeds to that convent. This Thomas Earl of Athol died in the 1234 (*i*), and left a son his heir.

PATRICK Earl of Athol, who was burnt in his own lodging in the town of Haddington, by the instigation of Sir John Bisset, as was shrewdly suspected, (*k*), in the year 1241; so he dying without successors, the dignity of Earl of Athol came to Sir David Hastings, an English gentleman who had married the Lady Ferelithe, another daughter of Henry Earl of Athol, and aunt, by the mother, to Patrick the young Earl of Athol (*l*), and thereupon has been invested in the honour of Earl of Athol, and we find him so designed in certain vouchers (*m*); and there is an original charter in the Advocates' Library at Edinburgh, granted by *Ferelithe Comitissa Athole*, by which she gives in pure and perpetual alms to the monks of the abbey of Cupar in Angus, the lands of "Dunfuther pro salute animæ suæ, et pro anima domini David de Hastings, quondam viri mei comitis Atholie." He died in a pilgrimage to the Holy Land, anno 1269 (*n*), leaving one daughter his sole heir, Adda, who was married to *John de Strabbolgy*, who was upon that invested in the honour of the Earl of Athol by King Alexander III. (*o*).

The Earls of Athol, of the surname of Strathbogy were a branch of the great family of the Earls of Fife: David, a younger son of Malcolm Earl of Fife, who was great Justiciary of Scotland under King William, had, by a grant of the crown, the lands of Strathbogy, and from thence, as the custom then was, he assumed a surname. In the chartulary of the Episcopal See of Murray (*p*), there is an agreement in the 1226, between Andrew, then bishop of Murray, and David, son of Duncan, umquhile Earl of Fife, whereby the bishop cedes his right to the patronages of several churches to him, and in lieu thereof he grants to the other, "predicto episcopo, et suis successoribus advocacionem omnium aliarum eccle-

(*f*) Chartulary of the Abbey of Dunfermline in the Lawyers' Library at Edinburgh. (*g*) *Ibidem*. (*h*) Chartulary of Arbroath in the noble library of the noble family of Panmure. (*i*) Excerpts from Fordun. (*k*) Buchanan. (*l*) Fordun, speaking of the death of Patrick Earl of Athol, says, his estate came to his aunt matertera defuncti. (*m*) Rymer's *Fœdera*. (*n*) Fordun. (*o*) Balfour's Collections, title Athol in Biblioth. juridica. (*p*) *Ibidem*.

“suarum in feudo suo de Strathbolgy, et terris ad eandem ecclesias pertinentium.” This *David de Strathbolgy* had a son, *John de Strathbolgy*, who having married *Adda*, the daughter and heir of *David Earl of Athol*, as is heretofore observed, was *cinctus gladio Comitatus Atholie*. He, as *Earl of Athol*, and *Adda Countess of Athol*, his wife, confirm a deed of the lands of *Inmeth* to the monks of *Cupar*, “quas *David Comes Atholie pater Addæ Comitissæ Athole*” had formerly given to that monastery, and they then jointly ratify and confirm the deed in the 1284 (a). He was succeeded by *David de Strathbolgy Earl of Athol*, his son, who married an English lady, *Isabel*, daughter and co-heir of *Richard de Cbilm*, a great fortune in England; and dying in the 1284 (b), was succeeded by *John de Strathbolgy Earl of Athol*, his son (c), who was amongst the earliest of those patriots who resorted to *King Robert Bruce* when he first exerted the regal power in 1306, and was at the battle of *Methven*. After that he retired with the queen to the castle of *Kildrummy*, which being some time after taken by a detachment of the English army, with the *Prince of Wales* at their head, he was made prisoner with two of the king's brothers; they were carried up to England, and indicted of high treason against *King Edward I. of England*, on pretence that they had sworn allegiance to him as *Direct and Superior Lord of Scotland*, and being found guilty, they were condemned, and suffered accordingly at *Westminster*, anno 1308 (d). He left behind him a son, *David de Strathbolgy Earl of Athol* (e), who, for the merit and memory of his illustrious father, was taken into a great degree of favour with *King Robert I.* and was made *High Constable of Scotland*. This is clear, and vouched from a charter granted by that prince to the convent of *Aberbrothock*, whereby he erects the lands of *Tarves* into a free regality; the charter bears date the 26th of February 1311 (f): Upon this I see that *King Edward* recalled a grant he had made him of the lands of *Sumerton*, because he then adhered to his enemy *Robert Bruce*, as he calls our glorious and immortal deliverer *King Robert I.* But this earl having a considerable estate in England, gave him an attachment to that kingdom, so he revolted from his allegiance to his native sovereign, and went into England, where he had grants of lands, manors, and pensions, to a considerable value (g). *King Robert* was loath to use him with rigour, being in hopes he might reclaim him to his duty, for it was full five years before he disposed of the constabulary to *Sir Gilbert Hay*, and more before ever he gave any grant out of his estate to any of his friends whatsoever (h): And it is observable that *King Robert* had such a tenderness towards the *Earl of Athol*, that he did not give away his estate, till after the peace with England was concluded at *Northampton*, in the year 1327 (i), whereby it was provided by an article of the treaty, that no Englishman should henceforth possess any lands, titles, or estate, out such as would reside in that kingdom, and renounce their allegiance to the crown of England, by which all the Scots who adhered obstinately to the English interest were forever exiled, and among others this *David de Strathbolgy Earl of Athol*. This, doubtless, heightened his resentment against Scotland, so that in the minority of *King David Bruce* he commanded a body of English troops, in support of *Edward Baliol's* claim and title to the crown, and in that service he was slain at the battle of *Kilblane*, in 1335 (k). He left issue by *Jean* his wife, eldest sister and co-heir to *John Cuming of Badenoch* (l), *David* his son and heir, who being outed and deprived of his estate here, was summoned to *Parliament* as an English baron, and used the stile and title in England as *Earl of Athol*; his male issue failed, and his two daughters were heirs to his English estate: *Elizabeth*, the elder, was married to *Sir Thomas Percy*, knight, son to *Henry Lord Percy*, and

(a) Coll. Title Athol, by *Sir James Balfour of Kinnsaird*, Lord Lyon King at Arms, in *Bib. Jurid.*  
 (b) *Rymer* litera excusatoria pro *Alexr. Baliolo* ab *Alexr. rege Scotiæ*. (c) *Dugdale's Baronage of England*. (d) *History of Scotland*. (e) *Dugdale's Baronage of England*. (f) *Register of the Abbey of Aberbrothock*, in *Bib. Panmure*. (g) *Rymer's Fœdera Ang.* (h) The Charter of the Constabulary of Scotland to *Sir Gilbert Hay* is dated the 12th of November 1316, as from the original I have seen, and have a copperplate of it. (i) *Rymer's Fœdera Angliæ*, ad annum 1327. (k) *Histories of Scotland*, and *Rymer's Fœdera*, where *John of the Isles* gets a gift of a part of the ward of *David* his son from the *King of England*. (l) *Dugdale's Baronage of England*.

Philippa, the younger, to Sir Ralph Percy, a younger son of the same Henry Lord Percy (*a*).

DAVID EARL OF ATHOL having refused to renounce his allegiance to England in the 1327, as is already observed in these memoirs, King Robert did then bestow the earldom of Athol upon a nephew of his own, Sir John Campbell of Moulin.

#### JOHN CAMPBELL EARL OF ATHOL,

Was the son of Sir Neil Campbell of Lochow, by the Lady Mary Bruce his wife, daughter of Robert Earl of Carrick, and sister to King Robert I. (*b*); and being a gentleman of virtue and merit, was, by the King his uncle, rewarded with the earldom of Athol, upon the exile of *David de Strathbolgy*, the former Earl of Athol, as hath been said. The erection charter is not extant in the public archives, but there are two authentic deeds of his as Earl of Athol, which I shall here insert. The first is a charter granted by King David II. "Roberto de Ersker" "militi domino ejusdem," of an annuity out of the borough mails of Dundee, together with the lands of Pitcarach, then in the crown, by the demise of John Campbell Earl of Athol (*c*). The other deed is a charter granted by "Johannis" "Campbell comes de Athole domino Rogero de Mortuo mari terrarum de Bil-landre, &c." and this charter is confirmed and ratified by another charter under the Great Seal of King David II. (*d*). But the grant of the earldom of Athol most certainly has been limited to the heirs-male of his body, since upon his death we see it fell back to the crown, and being at the sovereign's disposal, was meritoriously bestowed, by King David, upon Sir William Douglas of Liddisdale.

#### WILLIAM DOUGLAS EARL OF ATHOL,

Was the son of Sir James Douglas of Loudon, knight, who being in all respects a hero, and having performed many great and eminent services towards his sovereign and his country, in the time of King David II. of which all our histories are full, he had a grant from that prince of the earldom of Athol. The learned historian Mr David Hume of Godscroft says, that the charter in his time was in the register, and takes particular notice of the precise date, which he says was the 16th of January 1341 (*e*). He was before that time designed *Dominus vallis de Lydall*, and is witness in a charter granted by "Jacobus de Douglas dominus loci," "ejusdem Jacobo de Sandilands, et Eleonoræ de Bruce sorori suæ, de tota baronia" "de West-Calder in liberam maritagiam" (*f*). This William Douglas of Liddisdale, who had the earldom of Athol, made it over to Robert the Great Steward of Scotland, Earl of Strathern, and died without issue-male in the 1353 (*g*). He had got the barony of Dalkeith by the marriage of Margaret, daughter and heir of Sir John Graham of Abercorn, and which he made over to Sir James Douglas his nephew (*b*), and his estate of Liddisdale went to William the first Earl of Douglas.

Although the lands of the earldom of Athol were in the person of Robert the Great Steward of Scotland, and Earl of Strathern, both before and after his accession to the crown, by the name of Robert II. yet I have never once seen him designed *Comes Athole*; the reason I conjecture he made no grants out of the earldom, resolving, it would seem, to keep it still entire, as a part of the patrimony of

(*a*) Sir William Dugdale's Baronage of England. (*b*) Sir James Dalrymple's Collections, and with these several other authentic documents concur. (*c*) The Earl of Haddington's Collections from the Registers, while he was Register, in the Lawyers' Library. (*d*) The ingenious Mr Nisbet in his Treatise of Heraldry, page 294, says, he had seen the charter in the custody of Rait of Halgreen. (*e*) In his History of the family of the Earls of Douglas and Earls of Angus. Mr Home says, in his History, that the charter was in the Register, page 59, 16th of January 1341. (*f*) Charter I have seen in the hands of the Lord Torphichen. (*g*) Rymer's *Fœdera Angliæ*, ad annum 1353, mentions him then dead. (*b*) Charter in the Rolls of King David in the Register.

the crown : But after the accession of his son King Robert III. to the sovereignty in the 1390. he gave the earldom of Athol to David Earl of Carrick, Prince and Steward of Scotland, his eldest son, who thereupon, in several charters both in the public register and also in private hands, designs himself *David Comes de Carrick & Athole, ac senescallus Scottiæ*; and that even after he was created Duke of Rothsay by the king his father, by solemn investiture in Parliament, the 30th of April 1399 (*a*), and he kept the title of Earl of Athol till his death on Easter-day of the year 1402 (*b*), and thereupon the king resumed the earldom of Athol, and quickly after bestowed it upon his brother Sir Walter Stewart of Brechin.

#### WALTER STEWART EARL OF ATHOL, STRATHERN, AND CAITHNESS.

THIS prince was the younger of the two sons which King Robert II. the first of our kings of the Stewartine line, had by his royal consort Queen Euphame, daughter of Hugh Earl of Ross: he obtained the great barony and estate of Brechin in Forfarshire, by the marriage of Margaret, daughter and sole heir of Sir David Barclay of Brechin (*c*), and upon that he is designed *Dominus de Briben* (*d*); after the death of the Duke of Rothsay his nephew, his brother King Robert created and invested him, as the manner was, in the honour and dignity of the Earl of Athol, *per cincturam gladii comitatus*. The precise date of the creation I have not seen in any voucher that has come in my way: but on the 5th of June 1403, he is designed *Walterus Comes de Athole*, in letters of safe conduct by the King of England, allowing him to come into his dominions the length of St Thomas of Canterbury, with a retinue of a hundred persons in his company. I presume it has been, as was usual at that time, to pay devotions to the shrine of Thomas a-Becket, who was canonized by the Church of Rome; though, in truth, he appears to have been a right turbulent man. Upon the death of David Earl of Strathern, without heirs-male of his body, the Earl of Athol succeeded to the estate of the earldom of Caithness, and likewise assumed the title of *Comes Caithania*, as well as *Atholia*: To vouch this there is a passport or safe conduct from the Crown of England, permitting *Walterum Stuart Comitem de Athole & Caithness* to come into England, the 10th of April 1421: It was to concert measures towards the restoration of his nephew King James I. (*e*); to which, to do him justice, he contributed with all possible zeal; and how soon the restoration was effected, he was in the highest favour without any outward diminution on the king's part that was visible, till the day of his death. He was Great Justiciary of Scotland (*f*), and the king strove to heap favours on him; for quickly after his restoration he gave him the earldom of Strathern for life (*g*); much about the same time he resigned the earldom of Caithness in favour of Allan Stewart his second son, who thereupon was invested in the honour, and the earldom provided to the heirs-male of his body; which failing, to return to his father; which actually happened, on his death without issue, in 1428; for he was slain at the battle of Innerlochy that year, leaving no child behind him; so the earldom of Caithness returned to his father the Earl of Athol again; and upon that I find him in an authentic original deed, in the custody of the Lord Gray, which I have seen, wherein he is designed *Walterus Comes Palatinus de Strathern, Athole & Caithness*, of the date the 8th of September 1438.

I have ever thought this Earl of Athol one of the very worst of men; for no favour could oblige him, nor courtesy tie him to his duty; for the king, his nephew, had done all that was possible that way; but such was the perverseness of his own natural disposition, that all the favours and honours the king had in a manner pursued him with could make no impression on him, though it appears that the king had no suspicion of his infidelity to himself, for he not only employ-

(*a*) Fordan and the Chartulary of Murray. (*b*) Liber Episcopatus Dunblanen. MSS. penes Mr Ker. (*c*) Charter in the register of charters, and are printed in Mr Hay's Collection of Charters. (*d*) Rymer's *Fœdera Angliæ*. (*e*) *Ibidem* ad annum 1421. (*f*) Decree pronounced by him at Foulis in the hands of the Laird of Abercainry. (*g*) Charter in the register.

ed him in the public transactions of the greatest importance, but also in the offices of nearest trust about his royal person: but, monstrously wicked as he must have been, what in all the world could induce him to contrive the murder of his nephew and sovereign, who had by his bounty and favour made him so great, that the king himself on the throne was only greater than he. It could not possibly be the view of succeeding to the crown, for the king had a son of his own, and his elder brother of the full blood, the Earl of Strathern, had issue, though they were females, who were a bar in his way to the succession; nor can it be imagined that he had any notion that he had a nearer title, or a preferable right to the crown than the king, for he well knew that Lady Elizabeth Mure was his father's first and lawful wife, the king's grandmother, and that the children of that marriage did seclude from the succession the issue he had by the Earl of Athol's mother, who was but the king's second wife; this could never be his view; for the estates of parliament, upon his father Robert II.'s coming to the crown, had by a very solemn deed recognised the right of succession in favour of all the three sons he had by his first wife, as his lawful and undoubted heirs and successors; and it was but in failure of these that the crown was to descend to his brother the Earl of Strathern, and him as the issue of the king's second marriage allearly in failure of his three elder brothers (*a*), John Earl of Carrick, who came to the crown by the name of Robert III., Robert Duke of Albany, and Alexander Earl of Buchan.

But what black views he had God only knows. Yet certain it is that he entered into a most hellish conspiracy to murder his sovereign and nephew. The principals concerned with him in this most wicked machination were, Robert Graham, a son of the House of Kincardine, and his own grandson Robert, Master of Athol, who was of the Bed-chamber to the king, and so had the more easy access to the court unsuspected; they drew in one Christopher Colquhoun, and Robert Chalmer, burgess of Perth, to concur with them, and some lower people who depended on them, to commit the regicide, which, in short, they found means to execute, while the king lay at the convent of the Carthusians near the town of Perth, the 12th day of February 1438 (*b*); the earl and his accomplices were all quickly apprehended and brought to justice, and he suffered the pains of law due to such an unnatural regicide, in a most exemplary manner famous over all Europe. The particular tortures he underwent are in all our histories, and for that reason I do not judge it necessary to transcribe them here. However, I may here remark, that this Earl of Athol at the very last did an act of justice to Sir Thomas Maule of Panmure, who was his wife the Countess of Athol's nearest heir, for, just before he went out to his execution, he emitted a judicial declaration, importing, that the baronies and lordship of Brechin had been held by him in courtesy of his wife Dame Margaret Barclay, daughter and heir of Sir David Barclay of Brechin (*c*), and that the right to that estate after himself did belong to the said Sir Thomas Maule of Panmure, in right of his grandmother Marion, only daughter of Sir David Fleming of Biggar by Jean his wife, daughter of Sir David Barclay of Brechin; Sir Thomas accordingly laid claim after the Earl of Athol's death to the lordship of Brechin; but that being by the ministry in the minority of King James II. adjudged to be included in the Earl of Athol's forfeiture, Sir Thomas recovered only the lands of Hedderwick, Jackston, and Stoddockmuir, with Leuchlands, part of the lordship of Brechin, in lieu of the whole, though the family afterwards recovered the whole barony, and was one of the subaltern titles of the family of Maule, when they were raised to the peerage of Earl of Panmure. Upon the death of the Earl of Athol, the earldom of Caithness, together with the honour of *Comes Catbania*, was, by King James II. erected to his great favourite Sir George Crichton of Cairns, *et suis assignatis*, anno 1452 (*d*), and the title and earldom of Athol to his uterine brother Sir John Stewart of Balvany.

(*a*) Act of Parliament still extant in the registers, and which Mr Hay has printed in his Collection of Charters from the archives. (*b*) Buchanan and the other historians. (*c*) Charter in the Register of Charters. (*d*) *Ibidem*.

## STEWART EARL OF ATHOL.

THIS illustrious branch of the royal family of the Stewarts were lineally descended of Sir John Stewart of Bonkill, son of Alexander Lord High Stewart of Scotland, brother of James Lord High Stewart, and great uncle to King Robert II. This Sir John Stewart, in the *Fœdera Angliæ*, and in Prynne's History, is designed *frater germanus Jacobi Senescalli Scotiæ*. He was a gallant brave man, and lost his life in the service of his country, against the English at the battle of Falkirk, the 22d of July 1298 (i). He left issue by Margaret, his wife, daughter of Sir Alexander de Bonkyll of Bonkill (b), several sons who laid the foundation of several noble and illustrious families.

ALEXANDER STEWART of Bonkill, the eldest son, was created Earl of Angus by King Robert I. upon the exile of the English family of the Umphravilles, who had been Earls of Angus, anno 1327. This noble family of the Stewarts, Earls of Angus, ended in a daughter, Margaret, Countess of Angus, daughter and heir of Thomas Earl of Angus, who made over his estate to George Douglas, her son, by William, first Earl of Douglas (c), and of whom the present Duke of Douglas is the lineal heir, and who, upon that account, quarters the coat of Stewart in his Grace's achievement.

SIR ALLAN STEWART of Dreghorn, another son, of whom, by writs and documents, were lineally descended the Stewarts of Darnly, and Earls and Dukes of Lennox.

SIR JAMES STEWART of Pierston, another of his sons, was the original ancestor and founder of the illustrious Houses of the Stewarts of Lorn, Innermeth, and Athol (d). This Sir James got a charter from King Robert I. of the lands of Pierston and Warwickhill, in *baronia de Cuningham* (e). In the deed he is designed *Jacobus Senescalli filius quondam Domini Johannis Senescalli, militis*. He was slain with two of his brothers, Allan and John, at the battle of Halidonhill, in the 1333 (f). He left behind him three sons, Sir John Stewart, designed of Pierston, in a charter in the registers in the 1356 (g). He had after that a charter from King Robert II. of the lands and barony of Kelly in Forfarshire, in the 1384 (h). He left only one daughter, his heir, who married Sir William Douglas, who, upon that, comes to be designed *Dominus de Pierston* (i), whose estate came to his three heirs-female; Agnes married to John Blair of Adamton, Margaret to Archibald Crawford of Thirdpart, and a third to Robert Barclay; who all make over their respective shares of the barony of Kelly to William Ochterlony, in the 1444 (k). The second son of Sir James Stewart of Pierston was Sir Robert Stewart, first designed of Shandbothy, and then of Innermeth. He had a charter of the lands of Shandbothy from his cousin *Thomas de Moravia Dominus de Bothwell* (l). He, *Robertus Senescal de Shandboth*, in the 33d of King David II. gets a charter of the lands of Dalziel, in the shire of Lanark, then in the crown, by the forfeiture of *Robert de la Wall* (m). The same *Robert Senescal Dominus de Shandbothy* on the 8th of March, the 38th of King David, gets a charter of the one half of the barony of Redcastle, in the county of Forfar, on the resignation of Sir Andrew Campbell, who was of Loudon (n). He comes afterwards to be designed of Innermeth, and by that title he is witness to a donation by Walter Murray of Tullibardin in the 1362, to the abbey of Culross; and in the Parliament of Robert II. held at Scone, April 4. 1373, he is designed *Robertus Senescallus de Innermeath* (o). And

(a) In this all our histories concur, but more particularly the learned and ingenious Mr David Simpson, in his history of the Stewarts, published in the 1711. (b) Ibidem. (c) Charter in the hands of the Duke of Douglas, and printed in the Peerage: and with this concurs several charters in the custody of the Lord Torphichen. (d) Mr Simpson's history of the royal and illustrious family of the Stewarts. (e) Charta in publicis archivis. (f) Fordun. (g) In a charter by Johannes Maxwell Dominus ejusdem of the church of Libberton, to the abbacy of Kilwinning. (h) Charta in registro. (i) Charta penes Will. Fullarton, de eodem, ad annum 1391. (k) Penes C. Panmure. (l) In the charter-chest of Stewart of Rosyth. (m) In the custody of Dalziel. (n) Charter in the public registers of King David II. (o) Mr Simpson's account of the House of Rosyth, from the writs which he said he had perused.

by the same title and designation he gets a charter of the lands of Durisdeer, on the resignation of Alexander Menzies of Redhall (*p*). He died in the 1384, and left behind him two sons, Sir John Stewart of Innermeth and Lorn, and Sir Robert Stewart, who gets a charter from his brother, John Stewart of Innermeth, of an annuity of L.20 Sterling, payable out of the barony of Durisdeer which is confirmed under the Great Seal of King Robert II. the 20th of April, the 15th of his reign (*q*). And after that, the same Robert Stewart of Durisdeer, has a charter of the lands of Durisdeer, on the resignation of John Stewart of Innermeth, his brother, bearing date April 18. 1388 (*r*). This Sir Robert Stewart was the ancestor of the Stewarts of the family of Rosyth in Fife, and Craigiehall in Linlithgowshire.

Sir JOHN STEWART of Innermeth, son and heir of Sir Robert Stewart of Innermeth, succeeded his father, and obtained the great barony of Lorn in Argyleshire, by the marriage of Isabel, the daughter and heir of *Eugene de Ergadia* of Lorn, a great family of the Macdonalds; upon that he comes to be designed *Johannes Senescallus de Innermeath, Dominus de Lorn*, both in the *Fœdera Angliæ*, in the 1407, and in a charter to Malcolm Oliphant of the land of Haslehead in anno 1412 (*s*). He left issue by Isabel, his wife, aforesaid.

ROBERT STEWART of Innermeth and Lorn, who was created a baron and baronet, and a Lord of Parliament by King James II. by the title of Lord Lorn (*t*), of whom afterwards.

Sir JAMES STEWART, Knight, commonly called the Black Knight of Lorn, the paternal ancestor of the Earls of Athol (*u*).

ALEXANDER, a third son, who had in patrimony the lands of Banchory in Clackmananshire, as appears by his charter from his father; of whom is descended Sir George Stewart of Grandtully, in a lineal course of succession from a connected progress of writs I have seen (*v*). He had also a daughter, Christian, who was married to Sir David Murray of Tullibardin, paternal ancestor to his Grace the Duke of Athol (*w*), and had issue.

This Sir James Stewart, the Black Knight of Lorn, as he is usually designed by the historians, being a gentleman of birth and merit, and withal a handsome graceful young man, the Queen Jane Dowager of James I. daughter of John Duke of Somerset, son of John of Gaunt Duke of Lancaster, son of Edward III. King of England, made choice of him, among all the nobility of Scotland, to be her husband, and sharer in her royal bed: upon this marriage with the Queen he thought he had a good title to get into the administration; but the ministry, in the minority of King James II. kept a watchful eye over him and the Queen his wife, that they might not get the young king into their hands, and, under the shadow of their authority, to rule at his pleasure; at least they apprehended so. The Lord Crichton, the Prime Minister, being a wise sagacious prudent man, having discovered some tampering the queen and her husband had with those to whom the care of the king's person was intrusted, to decoy him into their power, upon which Sir James Stewart was committed to prison, from whence he was not released till the Earl of Huntly bailed him for his good behaviour for a very great sum of money in those days.

Sir JAMES STEWART being a high-spirited man, and taking himself to be much neglected by the ministry, he chose rather to leave the country and go beyond sea; accordingly, in the 1448, he obtained a passport to himself and James Stewart his second son, and some servants in his retinue, to pass through England, or to come into that realm. In his passage to foreign parts he was taken at sea by some Flemings, and carried to Flanders, where, not long after, he died, but left issue by the Queen Dowager, his wife, three sons,

Sir JOHN STEWART of Balveny, afterwards honoured by the title of Earl of Athol.

(*p*) Rosyth writs. (*q*) The original charter I have seen in the custody of the Duke of Douglas, also in Mr Simpson's Collections. (*r*) The account of the Stewarts of Rosyth, done from the writs of the family, by Mr Simpson, in my own custody. (*s*) The original charter I have seen in the hands of Laurence Oliphant of Gask. (*t*) Liber Culross MSS. and Mr Thomas Crawford's notes on Buchanan. (*u*) All our historians concur in this. (*v*) Original charter which I have seen in the hands of Sir George Stewart of Grandtully, dated the 10<sup>th</sup> of June 1491. (*w*) Writs of the family of Tullibardin, and her arms impaled on the College of Tullibardin.

Sir JAMES STEWART of Auchterhouse, thereafter Earl of Buchan, who was Great Chamberlain of Scotland in the reign of King James III. (*a*), of whom the Stewarts Earls of Buchan, and the Earl of Traquair, are lineally descended.

ANDREW, the third son, was bred to the church, and taking holy orders was made a Prebend and Canon of Glasgow (*b*), and Rector of Monkland in the 1456: After that he was preferred to the Provosty of Lincluden, *anno* 1477, and constituted Lord Privy Seal, then void by the death of Bishop Tulloch, *anno* 1482 (*c*), and the same year was preferred to the Episcopal See of Murray, and was consecrated according to the ancient form; here he sat and exercised the duties of his function till his death in the 1501 (*d*), and was interred in the choir of the Cathedral Church of Elgin.

Sir JOHN STEWART of Balveny, uterine brother to King James II. was in a high degree of favour with that prince, and, by the king's special countenance, he obtained in marriage the Lady Margaret Douglas, daughter and heir of Archibald Duke of Touraine and Earl of Douglas, and widow of William Earl of Douglas, with whom he got in marriage portion the lands and barony of Balveny, then in the crown by the forfeiture of Sir John Douglas, brother to the Earl of Douglas, and soon thereafter was invested in the honour and dignity of Earl of Athol in the 1457; for, in the *Fœdera Angliæ*, there is that year a truce and peace concluded with England, and he, John Earl of Athol, is one of the conservators for the part of Scotland. In the 1460 King James his brother gives him a charter, "terra- rum domini de Balveny a dilecto fratri suo Johanni Stuart Comiti Atholie" (*e*), and he takes a new investiture of his estate of the earldom of Athol from his nephew King James III. "de toto et integro comitatu Atholie, et terris ejusdem comitatus, exceptis terris de Drumquhule et hæredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus deficientibus nobis et hæredibus nostris reversuris." The charter is dated the 18th of March 1480 (*f*). History represents this earl to have been a wise prudent man, as well as gallant and brave. As the king's lieutenant, he was highly instrumental in suppressing the rebellion of the Earl of Ross, and bringing him to submit to the king's mercy: For this piece of acceptable service he had a grant of many lands from the crown that had belonged to the Earl. And further, to express his success in suppressing that rebellion, he got assigned him, or he assumed to himself, that device or motto, that is to this day borne by his successors, on the achievement of the family, *Furth fortune and fill the fetters*. In the fatal disputes betwixt King James III. and some of the nobility, the Earl of Athol set himself all that was possible to soften the king, and to bring the disaffected nobility to a sense of their duty; and when things were come to a crisis, that the king, for the security of his person, retired to the castle of Edinburgh, he could not think of trusting the command of it to any other but to his uncle the Earl of Athol (*g*), an order being directed to the Lord Darnly, the former governor, to that effect. In the 1484 he was one of the conservators of a peace that was then agreed to with the English, in order, as he had reason to suspect, the better to be in a condition to settle the distracted state of his own country, that was rent in pieces by intestine animosities and broils, and which he had all along strenuously studied to compose. It seems very plain, that though the Earl of Athol did not approve of some steps and measures the king had taken, in reference to the administration, towards the end of his reign, yet he did not conceive that those mistakes could dissolve his allegiance, or discharge him from that duty, as a faithful and loyal subject, he owed to his sovereign: For when the king thought himself obliged to take the field, for the vindication of his honour, and to support the dignity of the crown, the Earl of Athol, his uncle, repaired to his standard, with a great body of men, such as he could easily raise. Some of our historians (*h*) say, there were with the king, in all, at the field of Bannockburn, ten thousand Highlandmen with bows, that they made up the van of the army, and that they were commanded by the Earls of Athol and Huntly.

(*a*) Lives of the Officers of State. (*b*) Chartulary of the College of Glasgow. (*c*) Charta in publicis archivis. (*d*) Ibidem. (*e*) In the public records of the Great Seal, Book 6. Charta 97. (*f*) Also in the public records, Book 5, Charta 1. (*g*) Our historians, Leslie, Buchanan. (*h*) Mr Lindsay of Pitcairney in particular.

The fate of that day every one knows, the unfortunate king was slain, and the Prince, James IV. came to the throne. I do not find that the Earl of Athol, after this, was concerned in the administration; I have ground to believe, his principles being quite opposite to those who were in power, and the ministry, he did not care to mix in their councils or deliberations; and, I fancy, they were well enough pleased to be quit of so great a man that was capable to have controlled their actings at that time, and to have set things in another kind of light than they intended they should be seen in, or that the world should have a view of: However, he now understood, that submission to the new king was as much his duty as it was to his father, while he was alive, and could not be wrought on to join with the Earl of Huntly, the Lord Forbes, or the master of Lennox, who all set up in different quarters of the country, to revenge the late king's death; for the earl well knew the dismal effects of a civil war in the bowels of the kingdom, and that it could have no other end but a deluge of blood, rapine, and confusion, especially seeing there was no usurper on the throne, no prince secluded from his right of succession to the crown, and the king then in being had the same right to their allegiance as his father James III. had while he was alive.

This noble Earl married first, as we have before observed, Lady Margaret Douglas, daughter of Archibald Duke of Touraine, and Earl of Douglas, by whom he had only two daughters, Jean, who was married to Alexander, third Earl of Huntly, ancestor to the present Duke of Gordon, and had issue (*a*); and Katharine to John Lord Forbes, and had issue (*b*).

He married next Lady Eleanora St Clair, daughter of William Earl of Orkney and Caithness, who was Lord High Chancellor in the reign of King James II. by whom he had a numerous issue.

JOHN, his eldest son, the next succeeding Earl of Athol.

ANDREW, the second son, who was bred to the church, and in orders, was Prebend of Craig (*c*); and, on the death of Bishop Brown of Dunkeld, in the 1515, was postulate bishop of that see, by such of the prebends as were present, and his title was supported by the Duke of Albany the regent, against Gavin Douglas the Earl of Angus's brother, who had been preferred by the interest of the Queen Regent. At length the matter was agreed and composed by the prudent mediation of their friends, on these terms, that Mr Stewart should keep what of the revenues of the bishoprick he had formerly received, and possess the churches of Alyth and Cargill, paying to the bishop certain chalders of victual. The Governor of Scotland wrote to the Pope to confirm the agreement, wherein he says, that Mr Stewart, the Earl of Athol's son, was "Regio sanguine ex utroque parente procreatum (*d*). In the 1518 he was preferred to the Episcopal See of Caithness, then void by the death of Bishop Stewart, who had been Lord Treasurer (*e*), where he sat for the space of twenty-two years, even to his death in the 1542 (*f*). Besides these two sons the Earl of Athol had, of his second marriage, nine daughters, who brought a great and numerous, as well as an illustrious alliance to the family.

ELIZABETH, who was married to Andrew Lord Gray of Foulis, who was Justice-General of Scotland in the reign of King James IV. (*g*), and had issue.

JEAN to Sir Robert Gordon of Pitlurg (*h*), and had issue.

CATHARINE to Niel Stewart of Bruich, but had no issue (*i*).

ISABEL to Alexander Robertson of Struan, elder (*k*), and had issue.

————— to Donald Robertson of Struan, younger, but had no issue.

MARGORY to Sir Colin Campbell of Glenorchy, ancestor to the Earl of Breadalbane (*l*), and had issue.

(*a*) Many authorities concur in this, both in the writs of the respective families, and the Registers. (*b*) Balfour's Collections in Bib. Jurid. (*c*) Life of Gavin Bishop of Dunkeld, and Dr Miln's Lives of the Bishops of Dunkeld. in Bib. Jurid. (*d*) Collection of State Letters of King James IV. in the Lawyers' Library, and of late published by Mr Ruddiman. (*e*) Lives of the officers of State. (*f*) Bishop Spottiswood's List of the Bishops of Caithness. (*g*) Writs of the House of Gray, and in the registers. (*h*) Gen. Gordonie. (*i*) This lady is set down by Sir James Balfour in the number of the daughters of this Earl of Athol. (*k*) I have seen a charter to them in the 1505, and also in Sir James Balfour's List. (*l*) Genealogy of the House of Glenorchy, and that of the House of Athol.

MARGARET to Sir William Murray of Tullibardin, the ancestor of the present Duke of Athol (*a*).

ANNE to John Earl of Lennox, whose son, Matthew Earl of Lennox, was regent to his grandson King James VI. in his minority: So this way we may observe, that all those princes that are descended of our King James VI. and the first monarch of Great Britain, have the blood of the Stewarts of the House of Athol running in their veins.

This John Earl of Athol died on the 19th of September 1512 (*b*), and was interred in the Cathedral Church of Dunkeld, his estate and honour devolving on his son and heir

JOHN, the second of this line, Earl of Athol: He married Mary, daughter of Colin the first Earl of Argyle, who was Lord Chancellor in the reign of James IV. (*c*). by whom he had two sons, John, his heir, and Sir James Stewart, who had no succession (*d*); also he had several daughters:

JANET, the eldest, was married first to Alexander, Master of Sutherland, son and heir-apparent of Adam and Elizabeth Earl and Countess of Sutherland (*e*), and had issue; next to Sir Hugh Kennedy of Girvanmains (*f*), and had issue; after that to Henry Stewart, the first Lord Methven, brother to the Lord Ochiltree, and who had been formerly married to Margaret Queen Dowager of King James IV. (*g*) and had issue to him also; and, last of all, she married Patrick Lord Ruthven (*h*), but had no issue.

HELEN, the second, was married to John Lord Lindsay of the Byres (*i*), the paternal ancestor of the present Earl of Crawford and Lindsay.

ELIZABETH, the third, to Colin Mackenzie of Kintail (*k*), predecessor to the Lords Kintail and Earls of Seaforth, and had issue.

JEAN, the fourth, to James Arbuthnot of that ilk, ancestor of the present Viscount of Arbuthnot, and had issue (*l*).

ISABEL, the fifth, to James Herring of Lethendy and Glascuine, in the county of Perth, and had issue (*m*).

JOHN, the third of this line of the Earls of Athol. Of this Earl, it is remarked by the history, that he lived like a sovereign prince, and had his degrees of gentlemen about him: He was famous for his great hospitality, and his magnificent way of living. In the summer of the year 1529 he had the honour to entertain King James V. the Queen Dowager, and the pope's nuncio, or resident in Scotland for the time, at a hunting in Athol, for three or four days, in all the grandeur of a king, and was served, says the author, in every respect as well and as great as if he had been in any of his own palaces. The historian, from whom I take this, is Mr Lindsay of Pitscotty, an ingenuous, plain, honest gentleman, whose history is not long ago published; so the account of this grand entertainment I shall give in his own words.

“ The next summer the king past to the Highland to hunt, and took with him  
 “ his mother Margaret Queen of Scotland, and an ambassador of the Pope who  
 “ was in Scotland at the time: The Earl of Athole, hearing of the king's coming,  
 “ made great provision for him, in all things pertaining to a prince; that he was  
 “ as well served and eased with all things necessary to his estate, as if he had  
 “ been in his own palace at Edinburgh. For I heard say, that this noble earl  
 “ gart make a curious palace to the king, to his mother, and to the ambassador,  
 “ where they were so honourably eased and lodged as they had been in England,  
 “ France, Italy, or Spain, concerning the time and equivalent for their hunting  
 “ and pastime, which was builded in the midst of a fair meadow, a fair palace of  
 “ green timber, wind with great birks, that were green both under and above,  
 “ which was fashioned in four quarters, and in every quarter and nuke thereof a

(*a*) Writs as well as Balfour's Collections relating to Athol. (*b*) Holinshed's History. (*c*) Exact Account of the Matches and Alliances of the House of Athol, supported from writs I have seen. (*d*) Sir John Scott's Memoirs of the Scots Statesmen, MSS. (*e*) Writs of the House of Sutherland, and in the registers. (*f*) Ibidem. (*g*) Writs in the registers and elsewhere I have seen. (*h*) Mr Knox's History. (*i*) Charter to them in the register in 1526, and other authorities. (*k*) Ibid. (*l*) Ibid. (*m*) Ibid.

“ great round, as it had been a block-house, which was lofted and geisted the  
 “ space of three house height ; the floors laid with green sharets, medwarts, and  
 “ flowers, that no man knew whereon he zeid, but as he had been in a garden.  
 “ Further, there were two great rounds in ilk side of the gate, and a great port-  
 “ cullis of tree, falling down with the manner of a barrace, with a draw-bridge,  
 “ and a great stank of water, of sixteen foot deep and thirty foot of breadth.  
 “ And also this palace was hung with fine tapestry and arresses of silk, and  
 “ lighted with fine glass-windows in all airths ; that this palace was costly decored  
 “ with all necessaries pertaining to a prince, as it had been in his own royal palace  
 “ at home. Further, this earl gart make such provision for the king and his  
 “ mother, and the ambassador, that they had all manner of meats, drinks, and  
 “ delicacies, that were to be gotten at that time in Scotland ; that is to say, all  
 “ kind of drink, as, ale, beer, wine, both white and claret, Malvasy, Muskadel,  
 “ Hippocras and aquavitæ. Further, there was of meats, wheat-bread, main-  
 “ bread, ginge-bread ; with fleshes, beef, mutton, lamb, veil, vennison, goose, grice,  
 “ capon, coney, cran, swan, partridge, plover, duck, drake, brissel-cock, and  
 “ pawnies, black-cock, and muir-fowl, capercaillies : and also the stanks that were  
 “ round about the palace were full of all delicate fishes, as salmonds, trouts,  
 “ perchies, pikes, eels, and all other kind of delicate fishes that could be gotten  
 “ in fresh waters ; and all ready for the banquet. Syne were there proper stew-  
 “ ards, cunning baxters, excellent cooks and potingars, with confections and  
 “ druggs for their desert ; and the halls and chambers were prepared with costly  
 “ bedding, vessel, and napry, according for a king ; so that he wanted none of  
 “ his orders more than he had been at home in his own palace. The king re-  
 “ mained in this wilderness three days and three nights at the hunting, and his  
 “ company, as I have shown. I heard men say, it cost the Earl of Athole every  
 “ day, in expences, a thousand pounds. The ambassador of the Pope, seeing this  
 “ great banquet and triumph made in a wilderness, where there was no town near  
 “ for twenty miles, thought it a great marvel that such a thing could be in Scot-  
 “ land, considering that it was named *The arse of the world* by other countries ;  
 “ that there should be such honesty and policy, and especially in the High-land,  
 “ where there was but wood and wilderness. But most of all, the ambassador  
 “ marvelled to see, that when the king departed, and all his men took their leave,  
 “ the Highlandmen set all this fair palace in a fire, that the king and the am-  
 “ bassador might see it. Then the ambassador said to the king, I marvel, Sir,  
 “ that you should thole yon fair palace to be brunt, that your grace has been so  
 “ well lodged in. Then the king answered the ambassador, and said, It is the  
 “ use of our Highlandmen, though they be never so well lodged, to burn their  
 “ lodgings when they depart (a).”

This noble hospitable earl married first Grizel, daughter and at length sole heir of Sir John Rattray of that ilk, (b), a very ancient family in the county of Perth, by whom he had only one son, his heir, John, Master of Athol, and six daughters,

MARGARET, the eldest, who was married to John Grant of Freuchie, the Laird of Grant (c), and had issue.

JEAN, the second, to John Otterburn of Reidhall, son and heir of Sir Adam Otterburn of Reidhall, who was Lord Advocate to King James V. (d), and had issue. The lineal heir of this family is Alexander Hamilton of Innerwick, Esq.

———— the third, to the Laird of Balfour (e).

———— the fourth, to ——— Wood of Balbigno, in the county of Forfar (f).

ELIZABETH, the fifth, was married to William Stewart, at that time son and heir-apparent of Thomas Stewart of Grandtully (g), and had issue.

(a) History Pittscotty, page 147. (b) Charta in publicis archivis. (c) Charta penes Grant, I have seen, in 1555, and likewise from the Registers of Parliament in 1565. (d) Writs to this gentleman, in the Registers of the Privy Seal, and his lady, wherein she is designed sister-german to the Earl of Athol. (e) Balfour's Collections, title Athol. (f) Balfour's Collections, title Athol. (g) Charta 1552.

BARBARA, the sixth and youngest daughter, was married to Robert Menzies, at that time ove and apparent heir of James Menzies of that ilk, and of Weem (*a*), and had issue.

He married to his second wife, Janet, daughter of John Lord Forbes (*b*), but by her he had no issue; and dying much about the same time with James V. in the end of the 1542, was succeeded by his only son and heir,

JOHN, the fourth earl of this line of the House of Athol, who was young at his father's death: There is nothing to be met with in history, or any other voucher that I have had access to see, during the progress of the reformation of religion, relating to him, for, being strongly attached to the oid religion, he opposed the new settlement all he could; for when the system of the reformed doctrine was to be ratified, and to receive the sanction of a law in the Parliament 1560, this earl, with the Lords Borthwick and Somerville, were the only three peers who dissented from it; they, in the argument, said they would believe as their fathers had done before them (*c*).

The Earl of Athol being a zealous Roman Catholic, it is like enough was none of the least motives that induced the queen, in the 1561, to call him to her Privy Council, where he served her majesty with all obsequiousness and possible zeal: He forwarded all he could the marriage betwixt her and the Lord Darnly, and perhaps not the less that that young lord had been papist, professed that religion, and was his near kinsman and namesake too.

About this time her majesty, the more to oblige the Earl of Athol, and to tie him to her interest, was pleased to give him a commission of judiciary in the northern part, that he might be able more to curb and to overawe his powerful neighbours, whose loyalty the queen had at that time begun to suspect (*d*). His lordship was, among other of the favourites, present at the baptism of the prince King James VI. after the popish manner, yet was never questioned for it as others were: The reason seems to be, that he was not of the protestant communion, else, considering the zeal of the times, he could scarce have escaped the censures of the church for it.

Shortly after this, his friend King Henry being barbarously murdered by the Earl of Bothwell and his accomplices, that impious fact the Earl of Athol laid exceedingly to heart; and though he was and still continued a zealous Roman Catholic, yet was among the most forward and leading of all the nobility, who started his suspicion, that the Earl of Bothwell, who had so villanously murdered the father, might practise the same impiety upon the prince the son; and thereupon moved, in a convention of the nobility, that an association might be entered into for the preservation of the young prince, and the bringing the regicides to speedy justice. But, that point being carried, he would go no farther length with the associators; for Sir James Melville says, That the Earl of Athol still bore a great love to the queen, and had compassion on her estate, and entered into the enterprize of the association only for the safety of the prince, and the punishment of the king's murder. But after that the queen was induced to resign the crown, as weary of the pains and travail of government; and desiring that in her lifetime her son might be placed in the kingdom, as was given out, the Earl so far concurred in the new settlement, that, with many others of the nobility, he entered into a bond of association, wherein they promise and bind themselves to assist their king, in setting him on the throne, and putting the crown on his head, and that they shall give their oaths of homage and dutiful obedience to him as becomes true subjects, and shall concur in establishing him in his kingdom, and resist all such as should oppose it (*e*). Besides this bond, the Earl of Athol entered into a second bond in April 1569, wherein his lordship and the rest of the subscribers did not only acknowledge the young prince's authority, but likewise the authority of the Earl of Murray as regent.

(*a*) Charta in registro Roberto Meinzies apparenti heredi et nepoti Jacobi Meinzies de Eodem, et Barbaræ Stuart sponse sue sorori germanæ Joannis comitis Atholæ, ad annum 1556. (*b*) Charta in publicis archivis. (*c*) Archbishop Spottiswood's History of the Church of Scotland. (*d*) Records of Parliament 1566. (*e*) Original bond in the Library of the College of Glasgow, and published by Sir James Dalrymple.

But though the Earl of Athol went as far as any man in securing the prince, and settling him on the throne, yet he could never be induced by the party to go on in their courses in defaming the queen, a thing he infinitely abhorred, as dishonourable to the nation; for, being a wise man, and clearly foreseeing a storm gathering, he resolved betimes to shelter himself in a voluntary retreat, and thereupon withdrew to his seat in the country, where he lived in great splendour; by which he enjoyed the greatest tranquillity of any great man in the kingdom, throughout the whole boisterous times that ensued, till the king's acceptance of the government in his own person in the 1577, at which time his majesty having, with advice of the nobility and estates, named a new Privy Council, his Lordship was called to the board, and being a nobleman of most accomplished parts, and much valued and esteemed by the party who guided the Court, he was constituted Lord High Chancellor. His acceptance of this great office is thus entered in the council records. "Stirling, 29th March 1577. The which day, John Earl of Athole being nominate and elected Chancellor of the Realm, gaird his aith, in presence of the King's Majesty and Lords of Secret Council, for due and lawful using the same as appertains, as he would answer to God and his Highness, upon his charge and peril." But before he had enjoyed the office above one year, being called to Stirling to settle some quarrels among the friends of the family of Marr, anent the custody of the young king, and the government of Stirling castle, which the king had resolved to have removed without any noise; and matters being seemingly adjusted, the old Countess of Marr, or the Earl of Morton in her name, invited the Chancellor to an entertainment; while they were drinking hard, some body or other conveyed a deadly poison into the Chancellor's glass, of which he died four days after, 24th April 1579: Some blamed the old Countess of Marr for it; others suspected the Earl of Morton at the bottom of it. So much is certain, his friends thought he had got foul play, that they sent for surgeons to Edinburgh, to open the body; and though they declared upon oath that they found no mark of poison, or of any violence done to the deceased, yet the Countess of Athol and the Earl her son entered a protest, that the trial of the council should not prejudice the criminal process, which they intended before the Justice-General. He was on the 4th July thereafter interred in the south aisle of St Giles's church at Edinburgh, where there is a monument erected over his grave; on the head of the tomb there is placed a pelican vulnerate feeding her young with her blood, the emblem of affection of parents to children, and is used as a device here, to show the love and affection this noble lord ever carried towards his country; "Ostendens," says my author, "illum fuisse paratum pro civium salute sanguinem suum profundere (a)."

The Earl of Athol, the Chancellor, married first Elizabeth, daughter of George Earl of Huntly, by whom he had two daughters,

ELIZABETH, who was married to Hugh Lord Fraser of Lovat, next to Robert Earl of Lennox and March, and last to James Stewart Earl of Arran.

MARGARET, to George Lord Abernethy of Salton.

He married to his second wife, Margaret, daughter of Malcolm Lord Fleming, Lord High Chamberlain, ancestor to the Earl of Wigton, by whom he had John his heir and successor, and three daughters.

GRISSEL, the eldest who was married to David Earl of Crawford, and had issue.

JEAN, the second, to Sir Duncan Campbell of Glenorchy, ancestor to the Earl of Breadalbane, and had issue.

ANNE, the third daughter, to Francis Earl of Errol, but had no surviving issue.

To John Earl of Athol, the Lord Chancellor, succeeded his son and heir JOHN the fifth and last of the Earls of Athol of that race: He married Mary Ruthven, eldest daughter of William Earl of Gowrie, who was Lord Treasurer in the reign of King James VI. (b), by Dame Dorothea Stewart his wife, daughter of Henry Lord Methven; he had two sons, who both died in their infancy (c), and four daughters, who were his heirs.

(a) Johnstoni historia rerum Scoticarum. (b) Lives of Officers of State. (c) Sir James Balfour remarks this, and he lived near the time.

Lady DOROTHEA, the eldest, who was married to William the second Earl of Tullibardin, and had issue.

Lady MARY, the second, to James Earl of Athol and Lord Innermeth, but had no succession.

Lady JEAN, the third daughter, was married to Henry Stewart Lord St Colm, second son of James the first Lord Stewart of Doune, and brother to the second Earl of Murray of that line, and had issue (*d*), and again to Mr Nicol Ballenden (*e*), but had no issue.

Lady ANNE, the fourth and youngest daughter, was married to Andrew, Master of Ochiltree, son and heir apparent of Andrew Lord Stewart of Ochiltree, and who was himself afterwards created Lord Castlestewart in Ireland, by King James VI. the 9th of November 1619 (*f*), and left a daughter his heir, Mary, who was married to Henry Earl of Suffolk of the kingdom of England (*g*), and had issue Henry his son and heir, created Earl of Bindon and baron of Chesterford the fifth of Queen Anne.

This JOHN, the fifth and last of that race of the Earls of Athol, died but a young man in his lodgings in the town of Perth the 28th day of August of the year 1594 (*b*), and the honour came to be at the disposal of the king. His majesty King James indeed did not let the title of Earl of Athol lie any time dormant; for, in less than a year after the last earl's demise, he was graciously pleased to revive it again in the person of John Lord Innermeth, upon a recital that the earldom of Athol had fallen back to the crown, by the death of John Earl of Athol, without heirs-male; and being unwilling that the honour should extinguish, and well knowing that John Lord Innermeth was a Stewart of the same blood and kindred with the former Earls of Athol, therefore he makes and creates him Earl of Athol, "et heredibus masculis de corpore suo legitime procreatis seu procreandis quibus deficientibus nobis nostrisque successoribus libere revertend. (*i*)."  
The charter or patent bears date the 6th of March 1595. We see the king had said in the patent, that he knew well that the Lords of Innermeth were of the same surname and blood of the Stewarts with the House of Athol, and we shall show it plainly here, by connecting this new earl with the House of Lorn; of which family we made it evident, that Sir James Stewart, the Black Knight of Lorn, and the ancestor of the five late Earls of Athol, was son to Sir John Stewart of Innermeth and Lord of Lorn; that he had an elder brother, Robert Stewart of Lorn, who is designed simply *Robertus Stuart de Lorn* (*k*), and is thereafter invested in the honour of Lord Lorn, by King James I. and created a baron and lord of Parliament (*l*). John Lord Lorn was his eldest son, who resigns his estate in the hands of King James II. and obtains from him a new charter, bearing date the 20th of June 1452, "dilecto consanguineo suo Joanni domino Lorn, de toto et integro dominio de Lorn, &c. Et heredibus suis masculis, de corpore suo legitime procreatis seu procreandis, quibus forte deficientibus Walter Stuart fratri suo germano;" which failing, to John, Allan, and James, all his brothers; all which failing, to several other collateral heirs-male *nominatim*, and to the heirs-male of their bodies *respective* (*m*). This Lord Lorn died without issue-male, and left three daughters, Isabel, who was married to Colin the first Earl of Argyle, Margaret to Sir Colin Campbell of Glenorchy, and Mariota, the third, to Arthur Campbell of Ottar, who were both sons of Sir Duncan Campbell of Lochow: By a subsequent agreement betwixt the heirs of line and Walter Lord Lorn the heir-male, he resigns to the Earl of Argyle his *dominium de Lorn*, and in lieu of that he gets the barony of Innermeth (*n*), and changes his title of Lord Lorn to Lord Innermeth; for there is a charter in the rolls, whereby he is so designed: *Walterus Dominus Innermeath* resigns the barony of Lorn in favour of

(*d*) All this is instructed from unquestionable vouchers out of the registers. (*e*) Charta in registro 1617. (*f*) All this is instructed and vouched from writs in the registers relating to the year 1615 and 1617, and Camden's Annals, who marks the day that he was created Lord Castlestewart. (*g*) Peerage of England, title Suffolk, p. 102. (*h*) Charta in registro. (*i*) In the registers of the Privy Seal in the high Parliament-house, book 6. charta 130. (*l*) In the black acts of Parliament, fol. 23. (*l*) There is a charter by King James II. to John Cathcart of the lands of Bartonholm, the 5th of September 1439, in which *Robertus Dominus Lorn*, simply so designed, is a witness. (*m*) This charter is recorded in the 4th Book of Charters in the registers of the Great Seal, charta 176. (*n*) This is instructed and vouched by a charter under the Great Seal in the archives, to Colin Earl of Argyle, of the lands of Kippen, on the resignation of Walter Lord Lorn, the 20th April 1466.

Colin Earl of Argyle, the 27th of April 1470 (*o*). This Walter Lord Innermeth, brother and heir-male of John Lord Lorn, married Margaret, daughter of John Lord Lindsay of the Byres, ancestor to the Earl of Crawford (*p*), and had Thomas Lord Innermeth, his son and heir, who was slain at the battle of Flodden (*q*), leaving issue by Dame Janet Keith his wife, daughter of William Earl Marischal (*r*), widow of John, Master of Rothes, Richard his son and heir, and a daughter, Marion, who was married to Patrick Ogilvie of Inchmartin, paternal ancestor to the present Earl of Findlater (*s*).

RICHARD Lord Innermeth, his son, married Margaret, daughter of John Lord Lindsay of the Byres (*t*), and he dying in the 1528 (*u*), was succeeded by

JOHN Lord Innermeth, his son, who married Elizabeth Bethune, daughter of Sir John Bethune of Creigh; she had been one of King James V.'s mistresses, and had born him a daughter, Lady Jean, who was Countess of Argyle (*v*); by her he had James his eldest son and successor.

JOHN STEWART of Lethers.

ALEXANDER.

This JAMES, the next Lord Innermeth, married first Helen, daughter to the Lord Gray, and again Jean Ogilvie, daughter of James Lord Ogilvie, and had John his successor, and three daughters; Margaret, who was married to Sir William Ruthven of Bandon, and was grandmother of that renowned, brave, military man, Patrick Ruthven Earl of Forth and Brentford in England, who served in the quality of Lieutenant-General under Gustavus Adolphus King of Sweden, and in the same quality under his majesty King Charles I. in the civil war in England; Janet to Alexander Cumin of Coulter (*w*); and Grizel to Sir Thomas Gordon of Clunie (*x*).

JOHN Lord Innermeth married Margaret, daughter of Sir David Lindsay, who was Earl of Crawford, sister to Sir David Lindsay of Edziell, and to Mr John Lindsay of Balcarras, Secretary of State to King James VI. and was, upon the death of John the fifth Earl of Athol, created Earl of Athol, as has been observed formerly in these memoirs the 6th of March 1595; by this lady he had issue James his heir and successor, and a daughter, Margaret, who was married to Sir James Stewart of Belliechan (*y*), and again to Sir Robert Crichton of Clunie (*z*), and had issue. This John Lord Innermeth and Earl of Athol married to his second wife Dame Mary Ruthven, daughter of William Earl of Gowrie, widow and relict of John the fifth and last Earl of Athol, by whom he had no issue (*a*), and dying on the 5th of April 1615 (*b*), was succeeded by

JAMES Earl of Athol, and Lord Innermeth his son, who married Mary, second daughter of John the fifth Earl of Athol, but dying without issue about the 1625, the honour of Earl of Athol became a second time extinct; but was quickly again revived by King Charles I. in favour of John Earl of Tullibardin, son and heir of Dorothea Countess of Tullibardin, eldest daughter and heir of line of John the fifth Earl of Athol, by letters patent dated at Whitehall the 17th of February 1629 (*c*).

Having thus run through in a cursory manner all the different families, and all the illustrious persons that have at different times enjoyed the dignity of Earl of Athol, it will be but just and equitable that we give as full an account of the most noble family of the Murrays, who now possess the honour under the title of Duke of Athol, as we have done of the others, both with respect to their high antiquities, their dignities and honours, their noble and illustrious descent and alliances; which we shall proceed to do with as great brevity as is consistent with a memorial of this kind.

(*o*) In the registers of the Great Seal, book 8. chart. 289. (*p*) Charta in publicis archivis ad annum 1481. (*q*) From writs I have seen and perused. (*r*) Charta in regist. ad annum 1505. (*s*) Officers of State, title Chancellors and Findlater. (*t*) Account of the House of Innermeth and the records. (*u*) Gift of the ward of Richard Lord Innermeth, and the marriage of John Lord Innermeth, to the Laird of Lundie, in the registers. (*v*) Registers of Parliament. (*w*) Charta in publicis archivis ad annum 1587. (*x*) Genealogy of the Gordons, MSS. (*y*) Ibidem, ad annum 1589. (*z*) The instruction of this is in the Appendix to Mr Nisbet's Heraldry. (*a*) Balfour's Collections in Bibl. Jurid. (*b*) Ibidem. (*c*) Register of the Great Seal, book 22. numb. 188.

## MURRAY EARLS, MARQUISSES, AND DUKES OF ATHOL.

ALL antiquaries are agreed that the common ancestor of this most noble and far spread family of the Murrays derive themselves from one *Friskinus*, a gentleman of note and figure in the reign of King David I. who came to the throne on the demise of his brother King Alexander I. *anno* 1122. Nobody can pretend, with any kind of certainty, to trace his origin or to show his descent; but if I may be allowed, at this distance, to offer my own conjecture, and I deliver it as no other, I apprehend that he was, or might be, one of those Saxon nobles, who, with Cospatrick and Arkil, the true and genuine ancestors of the great families of the Earls of Dunbar and Lennox, fled to Scotland, upon the conquest of England, or a little after it, and were graciously received by our kings, and rewarded, suitably to their birth and merit, with lands and territories, and from whence they, or their immediate successors, assumed surnames: However, so much is most certain, that this *Friskinus*, from an authentic voucher of no less authority than a charter under the Great Seal of King William the Lion, held of the crown in the time of King David his grandfather, the lands of Strabork in Linlithgowshire, the lands of Duffus, Rossile, &c. in the shire of Murray (*a*). He had two sons, as plain as a demonstration, William and Hugo, who are both designed patronymically *Willielmus filius Friskini*, and *Hugo filius Friskini* (*b*), who is certainly the ancestor of the family of Sutherland, as is plainly vouched from the chartulary of the Episcopal See of Murray in the Lawyers' Library; for both the surname of Murray, the descendants of William the son of Friskin, and the family of Sutherland, the descendants of Hugh the son of Friskin, carry one and the same coat of arms, three stars; the difference in the tincture makes no alteration, but is only the invention of latter times among heralds, to distinguish one family from another who carry the same figures in their achievement and coat, not to be well distinguished but by differencing the colour of the field. William, the son of Friskin, designed only by the christian name of his father, *Willielmus filius Friskini*, gets from King William a charter of the lands of Strabork, Duffus, Rossile, Inchikel, Macher and Kintrai, "quas terras pater suus Friskin tenuit tempore regis David avi mei," says the king. The charter has no precise date, but it must be betwixt the year 1168 and the 1171; for Felix Bishop of Murray is witness to the king's deed; in the 1168 he was promoted to the Episcopal See of Murray, and died in the office *anno* 1171 (*c*).

This gentleman, William, the son of Friskin, *Willielmus filius Friskini*, as he designs himself, seems to have been a very considerable man in the court of King Malcolm IV. He is witness to the charter of that king to *Barwald. Flandrense* of the lands of Innes, and is witness to the charter granted by King William of the lands of Burgin to the abbey of Kinloss.

WILLIAM, the third of the line, his son, is the first that assumes the surname *de Moravia*, for he is designed *Willielmus de Moravia filius Willielmi filii Friskini*, in a deed, whereby he gives in pure and perpetual alms, "Deo et ecclesie sancte trinitatis de Spiny et collegio canonicorum ibidem Deo servientium ecclesiam de Artendol cum pertinentiis suis coram Hugone fratre meo." The reason, I apprehend, why this William, the son of William the son of Friskin, assumed the surname *de Moravia* from the country of Murray, was, because he had a great estate and vast possessions, and had his residence at Duffus there. *Hugo de Moravia* was his eldest son; for, in the chartulary of the See of Murray there is an agreement betwixt Archibald Bishop of Murray and *Walter de Moravia filius quondam domini Hugonis de Moravia*, of a part of the wood and muir of Spynie, which his father had from Brunus Bishop of Murray, "qui ducit ad castellam de Duffus," in the 1226. This *Walter de Moravia*, and *Dominus de Duffus*, had for

(*a*) The original charter I have seen, and copied it from the original in the custody of Dame Katharine Stewart Lady Cardross, who was proprietor of the lands of Strabork, as is also her son, the present Earl of Buchan, who has still the charter in his charter-chest. (*b*) As from a voucher in the chartulary of Murray by Robert Bishop of St Andrews. (*c*) Chron. de Melrose.

certain *Friskin de Moravia Dominus de Duffus*, his son, who is so designed in an agreement about the bounding of lands with the Bishop of Murray in the 1248 (a); he had no male issue, and his estate both in the south and in the west came to his two daughters, who were co-heirs, Helen, who was married to *Sir Reginald le Obien*, and Christian, to *William de Feddereth* (b). This *Sir Friskin de Moravia* is witness, together with *Sir Malcolm de Moravia*, in a charter I have seen (c), granted by *Malise Earl of Strathern* to *Annabella* his sister, of the lands of *Kin-cardine*, which is confirmed by *King Alexander II.* at *Selkirk*, the 28th of June, the 22d year of the king's reign, that is the year of our Lord 1233. This *Sir Malcolm Murray* is by some thought to be brother to this *Sir Friskin Murray* of *Duffus*, witnessing the *Earl of Strathern's* charter with him. Others again think he was uncle to this *Sir Friskin*, son to *Sir William de Moravia* of *Duffus*; however this be, he is very early branched from the stem, and is unconceivably the original ancestor of the most noble and illustrious family of the *Murrays* of *Tullibardin*. He has for certain had a considerable estate in the county of *Perth*; for in the 36th of *Alexander III.* he, *dominus Malcolmus de Moravia, miles, vicecomes de Perth*, is witness to a charter granted by *Malesius comes de Strathern, domino Malcolmus de Logie filio quondam domini Malesii senescalli de Strathern de terris de Catintulloch*; to the charter *Alexander comes de Buchan justiciarius Scotiæ* is a witness (d). By an account of the family I have seen, drawn up in the year 1600, and to give it the greater authority, it makes mention of some charters and writs of the family that I found exactly corresponding when I had the honour to peruse the *Duke of Athol's* writs of the family of *Tullibardin* in the 1711; I say this draught of the family mentions that *Sir Malcolm de Moravia*, the certain and uncontroverted ancestor of the House of *Tullibardin*, got the lands of *Gask* and others in the county of *Perth*, by the marriage of the daughter and heir of *Sir Gilbert de Gask*. I have seen myself this gentleman mentioned in ancient writs, in the charter-chest of the family of *Abercairny*, and that *Sir Gilbert* had a sister called *Issenda*, who was *Countess of Strathern*; so much however is most certain, that *Gask* was very anciently in possession of the family of *Tullibardin*, and sometimes they used that title. *Sir David Murray*, one of the ancestors of the *Duke of Athol*, is designed *David de Moravia de Gask*, in a charter by *Euphemia Comitissa de Strathern*, to *Luke Stirling*, one of the ancestors of the family of *Keir* of the lands of *Rattern*, in the 1411 (e), and he is designed by the title of *Gask*, by our learned historian *Dr John Major*, as one of those illustrious persons who were knighted by *King James I.* for the greater splendour of his coronation at *Perth*, anno 1424. As we are certain, from undoubted vouchers, that *Sir Malcolm Murray* had an estate in *Perthshire*, in the reign of *King Alexander II.* that he executed the office of *High-sheriff* there in the reign of *King Alexander III.* so we are as sure from unquestionable records, charters in the family, that he gave to *Sir William de Moravia*, his son, *Willielmus de Moravia filio suo terras de Lamabude*, by a charter which is in the hands of his Grace the *Duke of Athol* (f), *Andreas Episcopus Moraviae, Willielmus de Hayia de Locherward & Michael de Weems, militibus*, being witnesses thereto. The charter is without date, as is very usual in the more ancient deeds, but it must be before the 1244 that, from the *Chronicle of Melrose*, this prelate, *Andrew Bishop of Murray*, died.

This same noble and illustrious person, *Willielmus de Moravia, miles, filius quondam domini Malcolmi de Moravia, militis*, got and obtained the lands and estate of *Tullibardin*, in the county of *Perth*, by the marriage of *Adda*, daughter of *Malise Senescal de Strathern*, by *Mauriele*, his wife, daughter and heir of *Congal filius Duncani, filii Malcolmi*. There is, in the custody of his Grace the *Duke of Athol*, a charter of *King Alexander II.* under the *Great Seal*, ratifying and confirming a former deed and grant by *Robertus comes de Strathern, Congal filio Duncani, filio Malcolmi de illis terris in villa de Chacherlanuch quæ dicitur Tullibardin*, and bears date the 3d of *April*, the 20th year of the king's reign, that is the year

(a) Chartulary of Murray. (b) Ibidem. (c) In the hands of the *Duke of Montrose*. (d) *Sir James Balfour's*, *Lord Lyon's* Collections in *Bibl. Jurid.* (e) The original charter I have seen in the hands of the *Laird of Keir*. (f) In the charter-chest of the family, which I have seen.

1231, to which deed Bishop Bondington of Glasgow, the Chancellor, is a witness. Sir William got also a ratification of the charter of the lands and estate of Tullibardin from his lady's brother, *Henricus filius quondam domini Malesii Senescalli de Swathern*, whereby he confirms for him and his heirs, "illam donationem quam  
 "domina Mauriela mater mea filia Congal dedit et concessit domino Willielmo de  
 "Moravia, filio domini Malcolmii de Moravia, et Addæ filiæ dictæ dominæ Mauriellæ,  
 "sororis meæ de Tullibardin, secundum tenorem chartæ quam dictus dominus  
 "Willielmus, et Adda soror mea habent de predicta Mauriela matre mea. Apud  
 "Duffaly die Martis in Vigilia omnium sanctorum, anno Domini millesimo du-  
 "centesimo octogesimo quarto (a).

Upon the death of Queen Margaret, the grandchild and heir of King Alexander III. *anno* 1200, when the competition arose about the right of succession to the crown betwixt John Baliol and Robert Bruce, the decision and determination whereof was, by both parties, referred to King Edward I. of England. The whole country, as usual upon such occasions, and in the like cases, sided and attached themselves to the different rivals; Sir William Murray of Tullibardin, or Tholybardin, as the record my voucher calls him (b), took part with John Baliol, and, being a person of character and figure, was one of those barons that went to Berwick, the place of meeting, for giving decision in the point for supporting his claim, and where he gave his oath of fealty and subjection to King Edward, as direct and superior lord of Scotland (c); but in this Sir William Murray was not alone, for even the competitors themselves, the very guardians of Scotland, and indeed all the Scotsmen about him, did the like. The King of England's decision, in favours of John Baliol, could not but be very agreeable to Sir William Murray, who had so strenuously asserted his preferable right and title, and submitted to him as king, when the crown of Scotland was adjudged to belong to him, on the 19th November 1292 (d). Two years after this, *anno* 1294, a war breaking out between England and France, King Edward thinking himself assured of all the assistance the king and kingdom of Scotland could give him, at least he flattered himself so far as to think they would not at once disobey his commands, and baulk his intreaty, for he made use of both, and on the 29th of June of the year 1294, aforesaid, he sent from Portsmouth no less than fifteen distinct letters to King John himself, and to others of the first rank and quality in Scotland, and among others to Sir William Murray of Tullibardin (e); all of whom he required, upon their allegiance, and intreated as his friends, to come in person, if they possibly could, to London, with their men, horses, and arms, and to be ready on the first day of September next to go over with him to France, in order to assist him in the recovering of his province of Gascony. But by this time the Scots nation were grown weary of their superior King Edward, and did not like the encroachments he had, by fraud, force, and violence, made upon their constitution and independency; so that his summonses, by this time, were but little regarded, for they did not think themselves bound to keep oaths violently extorted from them by so eminent an invader of their liberties and independency. What became of Sir William Murray of Tullibardin after this, or what part he acted in the calamitous war that soon after this ensued, for want of vouchers to direct me, I cannot tell, and at this distance I will not offer any conjecture. I observe, from Mr Rymer's *Fœdera*, and Prynne's Collections, there were really more gentlemen of the surname of Murray, even at that time, with territorial designations, than of any other family whatsoever; for there is this Sir William Murray of Tullibardin, Sir William Murray of Drumsargard, and Sir Andrew Murray of Bothwell, who I look upon to be all near relations to one another, and of the same blood and kindred, though, for want of proper records, the particular relation cannot be condescended on, or instructed. By Dame Adda, his wife aforesaid, Sir William Murray had a son,

ANDREW, his son and heir, who gave in pure and perpetual alms to the monks of Inchaffry, usually designed *Insula Missarum*, a certain annuity out of a part of

(a) *Penes ducem de Athole.* (b) Rymer and Prynne. (c) Rymer. (d) *Ibidem.* (e) Rymer's *Fœdera Angliæ ad annum 1294.*

his lands of Tullibardin, which had been formerly in dispute betwixt him and the abbot and convent; and this he expresses for the health of his soul, &c. This mortification bears date the 16th of December, Saint Beann's day, of the year 1331 (a). This gentleman, upon the incoming of Edward Baliol in the 1332, was one of those who had got into the notion that he still had a better and nearer title to the crown than the Bruce family in proximity of blood, and for that reason he did not oppose him, but rather seemed to favour the attempt he was making to recover his crown: He did not indeed join his army, but he caused, or sullered, some of his dependants to fix a stake in the river of Ern, where it was most fordable; which, it seems, was the signal that had been concerted on to let the enemy march over in order to attack the Scots that lay encamped at Duplin; the stratagem had all the success that could be desired, the Scots army were secure, not dreaming any enemy was near them, and were very disadvantageously attacked before they could scarce get to their arms, and a very bloody battle ensued, in which Edward Baliol, pretender to the crown, had the better, and upon that was crowned at Scone; but the very next year, things taking a more favourable turn for King David, and the Scots, after a long siege, having made themselves masters of the town of Perth, many prisoners were taken, and among others this gentleman, who, being indicted, tried, and condemned, for high treason, suffered accordingly. I am very far out in my conjecture if this gentleman's death was not revenged very severely by the English; for, without any visible cause, Sir John Graham the Earl of Monteith, who was taken prisoner at the battle of Durham, was executed at Westminster as a traitor to the crown of England, because in the crowd of other Scotsmen he had sworn fealty to King Edward of England. I have a long while thought this earl's death was a kind of reprisal for the death of Sir Andrew Murray of Tullibardin, who lost his life in supporting the interest of a pretender, which the crown of England had exerted its full strength to have established on the throne. He left a son, Sir William Murray of Tullibardin, who, after the death of his father, had a charter from Malise, then Earl of Strathern, his superior, of his estate of Tullibardin, on the resignation of *Adda de Moravia avia dicti Willielmi*. In this deed *Sir William de Montifixo justiciarius Scotiæ ex parte boreali aquæ de Forth*, is a witness, who executed that office in the 1335, &c. (b).

This WILLIAM was succeeded by *John de Moravia de Tullibardin*, who had a grant from *Sir Alexander de Abernethy, miles, de terris de Pekerling in Baronia de Banbrich, in vicecomitatu de Fife*. He was succeeded by

WALTERUS *de Moravia de Tullibardin*, who, in the 1358, upon Robert the Great Steward of Scotland's coming to be *Comes de Strathern*, he grants a charter *Waltero de Moravia de terris de Tullibardin & Concusse*: and King David, in the 33d year of his reign, by a charter under the Great Seal, ratifies and confirms "Chartam quas dilectus nepos noster Robertus Comes de Strathern, senescallus Scotiæ fecit et concessit Waltero de Moravia de Tullibardine, de terris de Tullibardine et Concusse, ac etiam chartam quam quondam Alexander Abernethy, miles, fecit Joanni de Moravia de Tullibardine, de terris de Pekerling in baronia de Banbrich in vicecomitatu de Fife." This charter is in the registers of the Great Seal, anno 1362. This same *Walterus de Moravia de Tullibardine* gave to the monastery of St Servan of Culross, "et monachis ibidem, deo servientibus, totas terras suas de Aldton, pro salute animi sui et Margarete sponse sue, parentum, progenitorum, et successorum, suorum. Testibus, Walterus episcopus Dunblanen. Johannes abbas de Dunfermling, dominus Thomas Bisset dominus de Fife, Robertus de Erskine dominus ejusdem, Andreas de Valoniis, militibus, Allanus de Erskine, Robertus senescallus de Innermeath, Michael de Balfour, Robertus Hakyth et multis aliis." This charter, though it wants a date, yet the time may be easily fixed, since Thomas Bisset is a witness, who had married the Lady Isabel, the daughter and heir of Duncan Earl of Fife, and, upon that, came to be designed *Dominus de Fife*, for we know exactly when the marriage happened,

(a) Chartulary of Inchaffry, I had the use of from Mr Maurice Murray, brother to Abercainry.  
 (b) This charter I had the honour to peruse in the charter-chest of the family of Athol.

from a charter under the Great Seal of King David, confirming a marriage-settlement, *inter Dominum Thomam Bisset & Isabellam de Fife dominam ejusdem*, dated the 10th January 1362 (a), and another in the 8th of June the same year, 1362. After the marriage took place, there is a charter under the Great Seal, "Domino Thomæ Bisset, de toto et integro comitatu de Fife, et hæredibus suis masculis inter ipsum et Isabellam de Fife legitime procreandis;" so that the precise date of this charter of mortification is in the year 1362; it is afterwards confirmed to the abbot and convent of Culross by king Robert III. at Dunfermline, the 20th March, the first year of his reign, *anno 1390 (b)*. From the writs of the family it appears, that this Walter Murray of Tullibardin was married to *Margaret le Baird*, as she is designed, who was of the ancient family of the Bairds of Camnethan, in the county of Lanark, where they had long continued in lustre. By this lady he had a son, his heir and successor,

Sir DAVID MURRAY, designed first of Gask, and then of Tullibardin, as we have observed in these memoirs. He is designed *David de Moravia de Gask*, in a charter granted by Euphame Countess Palatine of Strathern, *Luce de Strivelyn de terris de Rathern*; it is dated at Perth the 8th of November 1414; to which there are witnesses, *Robertus senescallus Comes de Fife, et de Monteith, gubernator regni Scotiae, Walterus senescallus Comes Athole & Caithness, Willielmus Dominus Grabam, Joannes de Weems dominus ejusdem, militibus, David de Moravia de Gask, Thomas de Brysban & Tristram de Gorthy, scutiferus (c)*. He is one of those noble persons whom King James I. honoured with knightood, for the greater splendour of his coronation at Perth 1424. The authority of this is from Dr John Major; but I must caution my reader that he is designed *David Macy de Gask*; but it is either designed as a contraction of Murray, or one of the typographical errors the book abounds in, which I may venture to say this is but one of a hundred.

In the 1445, Sir David Murray of Tullibardin, according to a humour that then much prevailed among great men of founding collegiate churches, the patronage of which they absolutely reserved to themselves, and that they might have the benefit of the divine offices near at hand, accordingly he founded and endowed a college at Tullibardin just by his own castle, which he provided with a provost and four prebends, which became a constant fund of provision for the younger sons of the more remote branches of the family in an ecclesiastic way, till it was suppressed at the reformation of religion, with the other religious houses which were then deemed nurseries of superstition.

Within the Collegiate Church of Tullibardin, on the west end of the wall, I see the arms of the founder Sir David Murray, and his lady Dame Isabel Stewart, impaled, the three stars within the bordure for Murray, and the fesse *chequè*, and the galley for Stewart of Lorn, of which family this lady was a daughter. I have seen several original contracts he entered into by way of indenture with Malcolm Drummond of Cargill, that turned out very beneficially for his family; but, being only private matters, I forbear to mention them here (d). He married Isabel, daughter of Sir John Stewart of Innermeth, Lord of Lorn (e), ancestor to the Earls of Athol, by whom he had those children I have seen vouchers for,

Sir WILLIAM, the eldest, the heir of the family.

JOHN MURRAY, the second, designed of Drysal (f).

PATRICK, the third, who got off in patrimony the lands of Dollary and Dry Isle of Ochertyre (g). He was sheriff-depute of Perthshire, under his brother Sir William Murray of Tullibardin, in the reign of King James III. *anno 1465 (b)*. Of his eldest son and heir is lineally descended Sir William Murray of Ochertyre, Bart.: And of Ninian, a younger brother, who got in patrimony the lands of Dollary, are sprung the Murrays of Dollary, of whom again by a younger son, Patrick Murray of Newraw, came the Murrays of Woodend (i), and of them issued from a second brother, who was a clergyman, Mr William Murray, Parson

(a) In the registers of the Great Seal in the records. (b) In the registers in the public archives. (c) Charta penes Dominum Keir. (d) Writs of the House of Tullibardin I have seen in the hands of the Duke of Athol. (e) Ibidem. (f) Lord Ochiltree's collections relating to Tullibardin. (g) Charta penes duces de Athol. (h) Charta penes Dominum Gleneagles. (i) Charta penes Laurentium Oliphant de Gask.

of Dysart, William Murray, Esq. created Earl of Dysart by King Charles I. in the year 1646, from whose daughter, Elizabeth, Countess of Dysart and Dutchess of Lauderdale, the honour and dignity of Earl of Dysart devolved to Sir Lionel Talmash of Helmingham, Bart. her son: Of this branch of the Murrays of Woodend, Sir Patrick Murray of Balmanno, Bart. is the heir-male; his grandfather, Sir Thomas Murray of Glendoick, who was Lord Register in the reign of King Charles II. and one of the Senators of the College of Justice, was a younger brother.

JAMES, of whom, from vouchers I have seen (*k*), is come the Murrays of the House of Struan.

ALEXANDER, who was the ancestor of the Murray's of Tippermuir (*l*), who were a considerable family, and were well allied with the best families in Perthshire; they have still a male representative, though he be out of the estate, which was once very considerable.

Sir DAVID MURRAY of Tullibardin had, besides these sons, several daughters, MARIOTTA, who was married to Sir Malcolm Drummond of Cargill, ancestor to the Earls of Perth (*m*). The contract is by way of indenture, dated at Ochterairder, the 14th July 1445; the marriage-portion is eight hundred merks good and usual money of the kingrick of Scotland, to be paid at eight different terms annually. There are other clauses of mutual support and friendship betwixt the families, in the strongest and most significant terms that can be expressed, and particularly that William Murray and Patrick Murray, two of Sir David's sons, shall be aiding and assisting to their new ally to the utmost of their power and ability. There are witnesses to this contract, Michael, Bishop of Dunblane, Patrick Lord Graham, Patrick Lord Glammis, &c.

ISABEL, who was married to Malcolm Drummond of Concraig (*n*), then Steward of Strathern.

CHRISTIAN, who was married to Murdoch Monteith of Rusky, at that time a great Baron in the county of Perth (*o*), by whom he had two daughters, his heirs; Agnes, who was married to Sir John Haldane of Gleneagles, and Margaret, to John Napier of Merchiston, ancestor to the Lord Napier.

WILLIAM MURRAY of Tullibardin, the son and successor of Sir David, made a very considerable figure in his time. He executed the office of High Sheriff of the county of Perth, in the reigns of James II. and III. (*p*), which he discharged by his brother Patrick Murray, the ancestor of Ochertyre, as his deputy in the office. He is frequently in the Parliaments as a baron by tenure; and in the 1458 he is one of the lords named for the administration of justice, who were the king's daily council (*r*). We find him also one of the plenipotentiaries in a treaty with the English, 1458 (*r*), aent a peace, or the prorogation of a truce betwixt the two nations. He enlarged the college of Tullibardin founded by his father, and built that part towards the west where his arms and his lady's are impaled, the three stars within the double tressure, and a cross ingrailed for Colquhoun, finely cut in stone on the out-side of the wall. He married Margaret, daughter of Sir John Colquhoun of Luss, Knight in the county of Dumbarton, who was Lord High Chamberlain in the reign of King James III. by whom he had a numerous issue; the tradition is, they had seventeen sons, of whom a great many of the different families of the Murrays throughout the kingdom are descended. Sir William was the eldest, George Abbot of Inchaffry was a younger son (*t*). John Murray of Galvamore is called another, the ancestors of the Murrays of Newton, Balberton, &c. and are said to be two of the seventeen brothers of the family of Tullibardin: but I cannot say that I have seen any positive instruction to vouch them, though the tradition is received universally all the country over.

Sir WILLIAM MURRAY of Tullibardin, the next in the line of this noble family, was in a high degree of favour with King James III. There is a charter in the custody of

(*k*) Original writs I have seen in the charter-chest of the family of Perth, ad annum 1467, of the lands of Innercrutar, in which he is designed son to the deceased Sir David Murray of Tullibardin. (*l*) Charta penes ducem de Athol. (*m*) The contract I have seen. (*n*) Charta penes dom. Gleneagles. (*o*) Ibidem. (*p*) Ibidem. (*r*) Writs belonging to the family of Boswell of Balmuto I have seen. (*s*) Rymer's Fœdera. (*t*) Writs I have seen in the hands of Laurence Oliphant of Gask.

his grace the Duke of Athol by that prince (*u*), “*Dilecto nostro ac familiari militi Willielmo de Moravia de Tillibardine, pro suo fideli servitio nobis impenso senescalliam nostram comitatus de Strathern, ac domini de Balquhiddier.*” This charter of the stewardry of Strathern and lordship of Balquhiddier is dated the 18th of January 1482. In the first Parliament of King James IV. *anno* 1488, we find him sitting as a member; for we may remark, that although the smaller barons were dispensed by an act of King James I. from personal attendance in Parliament, (*v*) *anno* 1427, yet the greater barons, even under the degree of lords of Parliament, were not, but sat there in virtue of their baronies; for though these great barons came but seldom to Parliament, yet there was no law excluding them, but that they might take their seats there whenever they had a mind, even though they were not called by the king’s writ or general precept. In the parliament 1492 he got a special act in his favour, ratifying the grant formerly made to him of the stewardry of Strathern, which I have seen in the archives of the family. And in 1495 we find him concerned in a treaty with the English, anent the keeping of a good understanding betwixt the two realms (*w*). In the 1507, Sir William Murray being by this time grown aged, the king grants to his well beloved and familiar knight, as he designs him, Sir William Murray of Tullibardin, a full exoneration in regard of his great age, dispensing with his attendance, or coming either to courts, or even to the king’s host itself.

He married Katharine, daughter of Andrew Lord Gray (*x*), by whom he had John his eldest son and heir apparent, who married Elizabeth, a lady of the family of the Crichtons (*y*); but died without issue in the lifetime of his father.

WILLIAM, the second son, who was the heir of the family. Sir Andrew, the third son, who got a fair estate in marriage with Margaret the daughter, and sole heir of James Barclay of Arngosk and Kippo, and was the ancestor of the Murrays of Balvaird, now dignified with the title of Lord Balvaird, and Viscount of Stormont (*z*), David Murray of Strathgeth (*aa*).

He had also two daughters,

CHRISTIAN, who was married to George Lord Seaton, ancestor to the Earls of Winton, and had issue (*bb*).

ELIZABETH to Thomas Stewart of Grandtully, and had issue (*a*).

He died in the 1509, and was succeeded by William his son and heir, whom I have seen designed “*filius et heres quondam domini Willielmi Murray de Tillibardine,*” in a charter under the Great Seal, *anno* 1510 (*b*).

He married Margaret, daughter of John Earl of Athol (*c*), by whom he had William his eldest son, and the heir of the family.

ANDREW.

DAVID.

And a daughter, Helen, married to Alexander Seaton of Parbroth (*d*), in the county of Fife, and had issue.

Which WILLIAM, in 1542, takes a charter, under the Great Seal, of his estate to himself, and Katharine Campbell his wife in conjunct infeftment, and a new investiture of his whole fortune, under the Great Seal, to himself in life rent, and to William his son and heir apparent in fee, and to the heirs-male of his body, which failing, to Alexander and James Murrays his sons, and to the heirs-male of their bodies *respective*; which failing, to Andrew Murray, brother-german to William Murray of Tullibardin, and to the heirs-male of his body; which failing, to David Murray, brother to the said William also, and to the heirs-male of his body; which failing, to William Murray, son to David Murray of Alicht, and to the heirs-male of his body; which failing, to David Murray of Ochertyre, and to the heirs-male of his body; which failing, to Alexander Murray of Struan, and to the heirs-male of his body; which failing, to John Murray of Wallace-ton, and the

(*u*) Which I have seen in the charter-chest of the family. (*v*) Black acts of Parliament. (*w*) *Fœdera Angliæ*. (*x*) *Charta penes ducem de Athol*. (*y*) Charter to this John Murray, son and heir apparent to Sir William Murray of Tullibardin, and to his lady, under the Great Seal in the public records in 1485. (*z*) *Charta penes vicecomitem de Stormont*. (*aa*) *Charta in archivis*. (*bb*) *Ibidem*. (*a*) *Charta penes Sir George Stewart*. (*b*) *Charta penes ducem de Athol ad annum 1510*. (*c*) *Ibidem*. (*d*) Sir Richard Maitland’s History of the House of Seaton, MS. penes me.

heirs-male of his body; all which failing, to his nearest and lawful heirs whatsoever (*e*).

He married Katharine, daughter of Sir Colin Campbell of Glenorchy, ancestor to the Earl of Breadalbane (*f*), by whom he had issue,

Sir WILLIAM his son and heir.

ALEXANDER, a Colonel in the service of the States of Holland.

JAMES MURRAY of Purdovis.

ANDREW, a fourth son.

ANNABELLA, his eldest daughter, was married to John Lord Erskine, who was afterwards Earl of Marr, and Regent of Scotland in the minority of King James IV. and had issue.

EUPHAME, the second, to Robert Stewart of Rosyth, an ancient family in the county of Fife (*g*), and had issue; and again to Robert Pitcairn, commendator of Dunfermline, Secretary of State in the minority of King James VI. (*b*); and last of all to Patrick Gray of Innergoury (*i*).

KATHERINE, the third, to Robert Murray of Abercairny, and had issue (*k*).

JEAN, the fourth, to James Henderson of Fordel (*l*), in the county of Fife, and had a most numerous progeny, and spread relations all the country over. He died anno 1562, and was succeeded by

WILLIAM his son and heir, who was a gentleman of great parts and reputation; he was a very significant man in the turn of the Reformation, and leaned to the reformed side: He was one of the barons, who, in virtue of their baronies, sat in the Parliament 1560 (*m*), and established the reformed doctrine, though he seems not to have been concerned in those violences that were carried on by the more zealous men of his own party. Upon the queen's return from France in the 1561, he got into a good degree of favour and confidence with her majesty, and had the honour to entertain the queen at his house of Tullibardin several times in her progress to the north; after that he was called to the Privy Council, and was constituted comptroller of the kingdom, in the year 1565, the office being then void by the deprivation of Sir John Wishart of Pittarrow (*n*).

Upon the murder of King Henry by the Earl of Bothwell, he was one of the barons who, with great zeal and forwardness, went into an association for the defence of the young prince King James VI. and to pursue the Earl of Bothwell, and to bring him to justice for the execrable fact he had committed on the king's father; and perhaps he was not the less keen in prosecuting that wicked earl, that he had the honour to be second cousin to King Henry the murdered prince; but his keenness for the safety and preservation of the young prince did not influence him to behave in any way undutifully towards the queen his sovereign; for an author of great worth and credit at that time (*o*), says, speaking of the Laird of Tullibardin, "That he always retained a dutiful respect to the queen's majesty, and only entered into the association for safety of the young prince, and punishment of the king's murder." Though the Laird of Tullibardin, the comptroller, was in great friendship and confidence with some of those who went all lengths against the queen, yet he could never be prevailed on to concur with them in one single act that was derogatory to her honour, dignity, and safety; but when the queen was forced to fly out of the kingdom, and the government established in the person of her son the prince, he submitted to that authority, and kept the comptroller's place long after. He was of the Privy Council to the regents (*p*): Upon the death of the Earl of Marr the Regent, who was his brother-in-law, in the 1572, he, and Sir Alexander Erskine of Gogar, commonly called Master of Marr, were appointed governors to the young king, and joint keepers of the castle of Stirling, where the king resided and was brought up; and he discharged the office to the universal approbation of the whole kingdom, till the 1578, that the king took upon himself the sole administration. How soon the king constituted a new Privy Council he

(*e*) In publicis archivis. (*f*) Charter under the Great Seal in the records ad annum 1538. (*g*) Ibidem, charta in the charter-chest of Rosyth, which I have seen the note of. (*b*) Charta in archivis. (*i*) Ibidem. (*k*) Charta penes dom. Abercairny. (*l*) Charta in pub. arch. (*m*) Mr Keith's Collections. (*n*) Charta in Rotulis, and Mr Keith's Collections. (*o*) Sir James Melvil's Memoirs of his own time. (*p*) Records of the Council in the Signet Office.

was one of the number, in which he continued till his death, on the 15th March 1583 (*g*). He left issue by Agnes his wife, daughter of William second Earl of Montrose (*r*), John his eldest son and heir, Mr William Murray designed of Pitcairlic (*t*), and Mungo Murray of Dunork (*t*), and two daughters, Margaret, who was married to Sir Robert Bruce of Clackmanan, Knight (*u*); of which marriage some of the most noble and illustrious persons in Great Britain are descended, and have this lady's blood running in their veins; and Jean to Sir John Hepburn of Waughton.

JOHN MURRAY of Tullibardin was in great favour with King James VI. with whom he had been bred up in an intimacy from his childhood, which begat a confidence that was never shaken: In the year 1592 he was constituted Master of the King's Household (*v*), and soon after that had the honour of knighthood conferred on him. But his majesty's favour to Sir John Murray did not stop here, for he was further graciously pleased to raise him to the peerage by the stile and title of Lord Murray of Tullibardin, by letters patent the 25th of April 1604 (*w*): The same year he gets a charter under the Great Seal of the lands of Letterbanachy, to himself during his own lifetime, and to William his eldest son in fee, and to the heirs-male of his body; which failing, to Captain John Murray, his second son; and failing the issue-male of his body, to Sir Patrick Murray of Castleton, his third son; and failing his male issue, to Mungo Murray, his fourth son; and failing him, to Robert Murray, his fifth son; and the heirs-male of their bodies *respective*; which failing, to Mr William Murray of Pitcairlic, his brother-german, and to the heirs-male of his body; which failing, to Mungo Murray of Dunork, his brother-german, and the heirs-male of his body, &c. (*x*).

The Lord Tullibardin rising still more and more in his majesty's favour, he was further graciously pleased to raise him to the honour, title, and dignity of Earl of Tullibardin, by letters patent, bearing date the 10th of July 1606 (*y*). A commission being directed to Alexander Earl of Dunfermline, then his Majesty's High Commissioner, to invest, with the usual solemnities, the Lord Tullibardin in the honour of Earl of Tullibardin, the Lord Fleming in the honour of Earl of Wigton, the Lord Glamis in the honour of Earl of Kinghorn, the Lord Abercorn Earl of Abercorn, all on the same day (*z*).

JOHN, first Earl of Tullibardin, married Dame Katherine Drummond, daughter of David Lord Drummond, ancestor to the Earls of Perth (*a*), by whom he had issue,

WILLIAM, his eldest son and successor.

Captain JOHN MURRAY, his second son.

Sir PATRICK MURRAY of Castleton, Knight of the Bath, his third son, and who became afterwards Earl of Tullibardin, on the surrender of the honour by his eldest brother the Earl of Tullibardin.

MUNGO MURRAY, the fourth son, who became Viscount of Stormont, by special provision of David the first Viscount of Stormont, whom he made his heir: But though he was first married to Agnes, daughter of Sir Andrew Murray of Balvaired, and niece to the Viscount of Stormont, and after that to Elizabeth, daughter of David Earl of Wemyss, yet he had no succession; so the dignity of Viscount of Stormont at length came to Murray, then Lord Balvaired.

ROBERT MURRAY, the fifth son.

ANNE, the Earl's eldest daughter, was married to Patrick Lord Glamis, and first Earl of Kinghorn, ancestor to the present Earl of Strathmore, and had issue (*b*).

LILIAS, the second, to Sir John Grant of Freuchie, the Laird of Grant, and had issue (*c*).

(*g*) Charta in cancellaria S. D. N. regis ad annum 1584. (*r*) Charta in publicis archivis ad annum 1547. (*s*) Charter of the lands of Letterbanachy, in the custody of James Murray of Abercairny. (*t*) Ibidem ad annum 1604. (*u*) Charta in archivis. (*v*) Acts of Parliament 1592. (*w*) Creations of the Nobility, MS. (*x*) This charter I have seen in the hands of James Murray of Abercairny. (*y*) Creations of the Nobility from the Records. (*z*) Creations of Nobility in my own hands. (*a*) Charta penes duces de Athol, and Lieutenant-General Drummond's History of the Drummonds, in my own custody, MS. (*b*) Penes duces de Athol. (*c*) Charta in publicis archivis.

MARGARET, the third daughter, to James Haldane of Gleneagles, and had issue (a).

CATHARINE, the fourth daughter, was married to David Ross of Balnagowan in Ross-shire, the heir-male and representative of the ancient earls of Ross, and had issue (b).

WILLIAM, the second earl of Tullibardin, while he was a young man, being happily in the town of Perth on the ever memorable 5th of August 1600, when John Earl of Gowrie, and Mr Alexander Ruthven, his brother, attempted to lay violent hands on the sacred person of the king their sovereign; upon their being both slain, the citizens of Perth hearing that the Earl of Gowrie, who had been their provost at the time, was slain, rose in a tumult, and in all probability, considering their numbers and the ferment they were in, would have cut the Court in pieces, if the young Laird of Tullibardin, who was accidentally in town that day, had not interposed with his retinue, and his friends carried off the king and all with him safe to Falkland. For this most signal and meritorious service, the Laird of Tullibardin got the sheriffship of Perthshire, that had heritably belonged to the House of Ruthven the Earls of Gowrie, and has mostly continued in the family of Athol ever since that time.

This WILLIAM, the second Earl of Tullibardin, made a very noble alliance by marriage, for his Lordship married the Lady Dorothea Stewart, eldest daughter and heir of line to John the fifth Earl of Athol, of the Stewartine line, by whom he had only John his son and heir, and a daughter, Anne, who was married to Sir John Moncrief of that ilk, then an ancient considerable family, as any in all the county of Perth.

This Earl of Tullibardin laid before his Majesty King Charles I. the claim and title his lady, the Countess of Tullibardin, and his children, had to the honour and dignity of Earl of Athol; setting forth, That the countess was the eldest daughter, and heir of line and at law to the deceased Earl of Athol, her father; That the family of Innermeth, who had got the title of Earl of Athol upon the demise of her father, were now all extinct, and out of the way, and therefore she conceived that she was well entitled to her father's dignity: The king received the petition very graciously, and told the Earl of Tullibardin, That since it was plain the former earls of Athol were all extinct in the male line, that it was but just and reasonable that the dignity of Earl of Athol, which had so long and so gloriously flourished in the race of the Stewarts, in whom he himself had a relation in blood, should be revived and established in the person and descendants of the lady, who was the heir of line and at law, and gave his royal word the thing should be done: But as the Earl of Tullibardin was to do his lady and children justice, so as to have the title and honour of Earl of Athol brought in to them, so he did not think but that he ought to take care to do all that was possible for him to preserve the honour of Earl of Tullibardin, as a distinct and separate dignity, that was not to be immersed or consolidated into that of Earl of Athol, how soon that honour came to be vested in his son, who would become heir both to his father and mother in their respective dignities and peerage; this the earl represented to his majesty so effectually that it was agreed and concerted that he should resign and surrender his own title and peerage of Earl of Tullibardin in his majesty's hands, in favour of his brother Sir Patrick Murray, Knight of the Bath, and one of the Gentlemen of the Bedchamber, and who himself had a good share of favour, and had acquired the estate of Tullibardin from his brother. Accordingly William Earl of Tullibardin did surrender, on the first of April 1626 (c), the title, honour, dignity, and precedency of Earl of Tullibardin, in order that it might be, *de novo*, conferred on Sir Patrick Murray aforesaid; but in the interim, before the several different deeds and patents could be got perfected and expedite, the Earl of Tullibardin died, which brought all these transactions for some time to a stand; but that just and excellent prince, King Charles, well knowing the intention of the

(a) The contract I have seen in Gleneagle's hands, it is dated the 26th January 1600, the portion is 9000 merks of the realm of Scotland. (b) Account of Balnagowan I have seen. (c) Charta in cancellaria S. D. N. R. ad annum 1626.

parties in the whole transaction, and that it was intended that both the peerage of Athol and Tullibardin should be distinctly represented, therefore his majesty was graciously pleased to acknowledge that William, the deceased Earl of Tullibardin, had resigned his title of honour of Earl of Tullibardin in favour of his brother Sir Patrick Murray, and which he is moved in justice to confer upon him: Accordingly a patent is expedite the Great Seal, creating him Earl of Tullibardin, bearing date the *penult* of January 1628 (a), and to his heirs-male whatsoever: But the king, who regulated his whole conduct by the maxims and principles of conscience and honour, having done justice to Sir Patrick Murray, in giving him the title of Earl of Tullibardin, conform to the intention of the resignation, he very quickly after that did justice to his nephew John Murray, son and heir of the deceased William Earl of Tullibardin; for he was soon after invested in the honour, title, dignity, and peerage of Earl of Athol. The preamble of the patent is very noble, and reflects great honour on the patentee; for his majesty narrates that the honour and dignity of Earl of Athol had continued successively in the line and posterity of John Earl of Athol, who was uterine brother to the king's illustrious ancestor King James II., to the death of John the fifth Earl of Athol, the patentee's own grandfather, whose eldest daughter, Dorothea Countess of Tullibardin, was mother to him, the king's *predilectus consanguineus*, as he is pleased to term the patentee, *Johannes Murray nunc creatus Comes Atholie*. The narrative goes on declaring that his majesty was moved purely from principles of honour and conscience to give, ratify and confirm to the earl, the title of Earl of Athol, and that in truth in the very strongest terms that could be devised, to express his right as heir of line to his maternal ancestor John the first Earl of Athol, who had that peerage conferred on him by his brother King James II. For all these reasons, "Nos de novo," says the sovereign, "damus, concessimus, et contulimus tenoreque presentiam damus concedimus et conferimus prefato Johanni Murray, nunc Comes Atholie, prefatam dignitatem comitatus Atholie, et hæredibus suis, &c." The patent bears date at Whitehall the 17th of February 1629 (b).

This noble earl continued a loyal and quiet subject during the peaceable time of the reign of King Charles. At the first rupture, when the troubles began in the 1639, he attached himself to the king's side with great firmness and fidelity; he raised his Athol men to the number of eighteen hundred or two thousand men, declaring his intention was to support the honour and dignity of the crown; and that he would oppose every measure, or whatever party, he judged were driving things to lessen or eclipse the lustre of it, or were making undue and illegal stretches, on whatsoever pretence, of lessening or invading the sovereignty in any branch of its inherent power.

But all jealousies and animosities being, at least seemingly, composed by the king's own presence in the Parl. 1641, parties of both sides laid down their arms, and seemed to outvie one another who should express their loyalty and duty most to his majesty, who had removed all their grievances, and settled every thing to the desire of their hearts. The Earl of Athol died next year after this, *anno* 1642; his death was looked on as a very great loss to the king's service, considering that he left his son very young, a mere child, in no capacity of heading his men, or leading them on to action, a thing the Highlanders have at all times been fond of: And if we but consider what great matters the Marquis of Montrose did with but a small number of the Athol men, that resorted to him from principle, when he set up the king's standard and declared for his majesty, what, in a reasonable conjecture, yea what wonders might have been performed, if all the Athol men had been drawn together, and appeared in the field with their own master and chief the Earl of Athol at their head? But this by the by.

JOHN, the first of the line and race of the Murrays Earls of Athol, left issue by Jean his wife, daughter of Sir Duncan Campbell of Glenorchy, aunt to John the first Earl of Breadalbane, John his eldest son and heir, thereafter Earl and Mar-

(a) Patent in the Chancery Office at Edinburgh, ad annum 1628, bearing that the honour had been resigned by the deceased Earl of Tullibardin his brother, the first of April 1626. (b) Patent recorded in the Chancery office at Edinburgh.

quis of Athol, Mungo Murray, who was Lieutenant of his Majesty's Guards at the Restoration; he died unmarried, and was interred in St Giles's church at Edinburgh, at the tomb of John Earl of Athol, who died Lord Chancellor in the 1579, where the honours that were hung up at his funeral are still to be seen by the curious. The Earl of Athol had also one daughter, Anne, who was married to her first cousin James Earl of Tullibardin, who was the son of her uncle Patrick Earl of Tullibardin, who had that honour, as we have heretofore observed in this memorial, conferred on him by King Charles I. This Patrick Earl of Tullibardin married Dame Elizabeth Dent, an English lady, by whom he had issue

JAMES, his son and successor in the honour, and a younger son, William Murray of Redcastle, who being in the king's army at Philiphaugh, was taken prisoner, and suffered at St Andrews in the 1646 (*a*). He was a lively young man; he was much regretted by all ranks and all parties; for he was of great expectations, and was not above eighteen years of age at his death: His brother got his estate, who, it is reported, pressed his death very indecently: but it was observable, that though he had at that time two sons that died so quickly after other, that many remarks were made on it; for though he had two wives, first his cousin the Earl of Athol's daughter, and after that Lilius, daughter of Sir John Drummond of Machany, yet he left no child to inherit his fortune, but died without issue on the 26th of January 1670 (*b*), and his estate and honour devolved to the Earl of Athol as his nearest heir.

JOHN, the second earl of the line of the Murrays Earls of Athol, succeeded his father in the honour while he was very young: but being bred up in the principles of loyalty and fidelity to the crown and the royal family, in all the distress it was then under, he stuck to it with the most firm, unshaken, and inviolable fidelity.

In the year 1653, when the Earl of Glencairn set up the king's standard in the Highlands, the Earl of Athol resorted to him, and brought 2000 of his men to the camp; and though he was now scarce eighteen, he endured the fatigue and ill accommodation the army was unavoidably exposed to with the vigour and resolution that could have been expected from the most veteran soldier among them; and both the Earl of Glencairn, who was the first general, and the Earl of Middleton, who afterwards had the command of the army, always acknowledged and declared afterwards, that if it had not been that the Earl of Athol was among them, and the support his country afforded them, they should have starved for want of provision and forage, and their keeping so long together was more owing to the Earl of Athol than to all the other great men that were among them.

Upon the happy Restoration of King Charles II. *anno* 1660, the Earl of Athol's merit and loyalty being so eminent and conspicuous, could not well fail of being highly rewarded and considered, as it well deserved: He was first named one of the new Privy Council, and acted as principal master of the king's household in the absence of the Marquis of Argyle, at the solemnity of the Parliament which sat down at Edinburgh the first of January 1661 (*c*). Quickly after that, getting into a high degree of favour with his majesty, and in the most entire confidence and friendship of the Earl of Lauderdale, then the sole Secretary and Minister for Scotland, his Lordship, the Earl of Athol, was made and constituted Lord Justice-General in place of the Earl of Cassilis, who had been named to the office, but declined to accept, because he could not bring himself up to take the oaths enjoined by law, *anno* 1663.

The earl rising still more and more in favour and confidence both of the king and the minister, he was preferred to be captain of the guards on the demise of the Earl of Newburgh; *anno* 1670, and one of the Extraordinary Lords of the Session. In the 1672 the Earl of Athol, without parting with any of his other offices, was made Lord Privy Seal, then void by the death of the Earl of Dunfermline: But his majesty thinking all these great employments were not enough to reward the merit and services of the Earl of Athol, therefore his majesty was

(*a*) Bishop Guthrie's Memoirs. (*b*) Letter in the hands of the Laird of Abercairny. (*c*) Manuscript History of these times in my hands.

graciously pleased to raise him to a higher degree and title of honour; so he was created Marquis of Athol by letters patent, bearing date the 17th of February 1676 (a).

As the Lord Athol had been in a long and firm friendship with the Secretary, the Earl of Lauderdale, so he was a great support to the other in keeping his court, and having so deep a root with the king. Lauderdale had now possessed all his friends with a notion, that was at first believed by them all, that the people in the western shires were in a state of rebellion, and were to be reduced by a superior force; for this end he got the king to write to all the chiefs in the Highlands to raise their men to march to the west; among others the Marquis of Athol raised 3000 of his Athol men; the Earls of Breadalbane, Marr, Perth, Strathmore, &c. raised such as depended on them, which in all amounted to an army of 8 or 9000 men, who were to be let loose in the west on free quarter as if they had been in an enemy's country. The Lord Athol actually went to the west, and was named one of the committee of council that were to give the necessary orders to the army: But his lordship quickly perceiving when he came to the west how he had been deceived, and the state of that country so dreadfully misrepresented, that they were so far from being in any degree of rebellion that they were in a state of perfect quiet, that by no single circumstance it could appear to him that any rebellion was intended, when he had examined as far into the bottom of things as was possible, while he remained in that part of the country: So his Lordship being of himself a noble, generous, free-hearted man, he would be no longer a party in so violent an administration, nor could he endure to see such havoc made in any part of the kingdom where he himself was a subject. So upon this he fell off from Duke Lauderdale, and joined with Duke of Hamilton, the Earl of Perth, and ten or twelve of the nobility, with about 150 gentlemen of quality, who went up to London to complain of the violence and illegality of the administration. But though the king saw the Lord Athol, yet he would not disgrace the Duke of Lauderdale, much less punish him for what he had done. The Marquis of Athol, having so many places in so small a country, had raised a great clamour, so to stop that, now that he was upon the side that were the patriots, and set up to be the protectors of the liberties of Scotland, he quit the Justice-General's place, which was given to Sir Archibald Primrose of Dalmeny in the 1678; and he kept the Privy Seal and his other posts and offices, without any visible diminution in his majesty's favour, till the king's death in the 1685.

Upon the accession of his Majesty King James VII. to the throne, the Marquis of Athol had still a good share of favour, for he had a great deal of merit with the new king, since he had gone with great zeal into the act of Parliament in 1681, declaring the hereditary right to the crown in the legal lineal course of the succession in favour of his Majesty while he was Duke of Albany and York; so his Lordship the Marquis of Athol was continued Lord Privy Seal and his other offices. Upon the invasion of the Earl of Argyle the Marquis was thought the fittest person the council could pitch on to make head against him; for that end they ordered him to raise so many of his vassals and dependants as he thought necessary to march into Argyleshire, to prevent the progress the Earl might have in making levies amongst his friends and vassals there. To give the Marquis the greater authority, it seems, to execute any orders he might receive from his Majesty, or the council, he was made Lieutenant of the shires of Argyle and Tarbet. In this memorial I will pursue this matter no farther; the fate of the Earl of Argyle, and the suppressing that rebellion, is so well known that I can add nothing to the relation of them that are in so many printed books, and in our acts of Parliament so fully set forth.

Quickly after this the Marquis of Athol was invested with the power of Justiciary in Argyleshire, to try and bring to justice such as had been concerned in the rebellion: But considering the attachment and dependance the Highlanders have upon their chief, and the heads of their clans and tribes, which no man living knew better than his Lordship, so little blood was shed, and but few examples

(a) Patent recorded in the Chancery.

made, and the few executions that were, were done by his two deputies in the office, the one a gentleman of Athol, and the other a gentleman of the shire of Ayr.

Soon after the affair of the Earl of Argyle was over, the Marquis of Athol went up to wait on the king; he was most graciously received, and his majesty was pleased to express his sense of his lordship's services in the most obliging expressions and words that have proceeded from a prince to a subject. In this gale of favour, if the Marquis had not been firm and inflexible in the point of his religion, which he could not sacrifice to the pleasure of any mortal, he might have been the first minister for Scotland, and all others in a dependance on him, and have ruled as absolutely as ever the Duke of Lauderdale had done before him.

Though the king found the Marquis was not to be wrought on in the matter of his religion, yet in all other things, knowing his loyalty and duty was superior to all temptations, he placed an entire and unsuspected confidence in his Lordship, for he was one of the Secret Committee to whom the administration was chiefly committed, and the confidence lodged (a), till the end of that reign.

In the 1687 his Majesty was graciously pleased to revive the Most Ancient and Most Noble Order of St Andrew, called the Thistle, that had gone into desuetude from the time that Queen Mary had fallen in her troubles: The Order was to consist of twelve knights and the sovereign, in imitation of our blessed Saviour and and the twelve Apostles; they were all the king's particular favourites and confidants that were first installed; of the number the Marquis of Athol was one; his companions, the other knights, so many of the number as were filled up, were George Duke of Gordon, James, then Earl of Arran, the late Duke of Hamilton, James Earl of Perth, the Lord Chancellor, John Earl of Melford, the Secretary, Alexander Earl of Murray, Kenneth Earl of Seaforth, George Earl of Dumbarton, General of the Forces: The Revolution came on so soon after that the full compliment of the knights were never filled up.

After the revolution of the government, that the throne was filled by the Prince and Princess of Orange, the late King William and Queen Mary, the Marquis of Athol retired from all public business, and spent the rest of his time at some of his fine seats in the country all his life after. He died the 6th of May 1723, in the 70th year of his age. He was interred within the vestry of the Old Cathedral Church of Dunkeld, where a sumptuous and magnificent monument of black and white marble is erected over his grave. The effigies of the Marquis, and the Lady Marchioness of Athol, his lady, in bust, are on the two great Corinthian pillars that support the tomb: There are also placed the probative quarters or branches, as they are called, of the Marquis on the right pillar, and the Lady Marchioness on the left pillar. On a tablet of black marble there is an inscription containing the several offices the Marquis passed through, and the most material steps of his life.

Sixteen of the coats of arms of those illustrious families, eight on the paternal side, and other eight on the maternal line, did compose the escutcheon of John Duke of Athol; and being so very noble and illustrious, the publishers of this posthumous work of Mr Nisbet judged this escutcheon was the most proper instance they could fall upon for illustrating a funeral escutcheon; and accordingly they have caused engrave a copperplate of his Grace the Duke of Athol's scutcheon in that part of the work that treats of funeral solemnities, with all the proper and congruent trimmings of his ducal dignity, as the supporters, the helmet, the mantling, and the crest, and motto of the family of Athol, which the reader may be pleased to peruse in this Appendix; the eight on each side of the escutcheon are as follow:

(a) Balcarras's Memoirs, MS. penes me.

Marquis of Athol,  
 Earl of Breadalbane,  
 Stewart Earl of Athol,  
 Lord Sinclair,  
 Earl of Perth,  
 Lord Ruthven,  
 Earl of Gowrie,  
 Cockburn of Ormiston,

Earl of Derby,  
 Duke de Tremouille,  
 Earl of Oxford,  
 Prince d'Orange,  
 Earl of Cumberland,  
 Duke de Montmorency,  
 Earl of Exeter,  
 Duke de Montpensier.

The Marquis of Athol married a lady of the most noble illustrious rank and quality of any in Europe, I mean of a subject, the Lady Emelia Stanley, daughter of James Earl of Derby, of the kingdom of England, by the Lady Charlotte, his wife, daughter of *Claud Duke de Tremouille*, a duke and peer of France.

By this most noble alliance and match Sir William Dugdale, in the Baronage of England, takes notice that the Earl of Derby's children are related in blood and kindred by the mother to the Houses of Bourbon and Austria, to the Kings of Spain and France, the Duke of Savoy, the Prince of Orange, and to most of the crowned heads in Europe; and now that all the descendants of both sexes of James Earl of Derby, and Emelia Countess of Derby, his wife, are worn out, and extinguished at the writing of this memorial, excepting the children and descendants of the Lady Marchioness of Athol, all that great and uncommon race of royal and illustrious blood centres in the descendants of the Marquis of Athol, and the Lady Emelia, his wife, aforesaid, who were

JOHN, their eldest son, and the heir of the family, thereafter Duke of Athol.

CHARLES Earl of DUNMORE, the second son, who was raised to that honour by King James VII.

Lord JAMES MURRAY, the third son, who was designed of Doually, and, as a baron, represented the county of Perth in the House of Commons of Great Britain.

Lord WILLIAM MURRAY, the fourth son, who having married Margaret, the only daughter and sole heir of Sir Robert Nairn of Strathurd, one of the Senators of the College of Justice, and one of the Commissioners of Justiciary, was upon that created Lord Nairn for life, and the fee of the honour to descend to the Marquis of Athol's son, who should marry the Lord Nairn's daughter (*a*).

Lord EDWARD MURRAY, the fifth son.

Lord MUNGO MURRAY, the sixth son, who died in that glorious expedition of Scotland to Darien, *anno* 1697.

Lady EMELIA, the only daughter, was married to Hugh Lord Fraser of Lovat, and had issue.

JOHN, Marquis, thereafter Duke of Athol, succeeded his father in the estate and honour of the family, which were raised higher in the person of his Grace the Duke of Athol: his Grace was a man of great parts, but far greater virtues; of a lively apprehension, a clear and ready judgment, a copious eloquence, and of a very considerable degree of good understanding.

In the lifetime of his father the Marquis, he came early into the revolution, and soon declared for the Prince of Orange. The merit of this service, together with the relation his Lordship had the honour to stand to his Highness in blood, soon brought him into a degree of confidence and favour that was very particular. He had the command of a regiment of foot, but his genius being more adapted to the cabinet than the field, his Majesty King William was pleased to make him one of the Principal Secretaries of State, in conjunction with Mr Ogilvie, afterwards Earl of Seafield and Findlater, *anno* 1696; much about the same time he was created a Peer by the title of Earl of Tullibardin (*b*), by letters patent, bearing date the 27th of July 1697, and named High Commissioner to represent his majesty's person in the sixth session of Parliament, which sat down at Edinburgh the 8th of September the year 1697 aforesaid, wherein I see it remarked that every

(*a*) Charta in publicis archivis.

(*b*) Patent recorded in the chancery office.

thing the court asked was granted, and all acted with great unanimity (*c*): but the Earl of Tullibardin being a person who had the honour and prosperity of his country much more at heart than any private consideration of his own, and by this time clearly perceiving, if he continued in the ministry, that he behoved to enter into measures that would bring his country into a slavish dependence on England, and give way to ruin the national project of the African Company settled at Darien, he would go no farther on with the court; so he laid down all his public posts and employments, and retired from the scene. I have been well assured, from persons I could well trust, and had no design to impose on me, that it was not the disappointment the Earl of Tullibardin met with in recommending a friend of his to a high post, that was the root of his disgust at the court; that arose from another consideration; it was the scheme he saw laid down of bringing us into a dependence on England, as we have observed; and that which brought it sooner on was the king's disowning the African Company, from which it was expected great riches would flow into the kingdom; and this struck him as a generous patriot, who preferred the honour and interest of his country to any regard of his own concerns; and he stood at a distance from the court so long as King William lived.

Upon the accession of her Majesty Queen Anne to the throne of these realms, no man in the nation was more overjoyed to see one of the race of Stewarts wearing the crown than the Earl of Tullibardin: her majesty was graciously pleased to bring him to the Privy Council, and to make his Lordship Privy Seal (*d*) in place of the Duke of Queensberry, who was named Commissioner to the new Parliament that was indicted to sit down on the 6th of May 1703, wherein he did the Queen so acceptable service, that to countenance and reward his consummated merit, her majesty was graciously pleased to create him (being now Marquis of Athol by the demise of his father) Duke of Athol, by letters patent bearing date the third of April 1704 (*e*); and soon thereafter his Grace was elected and installed one of the Knights Companions of the Most Ancient and Most Noble Order of the Thistle. His Grace did not long continue Privy Seal; for the next ensuing year her majesty having thought fit for her service to change her ministry, the Duke of Athol was removed from his office, and the Earl of Rothes got the Privy Seal.

In the Parliament 1706, when the Treaty of Union came to be considered, his Grace the Duke of Athol argued vehemently against the whole frame of it, as contrary to the fundamental laws and the whole constitution of our government, which he thought the Parliament had no power to alter. In the progress of the debates on this subject, he spoke and argued with such force and strength of reasoning, that made a very great impression on all those who heard him, and created in all people a very high esteem of him. The topics from which his Grace the Duke of Athol drew the arguments against the Union, were the antiquity and dignity of the kingdom, which were now offered to be given up: they were now departing from an independent state, and going to sink in a dependence on England; what conditions soever might be now speciously offered as a security to them, they could not expect they should be adhered to, or religiously maintained in a parliament where sixteen peers and forty-five commoners could not hold the balance against above an hundred peers, and five hundred and thirteen commoners: It was visible that the nobility suffered a great diminution, if not a forfeiture by it; for though they agreed that the Peers of Scotland should enjoy all the other privileges of the Peers of England, yet the greatest of them all was denied them, which was sitting and voting in the House of Lords, and their being restrained to sixteen, to be elected by the rest at every new Parliament. In debating almost every single article, his Grace spoke against them with great boldness, and so much caution, that though he provoked the courtiers extremely, no advantage could be taken against him; and though every question was carried in favour of the treaty, yet his Grace, to exoner his own conscience, and to leave behind him to posterity

(*c*) History of the times. (*d*) Gift to be Lord Privy Seal to John Earl of Tullibardin, the 8th of December 1702. (*e*) Charta in archivis, ad annum 1704.

what his thoughts and sentiments in that affair were, before the vote was carried in the House, he either protested himself against the article, or adhered to the other members who joined with his Grace in the opposition by some of the members of every state.

After this his Grace the Duke of Athol lived most part privately in the country, in the splendour and ceremony of a prince, till the 1716, that William Marquis of Tullibardin, then his eldest son and heir apparent, being unhappily seduced into the rebellion the year before, and upon that, by an act of Parliament (passed in the first year of the reign of his late Majesty King George I.) attainted of high treason: upon this his Grace went up to court, was graciously received by his majesty; he laid his case before the king, representing the unhappy circumstances of his eldest son, and what effect and influence that might have in the event of his own death on the succession of his family, if his estate and honour were not vested by law upon his second son Lord James Murray, who had rendered his majesty very considerable services during the time of the late rebellion. His majesty having duly advised the duke's petition, was graciously pleased to order a bill to be brought in that same session of Parliament, for vesting the honours and estate of John Duke of Athol in James Murray, Esq. commonly called Lord James Murray, after the death of the said Duke, his father, reciting, That the said John Duke of Athol, and the said James Murray, Esq. commonly called Lord James Murray, second son to the said John Duke of Athol, had constantly adhered to his majesty, and rendered him considerable services; and as a reward of their steady loyalty, his majesty was most graciously pleased to give his royal assent for a bill to be brought in, that the honours, titles, and estate of the said John Duke of Athol, should, after his death, be continued in his family. Accordingly a law passed, whereby it was enacted, that the act of attainder of William Marquis of Tullibardin should not extend, or be construed to extend, to prevent any descent of honour or estate from the said Duke of Athol to the said Lord James Murray and his issue, but that all and every, the honours, titles, and estate whatsoever of the said John Duke of Athol, should, from and after his death, descend, and come to and be held and enjoyed by the said James Murray, Esq. and his issue, in such manner as the same would have descended, and come to and been enjoyed by him and them, in case the said William Murray had not been attainted of treason, and had died without issue in the lifetime of the said John Duke of Athol. Accordingly on the death of his Grace the Duke of Athol, in virtue of this act of Parliament, his son James, now Duke of Athol, did succeed his father in his honours, title, and estate, *anno* 1724.

JOHN Duke of Athol married first the Lady Katharine Hamilton, eldest daughter of William and Anne Duke and Dutchess of Hamilton, a lady of incomparable prudence, and a singular example of virtue and piety, by whom he had issue,

JOHN Marquis of Tullibardin, who was of great hopes and expectations: he was slain at the battle of Mons, the 31st of August 1709, to the great affliction of the Duke, his father, and all his noble relations.

WILLIAM Marquis of Tullibardin, who was attainted by act of Parliament in 1715 for being accessory to the rebellion.

Lord JAMES MURRAY, now his Grace the present Duke of Athol.

Lord CHARLES MURRAY who died young.

Lord GEORGE MURRAY of Glencarse.

Lord BASIL MURRAY died young.

Lady SUSANE, the Duke's only daughter of his first marriage, was married to William the present Earl of Aberdeen, and had issue.

His Grace the Duke married, to his second wife, Mary, daughter of William Lord Ross of Halkhead, by whom he had issue two sons and a daughter, viz.

Lord JOHN MURRAY of Pitnacree, Lieutenant-Colonel in the third regiment of his Majesty's Guards, commanded by the Earl of Dunmore, and is a member of Parliament for the county of Perth.

Lord FREDERICK MURRAY who is in the navy.

Lady MARY MURRAY.

To John Duke of Athol succeeded JAMES Duke of Athol his son, by virtue of the act of Parliament vesting the estate and honours of the family in him, upon the demise of his father, as has been observed in this memorial. His Grace having all possible regard for his illustrious family, and that it might continue in lustre, but withal apprehending, that, by the words of the former act of Parliament, it might be doubtful whether, upon failure of his Grace, and the heirs-male of his body, the honours, titles, and estate would continue in the family, and descend to the late Duke's other sons, his Grace's brothers, and whether his Grace and his issue, and heirs-male of the late Duke of Athol, may take and enjoy any title or estate that may descend, or come to him or them by collateral descent, as they would have done, or might do, if William Murray, commonly called Marquis of Tullibardin, had not been attainted, and died without issue in the late Duke's lifetime; upon this his Grace went up to court, and laid his case before his present majesty, praying that a bill might be brought into Parliament, to explain and amend the former act, for vesting the honours and estate of the House of Athol in his Grace's own person; which, at the humble suit and request of the Duke, was allowed to be brought in, and an act passed thereon by the king's most excellent majesty, by and with the consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the samem, that the attainder of William Murray, called Marquis of Tullibardin, shall not extend, or be construed to extend, to prevent any descent of honour or estate to James Duke of Athol and his issue, or to any of the issue or heirs-male of John late Duke of Athol, (other than the said William Murray and his issue) but that all honours, titles, and estate whatsoever, shall, and may descend, and come to and be held and enjoyed by him and them, in case the said William Murray had not been attainted, and had died without issue in the lifetime of John, late Duke, his father (a).

The Duke of Athol having, by his majesty's special grace and favour, got this point settled, that was of the greatest consequence to his family, he was immediately, on the back of this, taken into a very high and particular favour: he was first, by the countenance of the court, elected one of the sixteen peers for Scotland, to sit in the House of Peers of Great Britain in a vacancy through the demise of John Earl of Sutherland, the 21st of September 1733 (b): After that his Grace rose quickly to be Privy Seal, one of the Knights of the Most Noble Order of St Andrew, one of the Lords of his Majesty's Most Honourable Privy Council, and chosen one of the sixteen peers for Scotland to the present Parliament of Great Britain.

Upon the demise of James Earl of Derby on the first of February 1735, his Grace succeeded as heir of line and at law to that most noble and illustrious family: But though the title, honour, and estate of the Derby family went to Sir Edward Stanley, the heir-male, yet his Grace the Duke of Athol got the lordship of Man and the isles, and the peerage of Lord Strange. In the case, as set forth in the petition to his majesty, by his Grace James Duke of Athol, Lord of Man and the Isles, claiming the barony of Strange, it makes mention that his majesty King Henry VII. in the first year of his reign, created Thomas Lord Stanley Earl of Derby; that the same title and dignity came by male descent to Ferdinando Earl of Derby, who left three daughters and no son; that the title and dignity of Earl of Derby came to William, brother of the said Ferdinando, as heir-male of the body of the said Thomas; but the said William was never seized of the title or dignity of a baron; that James Earl of Derby, the duke's ancestor, whose heir he is, eldest son of the said William, was summoned to Parliament in the third year of the reign of King Charles I. as a baron, the writ being directed *Jacobo Strange*, chevalier, and being also summoned to several Parliaments in the said King's reign, sat and voted by the said title of Lord Strange in the lifetime of the said William Earl of Derby his father; that, upon the death of the said William Earl of Derby, the said James Lord Strange succeeded to the title and dignity of Earl of Derby,

(a) Bill for explaining and amending an act passed in the first year of his late majesty King George I. for vesting the honours and estate of John Duke of Athol in Lord James Murray his second son. (b) Secerunt of the election of peers.

and died ceased thereof to him and the heirs-male of the body of the said Thomas Earl of Derby, and of the said title and dignity of Lord Strange to him and his heirs; that the said title and dignity of Lord Strange came by male descent to the late Earl of Derby, who died without issue in the month of February 1735; that the Duke of Athol, the petitioner, is cousin and next heir to the said late Earl of Derby, and great grandson and sole heir of the said James Lord Strange, afterwards Earl of Derby, and consequently entitled to the dignity of a baron, created by writ of summons, in virtue of which the said Lord Strange sat and voted in Parliament.

These points of fact were so fully proved, and the point of law so clearly established, that the authorities could not be controverted, and therefore the House of Peers allowed the duke's claim to the peerage of Strange, as great grandson to James Lord Strange and Earl of Derby, who was created by writ of summons in the year 1628 (*c*), as is said, and whose heir his Grace the Duke of Athol is.

His Grace the Duke of Athol being heir of line to the illustrious House of the Earls of Derby and Lord of Man, it might perhaps, with abundance of reason, be expected that we should even in this memorial run out a little on the antiquity, lustre, splendour, and nobility of the Stanley family, but that would be to cite a great part of the History of England, and to transcribe a great many pages of the baronage of that kingdom (*d*), all which we shall wave, since this paper has dwelt fully as much, if not more, than at first was intended: We beg leave only briefly to take notice, that King Henry IV. of England, in the 1405, gave to John Lord Stanley, the ancestor of his Grace the Duke of Athol, the Isle of Man, with the Castle and Peele, and all the isles adjacent; as also all the regalities, franchises, and rights thereunto belonging, and patronage of the bishopric (*e*), to be held of the king, his heirs and successors, by homage, and the service of two falcons on the day of their coronation: But because the Kings of Scotland claimed a right to the Isle of Man, the Earls of Derby, Lords of Man, were obliged to keep a constant standing army and garrisons for the defence of it, till the reign of our King James VI. of Scotland and the first of England, that all former hostilities betwixt the two nations ceased, and came to an end upon the union of the crowns in the king's royal person, *anno* 1603; and in the honourable family of Derby, and their heirs, the lordship of Man and the Isles has continued ever since, except for twelve years during the civil war, when it was given to General Fairfax the Lord Cameron, but was returned to its ancient lords at the Restoration of the king in the 1660. I shall only further observe, that though there were, in the more ancient times, Kings of Man, yet the lords of it, both when it belonged to the crown of Scotland, and since it came to the crown of England, have waved the title of kings, and now are only stiled *Lords of Man and the Isles*, though they have most of the regalia; as the giving the final assent to all new laws, and the power of pardoning offenders, of changing the sentence of death into banishment, of appointing and placing the governor and officers, with a right to all forfeitures for treason, felony, *Felo de se*, &c.

I shall conclude with the opinion of all the great lawyers in England who have had occasion to mention the Isle of Man *viz.* that it is a royal fief of the crown of England, and the only one: So that I may venture to say, without censure, that if his Grace the Duke of Athol is not the richest subject the King of Britain has, he is the greatest man in his majesty's dominions.

His Grace was married, in the 1726, to JEAN FREDERICK, now Dutches of Athol, who brought with her a considerable fortune: The first accounts we have of her Grace's family is, that her great-grandfather John came from the Palatinate in the reign of Queen Elizabeth, and was physician to her majesty. His son John Frederick was Lord Mayor of London the year King Charles was restored, and was then knighted by his majesty, presented the city presents to Queen Katharine, and

(*c*) Case of James Duke of Athol, Lord of Man and the Isles, as set forth in his petition to his majesty, claiming the peerage of Strange. (*d*) Dugdale's Baronage of England. (*e*) Dr Gibson, the Lord Bishop of London, in his new edition of Camden's Britannia, and Bishop Wilson's Account of the Isle of Man.

died father of the city, leaving an only son, Thomas, father to her Grace by Leonora Mariscoe, who was one of the greatest fortunes in England at that time, whose predecessors came originally from Normandy, and were of very considerable account in that country.

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MEMORIAL OF THE VISCOUNT OF STORMONT, LORD SCONE, AND LORD BALVAIRD, COCKPOOL, AND LOCHMABEN.

THE barony of Arngosk, *alias* Forgey, in the county of Fife, though it has been possessed by the Murrays for many ages past, yet, in the more ancient times, that estate belonged to gentlemen of the surname of Friseley. This is vouched and instructed by a donation which *Gilbertus de Friseley, Dominus de Forgey* made, "Deo et ecclesiæ beatæ Mariæ de Cambuskenneth, et ibidem canonicis deo servientibus, illam partem terræ quæ jacet propinquior domui, quæ est sacerdotis" in territorio de Arngosk, una cum jure patronatus ecclesiæ de Arngosk." The deed is confirmed by William, bishop of St Andrews, *die Mercurii proxima post festum exaltationis sanctæ crucis*, 1231 (*a*). There we meet with *Henricus de Friseley Dominus de Forgey*, who gave to the abbot and convent of Cambuskenneth *molendinum de Arngosk pro salute animæ suæ* (*b*). This donation bears date *sexto calendas Augusti 1295*. After *Henry de Friseley* there is *Willielmus de Friseley, miles, Dominus de Forgey*, who ratifies the deed of his predecessor of the mill of Arngosk, to the convent of Cambuskenneth, which is ratified by a charter under the Great Seal of King Robert I. at Glasgow, *decimo die Junii, anno regni sui nono*, that is the year of our Lord 1316 (*c*). From the family of the Friseleys the barony of Arngosk, *et dominium de Forgey*, as it is called in the record, was transferred by the marriage of the heir-female to the Barclays of Kippo, a branch of the once great and powerful family of the Barclays Lords of Brichen, which terminated in an heir-female, who was married to Walter Stewart Earl of Strathern, Athol, and Caithness, one of the younger sons of King Robert II. (*d*). The family of the Barclays of Kippo and Arngosk subsisted a long while in honour and lustre, till the reign of King James IV. that James Barclay, son and heir of another James Barclay of Kippo, died without issue-male, and left only one daughter, his sole heir, *Margaret Barclay domina de Arngosk et Balvaird*, who brought her estate to her husband Sir Andrew Murray, second son of Sir William Murray of Tullibardin, paternal ancestor to the present Duke of Athol (*e*), in the 1499, at least that is the first time I have found him first designed of Arngosk, and Dame Margaret Barclay his wife, *nepoti et bæredi quondam Jacobi Barclaii de Kippo*. That she was sprung from, and descended of the ancient Lords of Arngosk and Forgey, is instructed from a deed I have seen (*f*), in which she is designed *bæres quondam Henrici de Friseley domina de Arngosk et Forgey*; it is dated the 2d of December 1513 (*g*). This lady, on the 24th of January 1507, resigns in the hands of King James IV. her whole estate for new infetment to herself, and Sir Andrew Murray, her spouse, in liferent, and the fee to the heirs procreated betwixt them: Upon the marriage of Sir Andrew Murray with Dame Margaret Barclay he did not quarter the coat of arms of the Barclays with the paternal bearing of the Murrays, but chose rather to compose them by placing the cross patee, the figures in the armorial bearing of the Barclays, in the centre of the shield betwixt the three mullets, as may be seen on the south aisle of the collegiate church of Tullibardin, which has

(*a*) Charta Cambuskenneth in Bibl. jurid. (*b*) Ibidem. (*c*) Chartulary of Cambuskenneth. (*d*) Charta in publicis archivis, ad annum 1373. (*e*) Charta penes dominum Drummond. (*f*) Charta Cambuskenneth. (*g*) Ibidem.

been founded by this gentleman, after he became possessed of the estates of Arngosk, Balvaird, and Kippo.

This lady Dame Margaret Barclay, Lady Arngosk, with consent of Sir Andrew Murray her husband, and Sir David Murray her son and heir apparent, both knights, founds, and endows a chaplainry in the parish church of Arngosk, "In honorem Dei et sanctæ individuæ Trinitatis, Patris, Filii, et Spiritus Sancti, et beatæ Mariæ, et beatæ Columbæ, patronas ecclesiæ de Arngosk," of an annuity of fourteen merks and two acres of land lying contiguous to the church (*b*), "pro prosperitate serenissimi principis Jacobi Quinti regis Scotorum;" also for the health and welfare of themselves, their heirs and successors, "et omnium fidelium defunctorum." This charter of mortification bears date, *apud castrum nostrum de Balvaird, primo die mensis Augusti 1527 (i)*. This Sir Andrew Murray left issue by Dame Margaret Barclay his wife aforesaid,

Sir DAVID MURRAY, his eldest son and successor,

JOHN MURRAY of Conland (*k*) which lands he held in vassallage of the family,

ELIZABETH a daughter, who was married to Sir Archibald Douglas of Kilspindy (*l*).

Sir DAVID MURRAY of Arngosk, the second in the line of this noble family, made an alliance in marriage with the House of Lindsay; for he married Dame Janet Lindsay, daughter of John Lord Lindsay of the Byres, ancestor to the present Earl of Crawford, by Dame Helen Stewart his wife, daughter of John Earl of Athol (*m*), by whom he had issue three sons, viz.

Sir ANDREW MURRAY the heir of the family.

WILLIAM MURRAY of Letterbanachy, the second son, and the paternal ancestor of the present Viscount of Stormont (*n*), of whom afterwards.

DAVID MURRAY, portioner of Airdeth, the third son (*o*). This Sir David Murray of Arngosk died in the month of September 1550 (*p*), and was succeeded by his son and heir,

Sir ANDREW MURRAY of Arngosk, who we find, from a very authentic deed and voucher, was one of the gentlemen that were on the assize of Alexander Earl of Huntly, when he was condemned, after his death, for the rebellion he had headed at the battle of Corriche, *anno 1563*.

In the 1547 he married Dame Janet Graham, daughter of William, the second Earl of the illustrious House of Montrose, by Dame Janet Keith his lady, who was daughter of William Earl Marischal of Scotland (*q*); by this lady he had issue,

Sir DAVID MURRAY of Gospertie, his second son, who was raised first to the honour of Lord Scone, and after that to the dignity of Viscount of Stormont; of whom in the sequel of this memorial.

Mr ROBERT MURRAY, the third son, who was bred to the service of the church, and had the benefice of the arch-deanry of Dunkeld bestowed on him, by the bounty and favour of King James VI. the better to enable him, as the narrative and preamble of the gift bears, to prosecute and carry on his studies in the view of serving in the church (*r*), but he died without any succession.

Sir PATRICK MURRAY, the fourth son, was designed of Byn and Drumcairn, and was lieutenant of his majesty's guard, and was a bold brisk man, frequently employed by the king in the affairs of the church; more especially as to the settling episcopacy, to which the brethren were not a little averse (*s*). He married Dame Isabel Blair of the House of Balthayock in Perthshire, but he died without succession in the 1604, and his estate came to the Lord Scone his brother, who is served heir to him in the year 1607 (*t*).

Sir ANDREW MURRAY of Arngosk, the father, died in *anno 1576 (u)*, and was succeeded by his son,

Sir ANDREW MURRAY of Arngosk, who was one of the gentlemen of the bed-chamber to King James VI. and in a very considerable degree of confidence and favour with that prince (*v*). This gentleman took a new investiture of his estate to him-

(*b*) Chartulary of Cambuskenneth. (*i*) Ibidem. (*k*) Ibidem. (*l*) Mr Home's History of the Douglasses. (*m*) Charta in publicis archivis, ad annum 1526. (*n*) Charta penes Jacobum Murray de Abercairny. (*o*) Charta in publicis archivis, ad annum 1563. (*p*) Charta penes Vicecomitem de Stormont, etiam charta in Rotulis Reg. Parl. (*q*) Charta in publicis archivis, ad annum 1547. (*r*) Ibidem, ad annum 1584. (*s*) Spottiswood and Calderwood's Ecclesiastical Histories. (*t*) Rotul. in Cancellaria, S. D. N. R. (*u*) Charta penes Vicecomitem de Stormont. (*v*) Charta in publicis archivis.

self in liferent, and to Andrew Murray, his son and heir apparent in fee, and to the heirs-male of his body ; which failing, to David Murray his brother-german, and the heirs-male of his body, and, in failure of these, to Robert Murray his brother-german, and to the heirs-male of his body ; and these failing, to Patrick Murray their brother-german, and the heirs-male of his body ; which failing, to David Murray, portioner of Airdeth, his uncle. The charter is expedite the Great Seal the 26th of September 1560 (*a*). In this substitution it is pretty odd, that Sir Andrew Murray of Arngosk strikes out his uncle William Murray of Letterbanachy, and his issue-male out of the succession, who was elder than David Murray of Airdeth, whom he substitutes directly and immediately after his own brothers: But we see, that some time after this, in a subsequent settlement of the estate of the family, justice is done to David Murray, son of William Murray of Letterbanachy, and he is reposed in his due room and right of succession before the issue-male of his uncle David Murray of Airdeth.

This Sir Andrew Murray of Arngosk married Margaret, daughter of John Crichton of Strathurd, an ancient and considerable family in the county of Perth ; her mother was a daughter of the Lord Ruthven's family, who were afterwards Earls of Gowrie (*b*), by whom he had Andrew his son and heir, and one daughter, Anne, who was married to Sir Mungo Murray the second Viscount of Stormont, but had no issue. To this Sir Andrew Murray of Arngosk succeeded Andrew, his son and heir, who was the first of the family that relinquished the designation of Arngosk, and used the title and designation of Balvaird. He took an investiture of his estate, and is stiled *Andreas Murray de Balvaird, filius & hæres quondam domini Andree Murvay de Arngosk, militis*. He provides his whole estate to the heirs-male of his own body, and failing these to Sir David Murray of Gosportie, Knight, his Majesty's Comptroller, his uncle, and to the heirs-male of his body ; which failing, to Robert Murray his uncle, and the heirs-male of his body ; which failing, to David Murray of Balgonie, his father's cousin-german, son of William Murray of Letterbanachy ; and failing his heirs-male, to another cousin-german of his father's, Mr William Murray of Airdeth. This charter bears date the 8th of May 1604 (*c*). This gentleman was heir apparent to the Viscount of Stormont, both in his estate and title of honour. He married Margaret, daughter of Sir William Monteith of Carse, by Dame Helen Bruce, his wife, of the House of Airth: But he died without issue in the month of September in the year 1624, so that his estate devolved to his uncle, David Viscount of Stormont, who was served and retoured heir-male to his nephew some short time thereafter.

Sir DAVID MURRAY, the first Viscount of Stormont, was, from his youth, bred at the Court of King James VI. He was first made Cup-bearer to his Majesty, in which employment he soon rendered himself very gracious to his master, inso-much, that in a few years he was preferred to be Master of the Horse, and Captain of the Guard, and being knighted, was made Comptroller of the Royal Revenue in the 1599, upon the removal of Sir David Home of Wedderburn from the office (*d*). In this station he served his majesty with great diligence, fidelity, assiduity, and application. He had the honour to be attending on his majesty from the palace of Falkland to the town of Perth, on the memorable 5th of August 1600, when the Earl of Gowrie and his brother Mr Ruthven, by an unparalleled attempt, thought to have embred their hands in the sacred blood of the king: This wicked design was, by a happy providence defeated, just when it was upon the very point of being executed. In his majesty's happy preservation Sir David Murray, the Comptroller, was highly instrumental. At the same time he did the court a piece of exceeding acceptable service; for when the town of Perth were all in an uproar and tumult upon the killing of the Earl of Gowrie, who was their Provost, he had the chief hand with his friends in composing the citizens, in quelling the tumult, and carrying the king and the court safe back to Falkland (*e*).

(*a*) Charta penes Vicecomitem de Stormont, ac etiam in publicis archivis. (*b*) Ibidem. (*c*) Ibidem, ad annum 1604. (*d*) Ibidem. (*e*) History of Gowrie's Conspiracy.

This accident, in which Sir David Murray had so great a share of merit, laid a deep root with his majesty, and begot such a confidence that was never afterwards shaken. He upon this came to be considered as one of the first favourites, and in whom the king could well repose the firmest confidence. His majesty came now to heap favours on him; he began with giving him the barony of Ruthven, the chief seat of the Earl of Gowrie, which he called Huntingtower, and had come to the crown by the Earl's forfeiture. Soon after that he gave him the lands of the whole abbacy of Scone, of which the Earl of Gowrie had been commendator (*a*), erected, united, and incorporated into a temporal lordship, to be called the lordship of Scone, with place, seat, and voice in Parliament; and was thereupon, with the greatest solemnity, invested in the honour the 7th of April 1605 (*b*), by a special commission directed to the Earl of Dunfermline, the Lord Chancellor, for that effect. The ceremony was in presence of the Earls of Angus, Sutherland, Marischal, Linlithgow, the Lords Fleming, Drummond, and Thirlestane: the erection of the lordship of Scone was confirmed to the Lord Scone by a special act of Parliament in the 1606 (*c*). Quickly after this his majesty was graciously pleased to bestow upon his favourite, the Lord Scone, the office of Ranger, or the Rangery of the Lomonds, the Forestry of the Woods, and the old Castle-steed of Falkland (*d*), and several other beneficial grants from the crown.

The king, his master, well knowing his favourite servant, the Lord Scone, to be a man of more than ordinary courage and resolution, made choice of him to represent his royal person as High Commissioner in several of the general assemblies of this church, where he deported himself so boldly and resolutely in the king's service, that he had a peculiar hand in carrying through things that met with a very high opposition in reference to the settling a liturgy, and in bringing the church of Scotland to some nearer degrees of uniformity with the church of England, which the king had set his heart so much upon, and could not have been well brought about by a man of less resolution and spirit than that Lord (*e*). As he acted his part to the king's great contentment and satisfaction in the Ecclesiastical Court, and with so much success, so his lordship showed no less zeal in promoting the king's service in the Parliament 1621, when the decrees of the church came to receive the sanction of law: How soon the five articles of the Perth assembly passed into laws, the Lord Scone was dispatched to court to inform his Majesty of the success of his instructions, by the Marquiss of Hamilton, his majesty's High Commissioner: to commemorate his long and faithful services his majesty was graciously pleased to raise him to the honour of Viscount of Stormont, by letters patent, bearing date the 16th of August in the year 1621, aforesaid (*f*). The dignity is limited to the heirs-male, which would have carried the peerage to his nephew Sir Andrew Murray of Balvaird, as he had all along intended, for he never had any children of his own: but there is no absolute happiness in this sublunary world; for, in the 1624, he received a great domestic affliction in his own family, by the death of his nephew Sir Andrew Murray of Balvaird, to whom the viscount himself succeeded. This accident altered all his schemes of the succession of his honour and estate, and made him take new measures; for as he, by the king's favour, got his honours after his death conveyed to Sir Mungo Murray, son to the Earl of Tullibardin, who had married his niece, and to the heirs-male of his body, and failing these, to John Earl of Annandale and his heirs-male, and in failure of these, to his own heirs-male, and his estate of conquest; so, moved from principles of honour and conscience, to preserve his family of Balvaird in the line of the heirs-male, he adopted for his nephew his cousin-german's son, Mr Andrew Murray, then minister at Ebdie, son to David Murray of Balgonie and Kippo, and immediately settled on him the fee of the estate of Balvaird, &c.

(*a*) Charta penes Vicecomitem de Stormont, etiam charta in archivis, ad annum 1580. (*b*) Mr Workman's Manuscript, who was a famous herald, and assisted at the solemnity of the investiture himself. (*c*) Charta penes Vicecomitem de Stormont. (*d*) Ibidem. (*e*) Spottiswood and Calderwood's Histories of the Church. (*f*) Charta in publicis rotulis, ad annum 1621.

His other estate of conquest he provided, together with his title of honour, as we observed, to Sir Mungo Murray, and after him to the Earl of Annandale, and after their respective heirs-male, to Mr Andrew Murray of Balvaired his own heir-male; the crown countenanced all these settlements of the Viscount of Stormont, and thereupon Sir Mungo Murray, his heir of entail, came to be designed Master of Stormont, as much as if he had been the Viscount's own son, even in his lifetime.

DAVID, the first Viscount of Stormont, was married to Dame Elizabeth Bethune, daughter of Sir David Bethune of Creigh, in the county of Fife; but, dying on the 27th of June 1631, he was with great funeral solemnity interred in a vault within the church of Scone, on the 23d of September thereafter, under a noble and magnificent monument of various-coloured marble, erected by himself many years before his death, with his statue as big as the life, in a posture of devotion, with this inscription upon a tablet of black marble, wherein most of his remarkable-actions are set forth.

" The Right Honourable Sir DAVID MURRAY of Gospertie, Knight, son to Sir Andrew Murray of Balvaired; his grandsire brother to the Earl of Tillibardine; his mother daughter to the Earl of Montrose; his gooddame of the father, daughter to the Lord Lindsay; his gooddame of the mother, daughter to the Earl Marischal; who for his good services done to King James VI. whom he faithfully served from his youth in many honourable employments, from a Cup-bearer, Master of his Horses, Master of his House, Comptroller of his rents, Captain of his Majesty's Guards, one of his Honourable Privy Council, was created Lord Scone. He married Dame Elizabeth Beaton, an ancient baron's daughter of Crich, died without issue, left his estate to his nephew of Balvaired, and to Dame Agnes Murray his niece, whom he married to a brother of the Earl of Tillibardine's, from whom he first descended; he helped his other friends, who enjoy the fruits of his labour; his buildings proufs he was politique; good men knew he loved virtue, and malefactors that he maintained justice; he founded this hospital, and builded this church; his soul enjoys happiness: and under this tomb, builded by himself, lyeth his body, expecting the joyful resurrection."

To DAVID, the first Viscount of Stormont, succeeded, as heir of provision and entail, Mungo Viscount of Stormont aforesaid, in the honour and in the lordship of Scone, and barony of Stormont. He married Dame Anne Murray, only daughter of Sir Andrew Murray of Balvaired, brother to the first viscount, and, after her death, Anne, daughter of John Earl of Wemyss, widow of Alexander Lindsay of Edziell; but by neither of these two ladies, his wives, had he any issue; and, departing this life in September 1642, the lordship of Scone, and the honour of Viscount of Stormont came to James, then Earl of Annandale, in virtue of the Viscount's destination; and so being the lesser dignity, it was immerged and absorbed in the higher honour of the Earl of Annandale, and there it remained for about the space of sixteen years, that the Earl of Annandale dying without issue in the 1658, the honour of Viscount of Stormont was again revived, and devolved to David then Lord Balvaired, heir-male and of entail to David the first Lord Scone, and Viscount of Stormont.

The ancestor of the Lord Balvaired was William Murray of Letterbanachy, second son to Sir David Murray of Arngosk, and Dame Janet Lindsay his wife, daughter of John Lord Lindsay, and uncle to David the first Viscount of Stormont. This is vouched and clearly instructed from a charter granted by his brother Sir Andrew Murray of Arngosk, *Willielmo Murray fratri suo germano, de terris de Letterbanachie, in vicecomitatu de Perth, et hæredibus suis*, in the 1553 (a).

This William Murray of Letterbanachy, who was the second brother of the family of Arngosk, allied in marriage with the House of Oliphant (b), and had Andrew Murray of Letterbanachy, his eldest son, who died without issue, and

DAVID, the second son, who was heir to his father, and at different times is designed *David Murray de Lintbill, de Balgony* and *Kippo*. There is a charter I

(a) Charta penes Jacobum Murray de Abercairn. (b) Herald books.

have seen, wherein he calls himself *David Murray de Balgony, filius et hæres quondam Willielmi Murray de Letterbanachie* (a). He is by this designation substitute in an investiture of the estate of Balvaire, in favour of Sir Andrew Murray of Balvaire, in the 1604, to whom he was a cousin-german, and is placed before David Murray, portioner of Airdeth, whom Sir Andrew calls his uncle, his father's brother, and who was an immediate younger brother to William Murray of Letterbanachy. This David Murray of Balgony came after that to acquire from the family of Balvaire the estate of Kippo in Fife, which he afterwards sold to Dr David Philp, anno 1623 (b). This gentleman married Agnes Moncrief, daughter to the Laird of Moncrief (c), by whom he had issue,

GILBERT MURRAY, his eldest son, who died without issue,

MR ANDREW MURRAY, the second son, afterwards Lord Balvaire,

WILLIAM, the third son,

DAVID, the fourth son, and

KATHARINE, a daughter, who was married to John Arnot of Pitouie, and had issue.

MR ANDREW MURRAY, afterwards Lord Balvaire, being at first a younger brother, was bred to the church, and, taking holy orders, he was soon after instituted minister of the parish of Ebdie in the shire of Fife, as soon as the 1618 (d). Upon the death of Sir Andrew Murray of Balvaire, the presumptive heir of the Viscount of Stormont, his lordship having no issue of his own, nor hopes of any, he from henceforth considered Mr Murray as his heir-male, as indeed he was. The Viscount, now moved from principles of honour and conscience to preserve his paternal estate entire in the blood and line of the family, however he should dispose of his other conquest, did now, in the 1625, upon the back of his nephew's death, take a new investiture of the estate of Balvaire and Arngosk to himself in liferent, and the fee to the heirs-male of his body; which failing, to Mr Andrew Murray, minister at Ebdie; this deed is dated the 26th of November 1625 (e). Accordingly, as heir of the investiture, he succeeded the Viscount of Stormont, his cousin, in that part of his estate, on his death in the 1631. Immediately on the back of that he gets a charter of his whole estate, which was now very considerable, and which he provides to the heirs-male of his body; which failing, to Mungo, then Viscount of Stormont, and to the heirs-male of his body; which failing, to the heirs-male of the bodies of Gilbert, William, and David Murrays, his brothers, *respective*. This charter is of the date the 14th of July 1632 (f). At the solemnity of the coronation of King Charles I. on the 18th of June 1633, Mr Murray of Balvaire, the minister at Ebdie, was one of those gentlemen the king conferred the honour of knighthood on, though he was an actual minister at the time: Mr Murray was esteemed, and had the character of a wise, grave, prudent, pious man, and well disposed to the whole frame of the government, and the constitution as established by law: Possessed with all these qualities, he was pitched on as a very proper member for the Assembly of Glasgow, in the 1638, where, by his temper, authority, and moderation, he studied all that was possible to allay the heats, and compose the differences that were there agitated with so much warmth and zeal in reference to episcopacy, and the government of the church by bishops: His conduct and behaviour was much taken notice of by his Majesty's Commissioner the Marquis of Hamilton, insomuch that the marquis was pleased to give the king a very good character of Sir Andrew Murray, as a clergyman well disposed to peace, for healing breaches, and much averse from carrying matters to extremities on either side. Though he still leaned to the king's side, he continued to sit in the Assembly till the Commissioner thought fit to leave them, and he then retired with others of the brethren who were not inclined or disposed to make those alterations in the constitution of the church that were carried through, and driven on by the remaining part of the Assembly. However, he took the covenant, when it was enjoined by authority, as the only mean that was left for preserving the peace and tranquillity of the kingdom, which was then strangely divided.

(a) Penes Abercairny, ad annum 1612. (b) Herald books, MSS. (c) Charta penes Vicecomitem de Stormont. (d) Ibidem. (e) Ibidem. (f) Ibidem.

In the 1641, when the king came down to hold the Parliament in his own royal person, to cement all differences, to redress all grievances, and to give a general satisfaction, at the end of the Session he was pleased to create several peers, and, among the rest, Sir Andrew Murray of Balvaire was created Lord Balvaire, by letters patent, the 14th of November 1641 (*a*). Soon after this he got a very considerable accession to his estate, the barony of Stormont, by the death of his cousin Mungo Viscount of Stormont, to whom he is served and retoured heir of tailzie and provision in that barony in May 1643 (*b*). With all this accession of wealth and honour, he, notwithstanding, continued still to exercise his pastoral function in the ministry at his parish of Ebdie till his dying day. The troubles that ensued, and the fatal breach betwixt the King and the Parliament, had a considerable influence on his health, and quickly hastened him to his grave. His testament I have seen, dated the 24th of September 1644 (*c*), and his death happened in three or four days thereafter. He married Elizabeth, daughter of David, the first Earl of Southesk, by whom he had issue,

DAVID LORD BALVAIRD, his eldest son and successor, thereafter Viscount of Stormont.

SIR ANDREW MURRAY of Pitlochrie, of whom is Murray of Murrayshall in Perthshire.

JAMES MURRAY, Esq. the third son, was a Doctor of Medicine, a man of learning and reputation in his profession. He left a daughter, his heir, who was married to Dr Robert Carmichael of Bamblae, mother by him to Dr James Carmichael of Bamblae.

SIR JOHN MURRAY of Drumcain, the fourth son, who was educated to the profession of the law; and after he had long practised at the bar, with reputation, learning, and integrity, he was promoted to be one of the Senators of the College of Justice, where he continued till the Revolution. He left a daughter, Elizabeth, who was the first wife of Francis the present Earl of Murray.

MR WILLIAM MURRAY, the fifth son, was a famous and celebrated lawyer before the Court of Session, and was esteemed one of the first men of that profession in his time. The Lord Balvaire had also three daughters,

KATHARINE, the eldest, was never married.

BARBARA, the second, was married to Andrew Lord Gray of Foulis, and had issue.

MARJORY, the third, was married to Sir Alexander Gibson of Durie, by whom he had only one daughter, his heir, who was married to John Murray of Polmaise, in the county of Stirling, a very ancient family of the Murrays, and had issue.

DAVID, the second Lord BALVAIRD, succeeded his father in his estate and honour: He was a high royalist, and adhered to the interest of the royal family when it was at the lowest ebb of fortune, with inflexible fidelity. This exposed him to the resentment of Cromwell, who, when he imposed fines on all men of rank and condition that favoured the king's interest, in the 1654, the Lord Balvaire was fined in L.1500 Sterling (*d*).

On the death of James Murray Earl of Annandale, as has been hitherto observed, he succeeded to the honour and dignity of Viscount of Stormont, and to the lordship of Scone, who had that honour and estate in his person. He married Jean, daughter of James the second Earl of Southesk, and widow and relict of James Earl of Annandale aforesaid, by whom he had David, his son and heir, and a daughter, Katharine, who was married to William Earl of Kintore, and had issue. He died the 7th of July 1667, and was succeeded by

DAVID VISCOUNT OF STORMONT, his son, who married Marjory, only daughter of David Scott of Scotstarvet (*e*), heir-male of the most noble family of Buccleugh, by Nicolas his first wife, only daughter of Sir John Grierson of Lagg, and of his wife Isabel, one of the daughters and heirs of Robert Lord Boyd; and that way the present Viscount of Stormont is come of one of the heirs of line of Sir James

(*a*) The book in the registers where these patents have been insert is torn out, but the minute-book has it marked 14th November. (*b*) In archivis. (*c*) Charta penes Vicecomitem de Stormont. (*d*) Cromwell's Act of Indemnity. (*e*) Charta penes David Scot de Scotstarvet.

Murray of Cockpool, who was elder brother to John Murray of Dundrenan, thereafter Viscount of Annan, and Earl of Annandale; for Sir John Grierson of Lagg's mother was eldest daughter of Sir James Murray of Cockpool. The other children of the late Viscount of Stormont, besides David, now Viscount of Stormont, are James Murray, Esq. who was bred a lawyer, and for some time practised before the Court of Session; John, who died young; Mr William Murray of Lincoln's-Inn, that great honour and ornament of his country and family; Charles Murray, Esq. and Robert, who died young; likewise six daughters;

KATHARINE.

ELIZABETH, who died unmarried.

MARJORY, married to Colonel John Hay of Cromlicks, second son to Thomas Earl of Kinnoull.

EMILIA, married to Sir Alexander Lindsay of Evelick, baronet, in the county of Perth, hath issue

MARGARET,

JEAN,

HELEN-NICOLAS,

MARY, who died unmarried.

He died on the 9th day of November 1731, and was succeeded by

DAVID, now Viscount of Stormont, his son, who married Anne, only daughter of John Stewart of Innernytie, by whom he has issue,

DAVID, Master of Stormont,

JAMES,

ANNE, and

MARJORY.

#### RUTHERFORD LORD RUTHERFORD, AND EARL OF TEVIOT.

THIS was an ancient powerful family on the border, in the county of Teviotdale; the origin of the name and family, so far as the tradition may be credited, is said to be descended from a person who was guide to Ruther, King of Scots, through the river Tweed, in an expedition against the Britons, at a place from that called *Ruther-ford*, which was bestowed on him, and from whence his descendants took a surname, how soon surnames became hereditary. However this be, so much is certain, that the family of Rutherford was always looked on as one of the most ancient and powerful families that resided on the borders, and were a race of very gallant brave men, frequently concerned in their inroads, and other warlike enterprizes, made into England by the Earls and Lords of Douglas. The first of the family of Rutherford, for which I have seen any voucher is *Nicolaus de Rutherford*, that is Rutherford of that ilk, who is one of the great barons in the county of Roxburgh who swore fealty and allegiance to King Edward I. in the bond of submission we call the Ragman-Roll (a); as *Almer de Rutherford* makes another submission to King Edward. from the same authority we have just now cited (b). The learned and exact historian, Dr John Barbour, Archdean of Aberdeen, takes notice, in the History of King Robert the Bruce, of many gallant brave men, who eminently exerted themselves in defence of the sovereignty and independency of their country, and in maintaining the right and title of their glorious sovereign to the crown of this realm; and, among others, he mentions Sir Robert Rutherford. The first of this ancient noble family that I have designed of Rutherford, or of that ilk, was *Ricardus de Rutherford. Dominus ejusdem. miles*, who is a witness to a charter granted by William Turnbull to William Stewart his ne-

(a) Prymme's Hist. page 688. (b) Ibidem, page 688.

phew, of the lands of Minto, in 1390, which is ratified and confirmed by a charter under the Great Seal in the public archives. This Sir Richard Rutherford of that Ilk, by his lady, who was a Douglas, had two sons; James, the eldest, his heir and successor; and John, who had a grant from Archibald Earl of Douglas, of the lands of Chatto, *anno* 1424, and was the ancestor of the Rutherfords of Hunthill, who came afterwards to enjoy the honour of Lord Rutherford. James Rutherford of that Ilk is one of the great men on the border who were conservators of the peace with England in the 1457 (*a*), July the 13th. There are marked and ranked in the vouchers after the nobility, *Archibaldus Rutherford vicecomes de Roxburgh, Alexander Hume, Walterus Scot, Robertus Crichton vicecomes de Nithsdale, William Cranston, Symon Glendining, David Hume, milites, Thomas Cranston de eodem, Jacobus Rutherford de eodem, Joannes Johnston de eodem, Andreas Ker de Cessford, Georgius Ormiston de eodem, Carolus Murray de Cockpole, Willielmus Carlyle de Torthorald*. This James Rutherford of that Ilk was succeeded by another James Rutherford of that Ilk, whom I have found designed *Jacobus Rutherford filius et hæres quondam Jacobi Rutherford de eodem*, in a gift of the patronage of the kirk of Rutherford that had formerly pertained to the Earls of Douglas (*b*). In the year 1483 he had a charter, under the Great Seal, of his estate, and to Margaret Erskine, his spouse, who was daughter to the Lord Erskine, by whom he had issue, Philip, his eldest son and heir apparent, who, in the lifetime of his father, married Elizabeth Ker, daughter to Sir Walter Ker of Cessford, ancestor to the present Duke of Roxburgh, by whom he had a son, Richard, his grandfather's heir, and two daughters; Helen, who afterwards became her brother's heir, and married Sir John Forman of Devon, brother to Andrew, Archbishop of St Andrews, Commendator of Pittenweem and Cudtingham in England (*c*), but had no issue; and Katharine, the other daughter, who was married to Sir James Stewart of Traquair, son to James Earl of Buchan, and thereby got the estate of Rutherford and Well, and is the ancestor of the Earl of Traquair, who carries the coat of Rutherford in his achievement. Of the Rutherfords of Chatto and Hunthill the Rutherfords of Quarryhole were a branch; William Rutherford of Quarryhole married Isabel, daughter to the above Sir James Stewart of Traquair, by whom he had issue a son, Lieutenant-General Andrew Rutherford, first dignified with the honour of Lord Rutherford, and after that raised to the title of Earl of Teviot, and a daughter, Christian, who was married to Robert Durie of Grange, in the county of Fife, whose descendants are heirs of line and provision to the Earl of Teviot, Lord Rutherford, and now carry the title of Lord Rutherford. This illustrious person, Lieutenant-General Rutherford, having acquired great honour, glory, and fame, by his military achievements in foreign parts, was, upon the restoration of King Charles II. raised to the honour of Lord Rutherford. In the preamble of the patent, the king's majesty is graciously pleased to give such a noble shining character of Lieutenant-General Rutherford, the patentee, and does express and set forth his merit and services in such terms, and so much to his honour, that it would be unjust not to give at least hints of it here. His majesty declares the motive inducing him to raise the said lieutenant-general to the dignity of Lord Rutherford, was, "For his distinguished merit and extraordinary qualities in the service of the crown of France, in the quality of lieutenant-general; as also the honour he hath not only done to his private family, but his country in general, by his glorious actions performed among foreign nations, both in peace and war, with equal valour and success, upon the public theatre of France, Italy, Germany, and the Netherlands, and likewise the loyalty and constancy with which he hath always adhered to us, and with what zeal and readiness he ever stood affected toward the serving of our cause; and therefore raises him to the honour and dignity of Lord Rutherford, and to his heirs and assignees whatsoever, and that under what provisions, restrictions, and conditions, the said Lord Rutherford shall think fit." The patent is dated at Whitehall the 10th January 1661. General Rutherford was made Governor of Dunkirk, which he enjoyed till it was sold to France; upon that he was raised to the honour of Earl of Teviot, by let-

(*a*) First Vol. Nisbet's Hist. (*b*) Charta in registro. (*c*) Charta in registro.

ters patent, bearing date the 2d of February 1662 (*a*), and the honour is limited to the heirs-male of his own body. Soon after that he was made Governor of Tangier, where he died on the 4th of May 1664. The Earl, leaving no issue of his own before he went over to Tangier, made his latter will and testament, dated at Portsmouth the 29th of December 1663 (*b*), wherein he conveyed his estate and dignity of Lord Rutherford to Sir Thomas Rutherford of Hunthill, a very remote relation, merely on account of the name, who accordingly enjoyed the honours of Lord Rutherford, as did also his two brothers, Lord Archibald and Robert, in course of succession; and all of them having not only died without lawful issue, (upon which the heirs-male of the family of Hunthill became entirely extinct) but also having incurred the irritancies contained in the Earl's disposition of the honours in their favour, the said honour, title, and dignity, of Lord Rutherford, in consequence of the above-incurred irritancies, legally devolved on John Durie of Grange, the Earl's grand-nephew, and heir of line and provision, served and retoured 1671, and are accordingly possessed by his son, George, the present Lord Rutherford, served and retoured heir of line, tailzie, and provision, to that noble Earl in his title and dignity of Lord Rutherford, in 1733.

GEORGE Lord RUTHERFORD married Mrs Margaret Ogilvie, only child of Captain David Ogilvie of the Scots Guards, by whom he has issue,

DAVID, Master of RUTHERFORD, and a daughter, Agatha.

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OF THE ANCIENT AND HONOURABLE FAMILY OF CAMPBELL OF GLENORCHY,  
NOW DIGNIFIED WITH THE TITLE OF EARL OF BREADALBANE.

THIS noble family derives its original from Sir Colin Campbell of Glenorchy, second son of Sir Duncan Campbell of Lochow, (ancestor to the Duke of Argyle) by the Lady Marjory Stewart his wife, daughter of Robert Duke of Albany, Earl of Fife and Monteith (*c*), second lawful son of Robert II. King of Scotland, and Governor of the Kingdom during the reign of King Robert III. his brother, and the minority of King James I. his nephew. Sir Colin was provided by his father to the barony of Glenorchy; which estate he enlarged by several considerable acquisitions of his own, confirmed to him by grants from the king. Upon his father's death he became tutor-in-law and guardian to his nephews, the sons of his eldest brother; which office he executed with great fidelity. To Colin, the eldest, afterwards created Earl of Argyle, he procured in marriage Dame Isabel Stewart, his lady's second sister, and one of the daughters and co-heirs of John Lord Lorn; and Dame Mariota Stewart, the third of these co-heirs, to Archibald Campbell, another nephew of his, from whom the old branch of the Campbells of Otter are descended (*d*). After the execrable and unnatural murder of that excellent prince King James I. Sir Colin Campbell of Glenorchy, who had the honour to stand nearly related to him in blood, was very active and diligent in searching for and pursuing the regicides, and was so successful in this undertaking, that he very soon apprehended and brought to justice two of the most notorious of the assassins, Christopher Colquhoun and Robert Chalmer, who had been drawn into that hellish conspiracy

(*a*) In the registers of Parliament. (*b*) Extract of the latter will and testament of the Earl of Teviot, Lord Rutherford, out of the register of the prerogative court of Canterbury, dated 29th of December 1663. (*c*) For instructing this descent there is a charter granted by Robert Duke of Albany, dilectio filio suo Duncano Campbelle de Lochow, militi, of the lands of Minstry, on his own resignation, penes duce[m] de Argyle, in the foundation-charter of the collegiate church of Kilmun, by Sir Duncan Campbell the knight of Lochow, anno 1445, Colinus Campbelle de Glenorchy, filius meus, is a witness. The charter is in the register. (*d*) Charters in the registers vouching all these facts.

by the Earl of Athol, chief contriver of that barbarous tragedy; in recompense of which eminent service to the crown and kingdom, he afterwards got a grant from King James III. of the lands and estate of Lawers, to himself, and the heirs-male to be begotten betwixt him and Dame Margaret Stirling, then his wife (*c*), which King James V. afterwards ratified and confirmed by his charter; the preamble and narrative of which bears, that the lands had been given "per nobilissimum avum nostrum Jacobum Tertium bonæ memoriæ, quondam Colino Campbell de Glenorchy, militi, et hæredibus suis masculis inter ipsum et quondam Margaretam Strivelyne sponsam suam, pro bono et fideli servitio per dictum quondam dominum Colinum factam, in arrestatione et captione quondam Thomæ Chalmer, qui interfuit crudeli interfectione quondam nobilissimi predecessoris nostri Jacobi Primi bonæ memoriæ." There is another grant from the crown, in the records, of the lands of Auchmarach, bearing date the 3d of November 1466, to the same Sir Colin and Dame Margaret Stirling, then his lady (*f*). In the 1485 Sir Colin is a witness to two several charters granted by Malise Earl of Monteith to John and Walter Grahams, his younger sons, which is ratified by a charter under the Great Seal in the archives; after this he is witness to a charter granted by Angus Menzies of Comrie, "Willielmo Stewart de Ballendoran et Mariotæ Campbell sponse suæ, filicæ Colini Campbell de Glenorchy, de terris de Innererden in comitatu de Strathern, infra vicecomitatum de Perth, pro eorum vita, et Waltero Stewart, eorum filio, et hæredibus suis. Datam apud Lochtay quinto Octobris 1498." Of three sons of this Walter Stewart of Balindoran are the Stewarts of Balquhider descended.

This Sir COLIN CAMPBELL, founder of the family of Glenorchy, according to the memoirs still preserved in the family, was a just, and generous, gallant, and brave man, eminently loyal to his several sovereigns with whom he was cotemporary: He travelled much into foreign parts, was one of the Knights of Rhodes, now designed of Malta, and by his conduct and valour acquired immortal glory and honour: He lived to a great age, and saw a numerous progeny descended of himself: He built the house of Castle-Kilchurne in Glenorchy, which is still a seat of the family, and died in the year 1498, and was interred in the chapel of the Blessed Virgin at Finlarig, at the west end of Loch-Tay, which continues to be the burial place of the family.

Sir COLIN CAMPBELL of Glenorchy married first Dame Mary, one of the daughters of Duncan Earl of Lennox, but she dying soon after the marriage without children, her estate, which was considerable, returned to the family of Lennox (*g*). After her death he married Dame Margaret Stewart, the eldest of the three daughters and co-heirs of John Lord Lorn, by whom he had,

Sir DUNCAN his heir; with this lady he got a third of all the lordship and estate of Lorn, which yet remains in the family; and upon that account it is that the family have always quartered the coat of Stewart Lord Lorn with their own paternal achievement. He afterwards married Margaret, daughter of Robert Robertson of Struan (*b*), by whom he had a son, John, who was educated to the church, and took holy orders; and upon the demise of Angus, Bishop of the Isles (*i*), he was preferred to that see, and in 1506 he was joined in commission from the crown with David bishop of Argyle, to set in tack the crown lands of Bute (*k*). He died in the 1509 (*l*).

By the said Margaret Robertson he had also a daughter, Margaret, who was married to Sir Archibald Napier of Merchiston; from two sons of which marriage are descended the present Lord Napier (*m*), and Sir Theophilus Napier of Luttonhoe, knight baronet in England in the county of Bedford (*n*).

(*c*) Charter under the Great Seal in the public registers. (*f*) In the public archives, charta in Registro. (*g*) Contract of marriage still extant in the archives of this noble family. (*b*) Charta penes comitem de Breadalbane. (*i*) Vitæ Episcoporum Sodoren. MSS. penes me. (*k*) Charta in publicis archivis ad annum 1506. (*l*) Vitæ Epis. Sodoren. (*m*) Charta in publicis archivis Arch. Napier de Merchiston, et Margarietæ Campbell sponse suæ ad annum 1509. (*n*) Charta penes Dom. Napier, and the Baronsge of England.

Sir COLIN married again Margaret, daughter of Luke Stirling of Keir, an ancient family in the shire of Perth (*v*), by whom he had

First, a son, JOHN, ancestor to the family of Lawers: the eldest son of which family married the heiress of Loudon; and upon failure of issue of the second son, to whom the estate descended, it returned to Major-General Campbell, uncle to the present Earl of Loudon.

Secondly, a daughter, Helen, who was married to William Stewart of Balindoran or Balquhider, grandson of Murdoch Duke of Albany (*p*), of whom are descended a numerous tribe of the Stewarts in Balquhider, in the west end of Perthshire.

Sir DUNCAN CAMPBELL succeeded his father Sir Colin, whose estate having become very considerable, he had his designation from it, even in his father's lifetime, as appears by a charter under the Great Seal in the records, bearing date the 26th February 1480 (*q*), erecting several lands in the barony of Kilmichael, "Colino Comiti de Argyll, et hæredibus masculis de corpore suo legitime procreatis, seu procreandis; quibus deficientibus, Duncano Campbell de Glenorchy;" which failing, to several other substitutes in the course of succession therein described. Sir Duncan was in a good degree of confidence with his sovereign King James IV. and shared in his favours; for he obtained from him a grant of a royal bailiary, first temporary, and afterwards perpetual, extant in the public archives, "dilecto familiari suo D. Duncano Campbell de Glenorchy, pro suo fideli servitio nobis impenso et impendendo officium Baliatus omnium et singularum terrarum nostrarum de Dysher, Toyer, Glenlyon ac baroniæ de Glendochart." This grant is dated 3d September 1498 (*r*): He also obtained another grant from the king of the port of Loch-Tay (*s*), and a third grant of the lands of Glenlyon, to himself in life, and to Archibald Campbell his son, in fee, and the heirs-male of his body; which failing, to Patrick Campbell his brother-german; and, failing his heirs-male, to John Campbell, son to the deceased Sir Colin Campbell of Glenorchy, who was ancestor to the family of Lawers. The charter is dated the 7th of September 1502 (*t*); and in the year 1503, he acquired the lands and barony of Finlarig, lying in the lordship of Glendochart, in the sheriffdom of Perth. The charter of which lands is dated 22d of April in that year (*u*). Sir Duncan accompanied his sovereign King James IV. to the battle of Flodden, where he was slain, with his master and the flower of the nobility and gentry of Scotland, on the unfortunately memorable 9th of September 1513 (*x*). His body, being known by his friends and followers, was brought off the field, and carried to the chapel of Finlarig, where it was interred.

Sir DUNCAN CAMPBELL, in the year 1476, married the Lady Margaret Douglas, daughter of George Earl of Angus, and sister to Archibald then Earl of Angus (*y*); by which marriage he strengthened his family with many great and noble alliances. In the contract of marriage, which is by way of solemn indenture, the Earl of Angus, the lady's brother, is party-contractor for her: the portion contracted is 600 merks; for payment whereof Robert Douglas of Lochleven, ancestor to the present Earl of Morton, and Alexander Ramsay of Dalhousie, predecessor to the Earl of Dalhousie, the lady's brother-in-law, became cautioners, and Elizabeth Countess Dowager of Angus, her mother, gave the cautioners her bond for their relief. This marriage brought many noble and honourable alliances to the family; for the lady had one sister married into the family of Rothes, another to the Lord Graham, ancestor to the Duke of Montrose, a third to the Laird of Dalhousie, ancestor to the Earl of Dalhousie, and a fourth to Robert Graham of Fintry. By this lady Sir Duncan had issue,

(a) Charta penes Dominum Lawers, etiam charta in publicis archivis, ad annum 1525. (p) Charta in publicis archivis, ad annum 1464, terrarum de Balindoran Jacobo de Albany. (q) In the public registers. (r) Charter under the Great Seal by King James IV. in the registers. (s) A charter in the records, of the date the 4th of July 1498. (t) Charta in rotulis Jacobi Quarti ad annum 1502. (u) Charta in registro ad annum 1503. (x) Charta penes comitem de Breadalbane. (y) Charta penes ducem de Douglas, and Mr Hume's History of the House of Douglas, and the life of Gavin bishop of Dunkeld.

First, Sir COLIN, who succeeded him.

Secondly, ARCHIBALD, who was provided to the fee of the estate of Glenlyon, in the charter thereof granted by the king to his father (*a*), and was ancestor to the branch of the Campbells of Glenlyon.

Thirdly, PATRICK, who is substitute to his brother in the succession of that estate (*b*).

And fourthly, A daughter, who was married to the Laird of Monyvaird in the shire of Perth (*c*).

SIR COLIN CAMPBELL, the second son of that name, and third in the course of succession of this noble family, was a very accomplished gentleman; his relation to the House of Angus linked him in a firm friendship with the Douglasses and the Earl of Angus. It is no small addition to the honour of his memory, that he was of great use, and very aiding and assisting to his cousin-german, the learned and famous Gavin Douglas, Provost of St Giles, in procuring him peaceable possession of the Episcopal See of Dunkeld, to which he was promoted in the year 1514 (*d*), against a very powerful competitor, Andrew Stewart, Prebend of Craig, brother to the Earl of Athol, for nothing else but the just esteem and regard which Sir Colin had for the merit of that great prelate, who was one of the chief ornaments of his age, could have so zealously attached him to his interest, notwithstanding the relation he stood to him in blood, in opposition to that of Mr Stewart, who was his brother-in-law.

SIR COLIN CAMPBELL of Glenorchy married the Lady Margaret Stewart, daughter of John Earl of Athol, (who was uterine brother to King James II.) by his second lady Dame Eleanora Sinclair, daughter of William the great Earl of Orkney, who was Lord Chancellor in the reign of King James II. (*e*). This marriage increased the honour and interest of the family, by the addition of many great and noble alliances of the first rank and quality in the kingdom, particularly the lady's youngest sister was married to John Earl of Lennox, by whom she was mother to Mathew Earl of Lennox, who was Regent of Scotland in the minority of King James VI. of Scotland, his grandson, and the first monarch of Great Britain; and by the said Lady Margarét Stewart Sir Colin had issue three sons, Duncan, John, and Colin, who were all successively Knights of Glenorchy; and a daughter Katharine, who was married to Sir William Murray of Tullibardin, ancestor to the Duke of Athol. Her daughter was mother to the Earl of Marr, Treasurer of Scotland (*f*).

SIR DUNCAN CAMPBELL, second of that name, and the fourth lineal representative of this noble family, married Dame Margaret Colquhoun, daughter of Sir John Colquhoun of Luss, Knight, a very ancient and honourable family in the west, by Dame Agnes Stewart, his wife, daughter of Matthew Earl of Lennox (*g*), by whom he had only one daughter, Margaret, who was married to John M'Dougall of Raray in Lorn, a family of great antiquity. Sir Duncan died in the year 1534 (*h*), and in default of heirs-male, to whom the estate was provided, he was succeeded by his brother

JOHN CAMPBELL of Glenorchy, who married Dame Marion Edmonstone, daughter of Sir Archibald Edmonstone of Duntreath, a family nobly descended, possessed of an opulent fortune, and supported by many noble alliances. By her he had no male issue, but only two daughters,

MARGARET who was married to Alexander Home of Argaty in the county of Perth. And

CHRISTIAN, the second, to Edward Redheugh of Cultabragin, in the same county (*i*); and upon his demise he was succeeded by his brother

(*a*) Charter in the registers. (*b*) Ibidem. (*c*) Charta penes comitem de Breadalbane. (*d*) Life of Gavin Bishop of Dunkeld, prefixed to his noble translation of Virgil. (*e*) Lives of the Officers of State. (*f*) Charta in publicis archivis Willielmo Murray de Tullybardine, et Catharinæ Campbell sponse sue, ad annum 1538. (*g*) Charta in publicis archivis ad annum 1498. (*h*) Charta in publicis archivis. (*i*) From vouchers in the registers in the 1558, it appears, that these two ladies, the heirs of line, and at law, of John Campbell of Glenorchy, make over their title of the lands of Ardeath, to Colin Campbell of Glenorchy, their uncle.

Sir COLIN CAMPBELL of Glenorchy. He had the character and reputation of a gentleman of great wisdom and prudence. He built the House of Taymouth in Breadalbane, now the principal seat of the family, and another seat at Edinample, which, with that estate, became afterwards a patrimony to a younger brother of the family. He was among the first of his quality who went into the reformation of the church, not in a tumultuary, but regular manner, by addressing the Queen Regent, in whom the government was then lodged, to grant the reformers the exercise of their religion, at least till matters were regularly settled in a legal way, and was on the side of the reformed in the Parliament 1562, when the Protestant doctrine first received the sanction of law. Sir Colin being in firm friendship with the Earl of Marr, and a great confident of his during his regency, was in the year 1573 joined in commission with the Earl of Morton, the Lord Chancellor, the Lord Ruthven, afterwards Earl of Gowrie, the Lord Treasurer, the Secretary of State, the Commendator of Dunfermline, the Lord Register, McGill of Nether-Rankeillor, the Lord Justice Clerk, and others, for settling a firm and lasting policy and government in the church (*a*). He died in the year 1584, and was interred among his ancestors in the chapel of Finlarig.

Sir COLIN married Dame Katharine Ruthven, daughter of William Lord Ruthven the great reformer, by Dame Janet Halyburton, one of the three daughters, and co-heirs of Patrick Lord Halyburton of Dirliton. This marriage brought a numerous train of relations to the family (*b*); for the lady had a sister, Dame Lilius Ruthven, who was married to David Lord Drummond, ancestor to the family of Perth, another to the Lord Gray, and a third to Sir David Wemyss of that ilk, progenitor of the Earl of Wemyss; and others of them were married to the barons of Strathurd, Aldie, Lundin of Lundin, Elphinstone, and the ancient family of Wood of Bonnyton; and by that marriage Sir Colin had issue,

First, Sir DUNCAN, his eldest son and successor.

Second, COLIN CAMPBELL of Ardbeath (*c*).

Third, Mr PATRICK CAMPBELL of Auchinfyre, who dying without issue, the lands returned to the family.

Fourth, ARCHIBALD CAMPBELL, who got a part of the barony of Monzie, by the marriage of Margaret, daughter and heir of Andrew Toshach of Monzie (*d*), and likewise died without issue; and four daughters,

FIRST, BEATRIX, married to Sir John Campbell of Lawers, ancestor to the Earl of Loudon, and from a younger son the family of Aberuchill is descended (*e*).

Second, MARGARET, married to James Earl of Glencairn, to whom she had William Earl of Glencairn, and several daughters, all honourably married, and from whom several noble families are descended, viz. Katharine, the eldest, married to Sir James Cunningham of Glengarnock; Anne, the second, to James the second Marquis of the illustrious House of Hamilton, by whom she was mother to James and William, both Dukes of Hamilton; Margaret, the third, to Sir James Hamilton, Baron of Evandale, and afterwards to Sir James Maxwell of Calderwood; Mary, the fourth, to John Crawford of Kilbirnie, ancestor to the Viscount of Garnock; and Susan, the fifth, to Alexander Lauder of Hatton.

Third, MARY, married to John Earl of Monteith (*f*), by whom he had William Earl of Airth and Monteith, afterwards Earl of Strathern, Lord President of the Council in the reign of King Charles I. and a daughter Christian, who was married to Sir John Blackadder of Tulliallan, Bart.; and after the Earl's death she was married to Sir Colin Campbell of Lundie, son to the Earl of Argyle.

Fourth, ELIZABETH, married to Sir John Campbell of Ardkinlas, of whom that family is descended.

Sir DUNCAN CAMPBELL of Glenorchy succeeded his father, Sir Colin. His great parts and integrity procured him the favour and esteem of King James VI. who

(*a*) Bishop Spottiswood's History of the Church of Scotland. (*b*) Spottiswood's MSS. of the House of Ruthven.

(*c*) Charta in rotulis, ad annum 1558.

(*d*) Charta in publicis archivis, ad annum 1584.

(*e*) Colin Campbell, the second son of Sir John Campbell of Lawers, got a charter from his father of the lands of Aberuchill in the 1590. (*f*) Charta penes ducem de Montrose, ad annum 1587. (*g*) Mr Rymer's *Fœdera Angliæ*.

named him one of the barons that assisted at the coronation of Queen Anne, his royal consort (*a*), the 18th of May 1590, when he had the honour of knighthood conferred upon him. In the reign of King Charles I. he was made Sheriff-Principal of the sheriffdom of Perth, an office that had formerly been hereditary in the family of Gowrie, which he enjoyed till his death. He was also advanced to the dignity of a Knight Baronet, by patent bearing date 30th June 1672, and at the same time got a grant of 10 or 15,000 acres of land in Nova Scotia (*b*). And as this family had the keeping of the royal forestry of Mamlorn, Berenakansauche, *alias* Bendaskerlie, Finglenbeg, and Finglenmore, for a long time, by temporary grants from the crown, he, in the year 1617, obtained the heritable right thereof to himself and his heirs-male, with ample privileges (*c*). The said Sir Duncan died in the month of June 1631, and was interred in the burial-place of the family at the chapel of Finlarig (*d*).

Sir DUNCAN married first Lady Jean Stewart, daughter of John Earl of Athol, sometime Lord Chancellor, by Dame Margaret his wife, daughter of Malcolm Lord Fleming, ancestor to the Earl of Wigton. This lady had two sisters, Grisel, Countess of Crawford, and Anne, Countess of Errol; and, by her, Sir Duncan had a numerous issue of both sexes, which made a considerable addition to the alliances and relations of the family, already so numerous as to vie with any other in the kingdom, viz.

First, Sir COLIN who succeeded him.

Second, Sir ROBERT CAMPBELL of Glenfalloch, who succeeded his brother.

Third, DUNCAN, who died young.

Fourth, JOHN.

Fifth, ARCHIBALD of Monzie, of whom are descended the Campbells of Lochland and Finnab, and several others.

Sixth, DUNCAN,

Seventh, ALEXANDER, who both died young; and three daughters,

First, JEAN, married to Sir John Campbell of Calder, Knight, of whom John Campbell of Calder, Esq. is the lineal heir.

Second, ANNE, married to Sir Patrick Ogilvie of Inchmartin, ancestor to the present Earl of Findlater and Seafield.

Third, MARGARET, married to Sir Alexander Menzies of Weem, Knight. After the death of Lady Jean Stewart, Sir Duncan married Dame Elizabeth Sinclair, daughter of Patrick Lord Sinclair, by whom he had a son

PATRICK CAMPBELL, to whom his father gave in patrimony the lands and barony of Edinample, and a daughter

JEAN, who was married to John Earl of Athol, mother by him to John the first Marquis of Athol.

Sir COLIN CAMPBELL of Glenorchy, the second baronet of the family, succeeded his father in his honours and estate. He married Juliana, daughter of Hugh Earl of Loudon; but dying without issue in September 1640 (*e*), he was succeeded by his brother

Sir ROBERT CAMPBELL of Glenorchy, formerly of Glenfalloch, who, in the lifetime of his brother, married Isabel, daughter of Sir Lauchlan M'Intosh of Torecastle, Captain of the Clan-Chattan, a powerful tribe in the Highlands, by Dame Agnes Mackenzie his wife, daughter of Kenneth Mackenzie of Kintail, ancestor to the Earl of Seaforth, by whom he had a great many children of both sexes.

First, Sir JOHN, his eldest son and successor.

Second, Sir COLIN CAMPBELL of Monchaster, predecessor to Campbell of Carwhin.

Third, WILLIAM CAMPBELL of Glenfalloch.

Fourth, ALEXANDER CAMPBELL of Lochdochart.

Fifth, DUNCAN CAMPBELL of Auchlyne, and the following daughters,

(*a*) Mr Rymer's *Fœdera Angliæ*. (*b*) Patent in the registers. *Charta et investitura penes comitem de Breadalbane*. (*c*) *Charta in publicis archivis, ad annum 1617*. (*d*) *Charta in cancellaria, S. D. N. R.* (*e*) *Retour in the Chancery*.

First, MARGARET, who was married to John Cameron of Lochiel, Captain of the Clan Cameron, to whom she had the famous and brave Sir Evan Cameron.

Second, MARY, married to James Campbell of Ardkinlas; their son Sir Colin was the first baronet of the family.

Third, JEAN, married to Duncan Stewart of Appin, by whom he had only one daughter, Margaret, married to Alexander Campbell of Lochnell, by whom she was mother to Sir Duncan Campbell of Lochnell.

Fourth, ISABELL, married to Robert Irvine of Fedderet, son to Sir Alexander Irvine of Drum, by whom he had two daughters, his heirs; the one was married to Gordon of Gight, and the other to Thomas Fraser of Strichen.

Fifth, JULIANE, married to John McLean of Lochbowie.

Sixth, \_\_\_\_\_ to Robertson of Lude.

\_\_\_\_\_ to Robertson of Fascallzie.

\_\_\_\_\_ to Toshach of Monivard.

\_\_\_\_\_ to Campbell of Glenlyon.

Sir JOHN CAMPBELL of Glenorchy, the fourth baronet in this honourable family, was a gentleman of good parts, and great honour and integrity, which gained him universal esteem. He married Lady Mary Graham, daughter of William Earl of Monteth, Strathern, and Airth, Lord Justice-General in the reign of King Charles I. by Agnes his wife, daughter to Patrick Lord Gray; and by the said Lady Mary he had issue one son,

JOHN, who was afterwards created Earl of Breadalbane; and a daughter, who was married to Sir Alexander Menzies of Weem, Baronet. After the death of his first lady he married Christian, daughter of John Musher of Craighead in Monteth, by whom he had several daughters, of whom are descended Archibald Campbell of Stonefield, present Sheriff of Argyle, the family of McNaughtan of that ilk, Campbell of Airds, Campbell of Ardchattan, and several others.

Sir JOHN CAMPBELL, the fifth baronet in the family of Glenorchy, having, during the times of the usurpation, testified his duty and loyalty to his exiled sovereign King Charles II. by his counsel, and the assistance he gave to the forces that appeared for his majesty in the Highlands, under the command of Lieutenant General Middleton, as well as by using his utmost endeavours with General Monk, to declare for a free Parliament, which was judged the most effectual way for restoring the king; he was for these services, and other considerations, taken into the king's favour and confidence. He served in Parliament as representative of the shire of Argyle, in which he zealously concurred with other royalists in rescinding the acts, that had been made during the war, limiting the royal prerogative, and restoring things to the same state they were in before the king's affairs were embarrassed. Sir John Campbell was a man of great penetration and judgment; he acquired from the Earl of Caithness the whole estate of the earldom of Caithness; and that earl likewise resigned his honours in the king's hands, in favour of Sir John Campbell after his own death; accordingly, upon his demise, Sir John was created Earl of Caithness, by letters patent under the Great Seal, granted to him and his heirs-male, 28th June 1677 (*a*); which title, in the year 1681, he exchanged, by his majesty's approbation, for that of Earl of Breadalbane, taken from his paternal estate (*b*). His Lordship was in great favour with King James VII. one of his Privy Council, and a faithful adherent to his interest while any hopes of serving him remained: But these views being disappointed by the revolution, and he, out of affection to his country, desirous to have the peace of it settled, he submitted to the new government, and undertook to use his endeavours to prevail with the heads of the clans to lay down their arms. This gave a handle to his enemies to challenge his conduct, and even to arraign him in the Parliament 1695; but the bare laying open his transactions defeated their designs, and sufficiently vindicated his management from all the aspersions and calumnies injuriously thrown out against it, and most unjustly defended by Bishop Burnet, who, as he had no opportunity of coming at the truth of this matter, was never very anxious in discovering it, when it did not serve his turn. But as this is not a proper place to enlarge on things of this nature, it shall be no farther insisted in,

(*a*) Charta in cancellaria. (*b*) Ibidem ad annum 1681.

though it can be evidenced to conviction; and King William was so sensible of the injustice done to the Earl, that he resented the hard usage he met with from his ministry. His Lordship was a sincere lover of his country, and his zeal for the honour and independency of it, which he conceived greatly prejudged by the treaty of Union, induced him to act in concert with those who were in arms in 1715; but, by reason of his advanced age, and the firm adherence of his son the Lord Glenorchy, now Earl of Breadalbane, to the government, he was not included in the attainer which was pronounced against the other noblemen and gentlemen, who were embarked in that unfortunate design.

His lordship married first the Lady Mary Rich, daughter of the noble and valiant Henry Earl of Holland in England, by his Lady Elizabeth, daughter and heir of Sir Walter Cope of Kensington. This Henry was son of Robert Earl of Warwick, by the Lady Penelope his wife, daughter of Walter Earl of Essex, who was ambassador and plenipotentiary in the treaty of marriage between King Charles I. and Henrietta Maria, daughter of Henry IV. of France. He was Captain of the Guard, Groom of the Stole, General of the Horse, in the first expedition to Scotland in the 1639, and Knight of the Most Noble Order of the Garter. He suffered for his loyalty with the Duke of Hamilton, by the same pretended court of justice that had proceeded against the king in the 1649. By Elizabeth Countess of Holland, daughter and heir of Sir Walter Cope of Kensington, he had Robert Earl of Warwick and Holland; and, besides the Earl of Breadalbane's lady, he had three other daughters, the Lady Frances, who was married to William Lord Paget, Lady Isabella to Sir James Thynne of Longleate, ancestor to the present Viscount of Weymouth, and Lady Susan to James Earl of Suffolk: By the above Lady Mary Rich the Earl of Breadalbane had two sons,

DUNCAN, who died unmarried; and

JOHN Lord Glenorchy, who succeeded him in his honours and estate. After her death he married Lady Mary Campbell, daughter of Archibald Marquis of Argyle, Countess Dowager of Caithness; by whom he had a son

Mr COLIN CAMPBELL, who died unmarried. He had likewise a daughter,

Lady MARY, who was married to Archibald Cockburn of Lanton, who has left by her two sons and a daughter. The eldest of which sons is the present Sir Alexander Cockburn, Baronet.

JOHN, the second Earl of Breadalbane, is Lord Lieutenant of the county of Perth, and one of the sixteen peers who represent Scotland in the British Parliament. His Lordship married first the Lady Frances Cavendish, the eldest daughter, and one of the co-heirs of Henry Duke of Newcastle, by which he became allied to many great and noble families in England; for the Duke had another daughter married to the Earl of Thanet, another to the Earl of Clare, created Duke of Newcastle, a third married to the Duke of Albemarle, a fourth to the Earl of Sunderland, who was Secretary of State in the reign of Queen Anne, to whom she had a daughter, Countess of Carlisle; but the Lady Frances Cavendish died without any surviving issue.

His Lordship married a second lady, Henrietta, daughter of Sir Edward Villiers, knight, fourth son of Edward Viscount of Grandison, who was brother to George the great Duke of Buckingham, the favourite of two succeeding monarchs, (James VI. and Charles I.) Her sisters, who were all nobly married, Barbara to John Viscount Fitzharding, Anne to William Earl of Portland, Elizabeth to George Earl of Orkney, Mary to William Earl of Inchiquin, and Katharine first to the Marquis de Pizzare, a French gentleman, and afterwards to William Villiers, Esq. a relation of her own. The Lady Frances Villiers, wife of Sir Edward Villiers, was daughter of Theophilus Howard Earl of Suffolk, by the Lady Elizabeth Hume, his wife, daughter and co-heir of George Earl of Dunbar, Lord High Treasurer of Scotland in the reign of King James VI. Sir Edward Villiers was, by King William, created Earl of Jersey.

By HENRIETTA Countess of Breadalbane the Earl has had issue;

1st, JOHN Lord Glenorchy, his only son and heir apparent; and two daughters.

Lady CHARLOTTE CAMPBELL, a young lady of great beauty and extraordinary accomplishments, who died unmarried universally lamented; and

Lady HENRIETTA CAMPBELL, who, in 1736, was appointed one of the Ladies of the Bed-chamber to their Royal Highnesses the Princesses Amelia and Carolina; in which honourable station her ladyship still continues.

JOHN, Lord Glenorchy, son and apparent heir of the said John Earl of Breadalbane, in the year 1718 was made Master of the Horse to the Princess Royal of Great Britain: and in the 1720 sent Envoy Extraordinary and Plenipotentiary to the King of Denmark: In which honourable office he continued till the death of his Danish majesty in 1730. In 1725 his Lordship was created one of the Knights of the Most Honourable Order of the Bath, upon the revival of that order, which has been long in desuetude. In the 1727 his Lordship was elected member of Parliament for the borough of Saltash, in the county of Cornwall; which place he still represents.

His Lordship, in 1718, married the Lady *Amabell de Grey*, eldest daughter of Henry Duke of Kent, by Jemima his lady, daughter of the Lord Crew; by whom he had one son,

HENRY, who died in his infancy, and one daughter called Jemima; who, by the death of her grandfather, the Duke of Kent, in the year 1740, succeeded to his Grace's estate, and to his title of Marquis Grey, as likewise to the barony of Lucas of Crudwell. Her Ladyship is married to the honourable Philip Yorke, eldest son and heir apparent of the Right Honourable Philip Lord Hardwicke, Lord High Chancellor of Great Britain. His Lordship afterwards, in 1730, married Mistress Arabella Pershall, grand-daughter and heiress of Sir Thomas Pershall of Sugnall, in the county of Stafford, Baronet, a very ancient and honourable family; by which marriage his Lordship now enjoys a considerable estate in that county; and by the lady he has two sons,

GEORGE, Master of Glenorchy, and John Campbell, Esq.

The armorial achievement of the noble family of Breadalbane is blazoned on the 31st page of the First Volume of this System.

### SHANK OF THAT ILK.

SHANK of that Ilk was a very ancient family in Mid-Lothian, where, to this day, it gives name to a plentiful fortune.

MURDOCH SHANK, who was an immediate son of Shank of that Ilk, settled in Kinghorn in Fife, and got lands there in the reign of Robert Bruce, *anno* 1319.

By a charter of confirmation (*anno* 1360) of the mortification of a chapel and hospital in Kinghorn, the lands of Robert Shank are mentioned as part of the boundaries of said chapel and hospital; the bounding clause of the charter is as follows; "Nec non dare, concedere, et hac præsentī carta mea confirmare, et in contemplatione, et intuitu pro perpetuo, Deo et gloriosissimæ Mariæ Virgini, et Sancto Jacobo, et omnibus sanctis, in supplementum sustentationis miserabilium personarum, et pauperum in dicta hospitali commorantium, et pauperum in ea, casta fide; tres missas celebrari in perpetuum, pro salute animarum patris mei et matris meæ, et antecessorum et successorum meorum, fundum et terram super quibus dict. capella et hospitalis ædificat. erant in omnibus boundis suis, viz. flumen maris ex parte australi, et terras Roberti Schank, ex parte occidentali et boreali, et terras meas proprias ex parte orientali." The account of that family settled in Fife is as followeth: Robert Shank was married to Isabel Irvine, who had a son by her, John Shank, married to ——— Kirkaldy; who had a son by her, Henry Shank, married to Christian Melville, daughter to the Laird of

Raith, infest and seised in the year 1442 ; who by her had a son, Martin Shank, married to Alison Boswell, daughter to Glassmont Boswell, in the year 1482 ; who by her had a son, Martin Shank, married to Bessie Lochore, and infest *anno* 1520 ; who had by her a son, Henry, married to Bessie Balfour, daughter to John Balfour of Ballow, in the year 1565 ; who had by her a son, Henry Shank, married to Janet Cunningham, daughter to Robert Cunningham of Woodfield, in the year 1609 ; who by her had a son, Martin Shank, married to Christian Reddie, daughter to John Reddie, shipmaster in Burntisland, *anno* 1640 ; who by her had a son, Henry Shank, married to Agnes Balfour, daughter to Alexander Balfour in Balgarvie, *anno* 1669, who by her had two sons, Martin and Alexander ; Martin married to Margaret Downie, daughter to Thomas Downie, merchant in Edinburgh ; who by her had a son, Alexander, who is presently possessed of the lands mentioned in the fore-cited charter, and is married to Mary Burnet, daughter to Mr John Burnet, late minister at Monymusk in Aberdeenshire, of the ancient and honourable family of Leys Burnet.

This gentleman bears the same arms that the ancient family of Shank of that ilk bore, which by Sir David Lindsay his Manuscript Heraldry is *gules*, on a fesse *argent*, a hawk's lure of the first, betwixt a cinquefoil in chief, and a falcon's leg or shank, chased and belled in base, of the second, with helmet and mantling suitable ; on a wreath of colours is set, for his crest, an eagle, in a rising posture, of the field : motto, on an escrol above, the word *Spero*.

ALEXANDER SHANK, Esq. takes the designation of Castlerig, that being the name of those lands in Fife which belonged to his ancestors.

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#### GORDON OF GORDONBANK.

JAMES GORDON of Gordonbank, in the sheriffdom of Berwick, eldest lawful son of James Gordon of Newtack, was second son of John Gordon of Avachie, who was a cadet of Gordon of Straloch, now of Pitlurg, in the shire of Aberdeen, bears *azure*, on a chevron betwixt three boars' heads coupéd *or*, a hand grasping a sheaf of arrows, proper, all within a bordure of the second, charged with eight crescents, *gules* ; crest, a dexter hand issuing out of a cloud, grasping a sheaf of arrows paleways, all proper : motto, *Legibus & armis*.

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#### OGILVIE OF BARRAS IN THE SHIRE OF KINGARDINE.

THE ancient progenitors of this family were heritors of the lands of Balnagarro in Angus, and the first of them seems to have been a son of Ogilvie, who first purchased the lands of Innerquharity, by a charter of confirmation, dated at Tamtalan the 8th October 1455, granted by George Earl of Angus, Lord of Liddisdale and Jedworth Forest, confirming a charter granted by Alexander Lord Ogilvie of Auchterhouse, and Sheriff of Angus, with consent of Walter Ogilvie his brother, to their cousin Andrew Ogilvie, brother-german to John Ogilvie of Innerquharity, of the lands of Balnagarro and Chapelton, with the pertinents, lying within the regality of Kirrymuir, and sheriffdom of Forfar, dated at Auchterhouse the penult day of August 1455. The lands now belong to Sir John Ogilvie of Innerquharity, and these charters are in his custody. This Andrew seems to have been cousin-

german to the Lord Auchterhouse, and to the foresaid Walter Ogilvie, who was the first Lord High Treasurer of Scotland. See Crawford's Officers of State, page 537.

And indeed they appear to have been a long time inheritors of that place: However, William Ogilvie, second son to the last Laird of Balnagarro of that race, whose mother was the only daughter and child of Ogilvie of Balfour, who was son to the first Lord Ogilvie; I say, this William Ogilvie married Katharine Strachan, daughter to Strachan of Bridgeton in Angus, and niece to Strachan of Thornton in Merns, and his eldest brother being dead, William came to the Merns with Margaret, daughter to the Lord Ogilvie, who was married to the Earl Marischal, to whom he was a near relation by his mother, and brought the remains of the price of the estate of Balnagarro, which his father sold, and laid it in the Earl Marischal's hand, for which the Earl gave him a wadset-right upon the lands of Lumgair, about L. 50 Sterling of yearly rent.

GEORGE OGILVIE, his only son, married Elizabeth, daughter to Mr John Douglas of Barras, by Jean, daughter to Fraser of Dores. This Mr John was fourth lawful son to William the tenth Earl of Angus, and third of that name, by Giles, a daughter of Sir Robert Graham of Morphy, the said Earl's other three sons being William his heir, Sir Robert of Glenbervie in the Merns, and Mr Gavin of Bridgeford, ancestor to the present heiresses thereof. The foresaid Earl was son of Sir Archibald Douglas of Glenbervie, and Agnes, daughter to Robert Lord Keith, eldest son to William the second Earl Marischal, grandchild to Sir William Douglas of Braidwood, and Elizabeth, sole heiress of Sir James Auchinleck of Glenbervie, and great-grandchild to Archibald the sixth Earl of Angus, and first of that name, who was Chancellor of Scotland, and commonly called *Archibald Bell the Cat*, and Elizabeth, daughter to Robert Lord Boyd. George's contract of marriage is in the custody of Sir William, his great-grandchild, and bears date the last day of January 1634. He purchased the lands of Barras from the eldest son and heir of Sir John Douglas, his brother-in-law, at the earnest desire of Mr Douglas's nearest relations, as appears by a writ under their hands, in Sir William's custody.

WILLIAM Earl Marischal, in the time of the usurpation, being by King Charles II. and Committee of Estates intrusted with the care and keeping of the house and castle of Dunotter, in which were lodged, among other valuable things, the ancient monuments of the kingdom of Scotland, viz. the crown, sword, and sceptre, he looked out for a man of fidelity, loyalty, and courage, to be governor and lieutenant of that fort, and pitched upon George, afterwards Sir George Ogilvie of Barras, as a person having these qualifications, (in which neither he nor his prince were deceived), wherefore he gave him a commission for that effect, which bears date at Stirling the 8th day of July 1651, and which is subjoined to this memorial, No. 1.

In the executing of which commission he showed to the world that his fidelity and loyalty were impregnable, and his courage undaunted; for he looked with great disdain and contempt upon the threatenings, and large and fair promises of the rebels, and kept out that castle as long as it was in his power, and after all the other castles in the kingdom were given up to the Usurper's army, as is evident from two letters, and a summons by the commanders in chief of the enemy's army, and the governor's answer to these letters, all subjoined, No. 2d, 3d, 4th and 5th. The reason that the governor said in his answer, No. 4th, that he had his commission from the king and none else, probably was for the safety of the Earl Marischal's person, and preservation of his houses; yet after perusing the letters subjoined, No. 7th, 8th, 9th and 10th, he might be allowed to say, that although he had his commission first from the Earl Marischal, (who was then prisoner to the rebels) he then had it from his majesty. The governor at last would not surrender the castle (even when he was not able to hold it out) but upon honourable terms, which were made betwixt him and Colonel Thomas Morgan, who, with a considerable body of the Usurper's army, lay at the Black Hill of Dunotter bombarding and cannonading the castle, by order of General Richard Dear.

Among the capitulations betwixt the governor and Colonel Morgan, dated the 26th May 1652, there was one, which would appear inconsistent with the governor's character, to wit, that he should deliver up to the colonel the above-mentioned honours of Scotland, if in the castle; and, if not, to give a good account of them. Now, for the vindication of that gentleman's character, it will be necessary to give a short genuine account, what was become of these ancient monuments, and how by a good providence they were kept out of the hands of the rebels in the time of the usurpation, and, after the restoration, delivered safe and entire to his Majesty King Charles II.; in which account there shall be nothing insert but what is sufficiently documented by the original papers subjoined.

Captain GEORGE OGILVIE of Barras, being governor of the castle of Dunotter, as is said, did carefully preserve the foresaid regalia, some papers belonging to his majesty, the registers of the church of Scotland, James I. Duke of Hamilton's papers, and the monuments of the University of St Andrews, and did faithfully restore them all to the right owners, or others having their commission, as appears by the Earl Marischal's receipt for the king's papers, subjoined No. 6th. Alexander Lord Balcarras, his receipt for the church registers, in virtue of a power from the commission of the kirk, a letter from Anne Dutchess of Hamilton to the governor, and her servant's receipt, and a letter from the University of St Andrews, and their servants receipt; all which are registered in the register of probative writs, at Edinburgh the 6th of March 1701.

The king's papers were, before the surrender of the castle, packed and sewed up in a girdle of linen by the governor's lady, and the same put about the middle of Anne Lindsay, her relation, afterwards wife to Doctor Willocks, minister at Kemnorie in Aberdeenshire, and after that manner conveyed out of the castle, and saved from the enemy.

As to the regalia, the governor and his lady preserved them with extraordinary care while in the castle; but at last, seeing a powerful army at the gates every day bombarding the fortress, and having little or no hopes of relief, notwithstanding the king had their comfortless circumstances much at heart, as appears by a letter from his majesty, written with his own hand, under Lieutenant-General Middleton's cover, delivered to the governor by Sir John Strachan, both which letters are subjoined, No. 7th and 8th: They consulted betwixt themselves how to preserve these ancient and royal monuments, in the event that through want of assistance the castle should be either taken or surrendered. About which time the Lord Balcarras wrote the governor to deliver the honours to Sir Arthur Forbes, ancestor to the Earl of Granard in Ireland; and the Earl of Loudon, Chancellor, wrote him likewise to get the honours transported to some remote and strong castle in the Highlands, conform to their letters registrate in the register of probative writs, at Edinburgh the 6th of March 1701, and hereto subjoined, No. 9th and 10th.

But the governor not having the trust from these lords, and fearing, that in the way they proposed to carry off the honours, they might fall into the enemy's hands, the governor and his lady contrived and made up a letter, as if from the honourable Mr John Keith, the Earl Marischal's brother, and afterwards Earl of Kintore, (who was then abroad) directed to the governor, and bearing, that he was safely arrived at Rotterdam, with the crown, sword, and sceptre of Scotland, to be delivered to his Majesty King Charles II.; which letter, if the castle was either taken or surrendered, was to be dropped, in order to fall into the enemy's hands; and the governor and his lady agreed that the regalia should be conveyed out of the castle to some private and secure place, of which place he was not to know for some time, for fear, that in case he fell into the hands of the rebels, he might by torture be obliged to divulge the place: And the way that the governor's lady fell upon to transport the regalia was, to cause Christian Fletcher, spouse to Mr James Grainger, minister at Kinnesse, go to Stonehive, the next burgh, and buy a quantity of flax, which being put on her servant's back, she and her servant came through the enemy's camp just before the siege, telling, she wanted to go into the castle to speak to the governor's lady, which they permitted, and promised her and her servant a safe regress; which happening, the governor's lady (without the knowledge of her husband) packed up the crown, sword, and sceptre, in the burden of flax, that Mrs Grainger's servant maid had carrying upon her back, and so dismissed them, with

orders to cause hide the regalia under ground, in the kirk of Kinnesse, but to take special care that they should be well wrapped up in clean linen, and the same frequently renewed, because it could not last long under ground; the value of which linen, and all other charges ancient preserving of the regalia, with a suitable reward for pains, was paid by the governor to Mr Grainger and his wife.

This was a very great trust by the governor's lady to Mrs Grainger, and most faithfully executed by that worthy gentlewoman, and her worthy and reverend husband the minister of Kinnesse; within which parish the governor had an estate, and his manor-house, whereby his lady had good opportunity to know that the minister and his wife were persons deserving of trust, otherwise, let the event be what it will, she could not have answered to have given them such a trust.

Soon after, the governor was necessitated to surrender the castle to the Usurper's army, as is said, who looked upon their getting into their custody the honours of our ancient kingdom, a much greater advantage than the possession of that house, and, upon their disappointment, would of consequence be much chagrined. Short time after the surrender of the castle the above letter fell into the enemy's hands, which was thought would contribute to the preservation of the royal monuments, and to the peace and safety of the governor, his lady, and family.

But when the Usurper's officers had searched the castle, and did not find the regalia, they were much more out of humour than before they had got the possession of that fortress; and so it appeared by their treatment of the governor and his lady, which was the cause of the death of the last.

They required the governor, upon his word of honour, to perform that article of capitulation, at the surrender, of delivering up the regalia, or to give a good account of the same; and he, without breach of honour, told, that he did not know where they were, but had seen a letter, bearing, they were carried abroad to his Majesty King Charles II. to which they gave no credit. Thereafter they examined his lady, who asserted they were carried abroad to the king, to which they gave as little trust; so their next course was, at one time, to threaten the governor and his lady with torture, and, at another time, to promise them large rewards; to give an account of the honours; neither of which were prevailing arguments with such loyal and worthy persons.

After which the governor's estate was sequestered, and he and his lady both confined prisoners to a room in the castle for the space of a whole year; during which time they were not allowed the use of a servant, but treated with the hardest usage, until the 10th of January 1653, that Sir Robert Graham of Morphy gave a bond to present the said Captain George Ogilvie and his lady, true prisoners to the then governor of Dunotter, when called for, under the failzie of L. 2000 Sterling; by which they were obliged not to go above three miles from their own house: At last, upon James Anderson of Uras giving a bond for L. 500 Sterling more, they were allowed six weeks to go about their lawful business; the governor, after his lady had told him that she had trusted the honours to Mr Grainger and his wife, it seems, became suspicious, and wrote a letter to Mr Grainger, which occasioned the honest minister, in vindication of his fidelity, to write the answer subjoined, No. 11th.

And according to it the governor came and took home with him the sceptre; but, it seems, gave a receipt for the whole, and took Mr Grainger's obligation to deliver the crown and sword upon demand, which is subjoined No. 12th.

Whether the minister was afraid to be balked of his reward, or if any other was insisting to have these jewels, to whom he might produce the governor's receipt, is unknown.

After the Restoration he sent up his son, the late Sir William Ogilvie of Baras, to London, to get his majesty's directions what to do with the regalia, who gave in to his majesty a petition to that effect, and was ordained to deliver them to the Earl Marischal of Scotland; which petition and deliverance are subjoined No. 13th. How soon this order came to Captain George Ogilvie, the late governor's hands, he delivered up the regalia, to wit, crown, sword, and sceptre, to William Earl Marischal, entire, complete, and in the same condition that he had received them from his Lordship, conform to the Earl's holograph receipt subjoined No. 14th.

As Captain George Ogilvie and his lady had acted a very dutiful and loyal part in preserving of the honours, for about the space of eight years, and thereby suffered not only great hardships in their persons, but also a great loss of their means, they were not altogether left unrewarded by his majesty, who, by patent dated 5th March 1661, made Captain George Ogilvie a knight baronet, and gave warrant to the Lord Lyon to matriculate his coat of arms in the Lyon Register, conform to the blazon underwritten: In which, for his signal service to the king and country, he is allowed to bear a crowned thistle, the royal badge of Scotland, and got for his motto, *Præclarum regi & regno servitium*. His armorial bearing is blazoned thus, *argent*, a lion *passant gardant gules*, crowned with an imperial crown, and gorged with an open one, both proper, holding in his dexter paw a sword, proper, defending a thistle *vert*, (in the dexter chief) ensigned with a crown *or*, with the badge of knight baronet, by way of canton in the sinister chief; crest, a demi-man armed at all points, proper, holding forth his right hand; and on an escrol the foresaid motto.

His majesty likewise, by a charter dated 3d March 1662, granted by him in favour of the said Sir George Ogilvie upon the lands of Barras, changed the holding of the said lands from ward to blench; which charter is ratified in Parliament the 11th of August 1679, in which patent, charter, and ratification, Sir George's services above-mentioned are specified as the onerous causes; to whom succeeded his only child,

Sir WILLIAM OGILVIE, who was three times married; first, to Margaret, daughter to Forbes of Leslie, and relict to Turing of Foveran, both in the shire of Aberdeen; secondly, to Marjory, daughter to Rait of Halgreen, by whom he had one daughter, Margaret, married to Ogilvie of Pilmuir; thirdly, to Isabel, daughter to Sir John Ogilvie of Innerquharity, baronet, by whom he had David, his heir, Mr William, Helen, and Jean Ogilvies: Mr William married Mary, daughter and heiress of Gordon of Braichly, and relict of Mr Isaac Fullarton, advocate, by whom he has one daughter, named Margaret; Helen married Lindsay of Pitscandy; and Jean was Lady Carsbank.

Sir DAVID OGILVIE was three times married; first, to Susanna, daughter to Scott of Benholm, by whom he had the present Sir William, and a daughter named Katharine, married to Hercules Taylor, younger of Burrowfield, in Angus; secondly, to Jean, daughter to George Ross of Clochan of Aberdeen, merchant, by whom he had three daughters, Isabel, Elizabeth, married to Peter Anderson of Bourtie in Aberdeen, there, and Mary; thirdly, to Anne, daughter and co-heiress to Mr John Guthrie of Westhall, a cadet of Guthrie of that Ilk, by whom he had five children, David, James, Anne, Margaret, and Susanna. His eldest son and heir,

Sir WILLIAM OGILVIE, has been twice married; first, to Elizabeth, daughter to Barclay of Urie, by whom he had two sons, David and John; and his present lady is Anna, daughter to the above Mr Isaac Fullarton, by whom he has already three daughters, Mary, Susanna, and Isabel.

NO. I. *Commission WILLIAM EARL MARISCHAL to GEORGE OGILVIE of Barras, to be Governor of Dunotter Castle.*

FORASMUCH as the King's Majesty and Committee of Estates have entrusted the care and keeping of the house and castle of Dunotter to us William Earl Marischal, and have allowed forty men, a lieutenant, and two sergeants, to be entertained within it, upon the public charge; therefore, we do hereby nominate George Ogilvie of Barras to be our lieutenant for keeping of the said house, and gives unto him the sole and full power of the command thereof, and of the men that are to be entertained therein for keeping thereof, under us, with power to him to bruik, enjoy, and exerce the said place, with all fees, dues, and allowances belonging thereto,

as fully, in all respects, as any other lieutenant in such a case may do. In witness whereof, we have subscribed thir presents at Stirling the 8th July 1751.

MARISCHALL.

ARCHIBALD PRIMROSE, witness.

WILLIAM KEITH, witness.

ALEXANDER LINDSAY, witness.

NO. 2. OVERTON'S *Letter to the Governor.*

GENTLEMEN,

I HAVE power to demolish your own, and the remainder of my Lord Marischall's houses in thir parts, except you timeously prevent the same, by giving up the castle of Dunnottar to the use of the state of England, upon such terms as other gentlemen of honour have heretofore (when the forces of this nation were more significant) accepted. You may observe this season, which the most significant persons of your nation close with, by putting their persons and estates under our protection: You may likewise consider how imprudent, at least improvident, a part it may be reputed in a time of pacification, for your arms to be the only antagonists to an army, whose arms God Almighty hath hitherto made successful against your most considerable citadel; I dare not promise you the like opportunity for good terms in future to come off upon, as is ready upon speedy capitulation at present to perform, who rests,

Your humble servant,

R. OVERTON.

*Stonhyve, Novem. 8th 1651.*

Directed, To the Honourable Governor  
of Dunnottar Castle, and to the rest  
of the Gentlemen there.

NO. 3. DUTTON'S *Letter to the Governor.*

HONOURED SIR,

WHEREAS you keep Dunnottar Castle for the use of your king; which castle doth belong to the Lord Marischall, who is now prisoner to our Parliament of England; these are to advise and require you, in their names, to surrender the said castle to me for their use; and I do assure you, by the word of a gentleman, that you shall have very honourable and soldier-like conditions: If you refuse this offer, then, if any thing shall happen to you, contrary to your expectations, by the violence of our soldiers, blame yourself and not me; for I may tell you, that the Lord hath been pleased to deliver unto us many stronger places by storm than that is, since our unhappy difference hath been, and I doubt not but the same God will stand by us in our attempts in this. I desire your speedy answer, and shall rest,

SIR,

Your very humble servant,

THO. DUTTON.

*Stonhyve, Novem. 11th 1651.*

Directed thus, For the Commander  
in Chief of Dunnottar Castle, these  
present.

NO. 4. *The Governor's Letter to DUTTON, in answer to the above two Letters.*

HONOURED SIR,

WHEREAS you write that I keep the Castle of Dunnottar for the use of the king's majesty, which house, as you say, doth belong to the Earl Marischall, you

shall know that I have my commission absolutely from his majesty, and none else; neither will I acknowledge any man's interest here, and intends, by the assistance of God, to maintain the same for his majesty's service upon all hazard whatsoever. I hope you have that much gallantry in you as not to wrong my Lord Marischall his lands, seeing he is a prisoner himself for the present: Whereas you have had success in former times, I attribute it to the wrath of God against us for our sins, and to the unfaithfulness of those men who did maintain the same, none whereof you shall find here, by the Lord's grace, to whom I commit myself,

And am, SIR,  
Your very humble servant,

GEORGE OGILVIE.

*Dunnottar, Nov. 22. 1651.*

No. 5. *LAMBERT'S Summons to the Governor.*

SIR,

BEING desirous to avoid the effusion of blood, and the destroying of the country, I have thought fit to send you this summons to surrender up the castle, with the provisions of war thereto belonging, in my hands, for the use of the Parliament of the commonwealth of England. If you shall hearken hereto with speed you shall have conditions for yourself, and the soldiers under your command, as may befit a man of honour, and one in your condition. I expect your speedy answer,

And am, SIR,  
Your servant,

LAMBERT.

*Dundee, Jan. 3d 1652.*

Directed, For the Governor of Dunnottar Castle.

No. 6. *Receipt Earl MARISCHAL to the Governor of Dunotter, for the King's Papers.*

WE William Earl Marischal grants us to have received from George Ogilvie, sometime governor of Dunnottar, some papers belonging to the king's majesty, which were in the Castle of Dunnottar the time of his being governor there, in two little coffers; which papers, consisting to the number of eight score sixteen several picces, whereof there are four packets sealed, and one broke open: Of which papers I grant the receipt, and obliges me to warrant the said George at his majesty's hands, and all others whatsoever, by this my warrant, signed, sealed, and subscribed at London the first day of December 1655.

MARISCHALL.

No. 7. *The King's Letter to the Governor, &c.*

GENTLEMEN,

ASSURE yourselves I am very careful of you, and sensible of your affections to me. Give credit to what this bearer shall say to you, and observe any directions you shall receive from Lieutenant General Middleton: You shall shortly hear from me again, and I would have you find some way frequently to advertise me of your condition, which I shall take all possible care to relieve.

CHARLES R.

*Paris, 26th March 1652.*

No. 8. *General MIDDLETON's Letter to the Governor.*

MY DEAR FRIEND,

I AM so overjoyed that you in this time do behave yourself so gallantly, that I shall be most desirous to do you service: The particulars I remit to the bearer, my cousin and yours, to whom give trust, since he is particularly instructed from him, who shall rather perish than be wanting to his friend, and who in all conditions is, and shall be yours,

J. M.

No. 9. *Lord BALCARRAS's Letter to the Governor.*

SIR,

You are now, I believe, hardly in expectation of relief; and ye know how much it concerns not only the kingdom, but yourself in particular, that the honours be secured. I shall therefore again desire you, by virtue of the first warrant which you saw, and of this likewise which I have lately received, and now send you inclosed, that you deliver them immediately to the bearer Sir Arthur Forbes, whose receipt of them, under his hand, I do hereby declare shall be as valid for your acquittal and liberation, as if you had it under the hand of your affectionate friend to serve you,

BALCARRAS.

*Duffes, 11th October 1651.*

POSTSCRIPT, I shall not now repeat the arguments I used to you at Dunnottar; if they were strong then, I am sure they are much more now, for the condition of business is much altered since. I say no more, but remember what I then spoke to you as your friend.

Directed, For the Governor of Dunnottar.

No. 10. *The Chancellor's Letter to the Governor.*

SIR,

YOUR letter of the last of October came to my hand upon the 9th of November instant; and the Parliament being appointed to meet here upon the 12th day, I stayed the bearer, in expectation that I might return you the Parliament's answer and orders; but the Parliament not having met, and there being no meeting of the Committee of Estates, I can give you no positive advice nor order; but I conceive, that the trust committed to you, and the safe custody of these things under your charge, did require, that victual, a competent number of honest and stout soldiers, and all other necessaries, should have been provided, and put in the castle, before you had been in any hazard; and if you be in good condition, or that you can timely supply yourself with all necessaries, and that the place be tenable against all attempts of the enemy, I doubt not but you will hold out; but if you want provisions, soldiers, and ammunition, and cannot hold out all the assaults of the enemy, which is feared, and thought you cannot do, if you be hardly pursued, I know no better expedient than that the honours of the crown be speedily and safely transported to some remote and strong castle or hold in the Highlands; and I wish you had delivered them to the Lord Balcarras, as was desired by the Committee of Estates, nor do I know of any better way for preservation of these things, and your exoneration; and it will be an irreparable loss and shame if these things shall be taken by the enemy, and very dishonourable for yourself. I have herewith returned your letter to the Lord Balcarras, hearing he is still in the north, and not to come to this country. I have written to Sir John Smith to furnish you the remainder of the victual you wrote he should have given you; if he be in the north you will send it to him, but if he be gone home to Edinburgh, I cannot help it;

so having given you the best advice I can at present, I trust you will, with all care and faithfulness, be answerable, according to the trust committed to you, and I shall still remain

Your very assured,  
and real friend,

LOUDON, CANCELLARIUS.

*Finlarge, Novem. 13th 1651.*

Directed thus, For my much respected friend,  
George Ogilvie, Governor of Dunnottar.

NO. 11. *Mr JAMES GRAINGER's Letter to the Governor.*

SIR,

I HAVE received yours, and before it came to my hand, I had secured the things you know of, upon the night time, and am persuaded, though any army should come they could not be the better; so that there needs no fear: As for myself, my neck shall break, and my life go for it, before I fail to you; yet some little difficulty makes me loth they should be transported as yet, whilk shall be fully made known to you at meeting, whilk, I desire, shall be on Monday once a day; and if you be loth to come here, send me word and I shall come to you: But, for the business itself, fear no more nor if they were in your house presently; for I trust he who hath preserved them in my custody till this day will preserve them in safety till they go as ye yourself desires; so, till meeting, I continue

Your real and true  
Friend and servant,

J. GRAINGER.

*Kinnesse, July 21st 1660.*

To his honoured and loving friend,  
the Laird of Barras elder.

NO. 12. *Mr JAMES GRAINGER's Obligation to the Governor.*

WHEREAS I have received a discharge from George Ogilvie of Barras, of the honours of this kingdom, and he hath got no more but the sceptre; therefore I oblige myself, that the rest, viz. the crown and sword, shall be forthcoming at demand, by this my ticket, written and subscribed this same day. I received the discharge the 28th September 1660.

J. GRAINGER.

NO. 13. *Petition by the Governor's Son to the King, with his Majesty's Deliverance thereon, anent the Regalia.*

TO THE KING'S MOST EXCELLENT MAJESTY,

*The Humble Petition of WILLIAM OGILVIE, Son to GEORGE OGILVIE of Barras.*

SHEWETH,

THAT whereas your petitioner is sent up here by his father, to give your majesty notice, that his said father hath had, and still preserves the crown, sword, and sceptre of Scotland in his custody, long before the English possessed the castle of Dunottar, with great hazard of his life, and long and strait imprisonment, which occasioned the death of his wife: and in respect of your petitioner's father his

great interest with these honours, he could not desert that great charge to come here and attend your Majesty himself.

Wherefore he hath sent your petitioner to have your Majesty's particular order, in relation to the foresaid honours.

*Whitehall, September 28th 1660.*

" His Majesty ordains the petitioner's father, to deliver his crown, sceptre, and sword to the Earl of Marischal of Scotland, and get his receipt of them.

" LAUDERDALE."

NO. 14. *The Earl MARISCHAL'S Receipt for the Regalia.*

AT Dunnottar the 8th day of October 1660, I William Earl Marischal grants me to have received from George Ogilvie of Barras, the crown, sword, and sceptre, the ancient monuments of this kingdom, entire and compleat, in the same condition they were entrusted by me to him, and discharges the foresaid George Ogilvie of his receipt thereof, by this my subscription, day and place foresaid.

MARISCHALL.

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OF THE FAMILY OF CALDER.

THE destruction of our ancient records has not only been an irretrievable loss to the nation in general, but also to many particular families: the memory of many heroic achievements performed in service of the country, and of many noble families who deserved well of it, are thereby buried in oblivion, while the rise and origin of many great and powerful families is either wholly left in the dark, or, at least, rendered doubtful and uncertain: It is for this reason, and some others which shall be hereafter noticed, that the family of Calder, though anciently dignified with the highest titles of honour then in use in this kingdom, and still in an opulent and flourishing condition, are not able to trace themselves back to their first original, nor condescend upon their founder.

The first account history gives of the Thaness of Calder is about the year 1047, during the usurpation of Macbeth: Amongst several nobles who became victims to the cruelty and avarice of that tyrant, Buchanan enumerates the Thane of Nairn, whom Boetius and Holinshed design Thane of Calder. This mistake of Buchanan, (who perhaps took too much upon trust) has probably been occasioned by reason of the vicinity of the chief seat of the family of Calder to the town of Nairn, a considerable part of their estate lying within that county; but there is great reason to believe that the family had been of a considerable standing previous to that period, and before they attained to that degree of grandeur and honour they are then represented to have been placed in.

The next Thane of Calder we find on record is *Hugo de Cadella*, who was very instrumental in the restoration of King Malcolm Canmore, and liberally rewarded by that generous prince (a); but it is not evident what relation he was to the former Thane: however, there is good reason to believe that it was very near, and it is highly probable he was his son. We are assured, that, amongst other acts of gratitude and justice, King Malcolm restored the posterity of such as had suffered by the tyrant's cruelty to their predecessors' estates, from the names of which many ancient families, among whom that of Calder assumed their surnames (b), a custom

(a) Home's history of the family of Douglas. (b) Buchanan, Dr Abercromby.

then introduced by that wise and politic prince, with a view to put an end to the violent feuds that then raged in the country.

To this Hugh succeeded his son *Gilbertus de Cadella*, who in the year 1104 got a charter from King Edgar of the lands of Calder, &c. which is said to be still extant in the Lawyers' Library at Edinburgh. He was succeeded by

ALEXANDER, his son, who discovered a conspiracy of the Macdonalds, Murrays, and Cumings, to assassinate King Alexander I. at Bell-Edgar, in his expedition to the North (c); for which good service, this prince, on his return, confirmed to him the thanedom of Calder, &c. in the 1112.

After this Alexander there is nothing found on record concerning the family of Calder for three generations; only in the year 1230, Helen, daughter to the family of Calder, was married to Schaw Macintosh of that ilk (d).

In the year 1260 mention is made of Dovendalus, or Donald, Thane of Calder, who is said to have valued the barony of Geddes at L. 24 Scots *per annum*, and that of Kilravock at L. 12 Scots, from which some judgment may be formed of the value of lands at that time. He was succeeded by his son

WILLIAM, whose daughter Finvola was married to William Macintosh of that ilk, and he was succeeded by his son

THOMAS, who adhered to the interest of King David Bruce, against Edward Baliol; and for his fidelity and good services to that prince was knighted by him; and was slain in battle fighting against the Cumings, who sided with Baliol about the year 1350 (e). He left behind him a daughter, Jean, who was married to Hugh Fraser, Laird of Lovat, and a son who succeeded him.

WILLIAM, Thane of Calder, who was murdered by Sir Alexander Rait of that ilk about the year 1380, and the lands of Rait were given to the Thane of Calder's heir in consideration of his father's murder.

WILLIAM succeeded his father, concerning whom we have nothing memorable. There is yet extant a charter anent settling the marches of their lands betwixt him and Hutcheon Rose of Kilravock, dated the 29th December 1408. He was succeeded by his son

DONALD, who, in *anno* 1430, obtained a charter of confirmation of the thanedom of Calder, and heritable sheriffship of the shire of Nairn, from king James I. (f), and enlarged his former estate by several new acquisitions. He had two sons, William and Hutcheon, or Hugh; Hutcheon attended Alexander Earl of Huntly in his expedition against the Earls of Crawford and Douglas, then in rebellion against the king; and Huntly having routed the forces of these two Earls at the battle of Brechin, *anno* 1452, Hutcheon, being too eager in the pursuit, was taken prisoner by the enemy, and brought to Finhaven, whither Crawford had fled; but he being alarmed, while at supper, with the news of Huntly's being at hand in pursuit of him, fled with such precipitation, that, among several other prisoners who made their escape, Hutcheon was one, and carried off the silver cup out of which Crawford drank, which he presented to Huntly at Brechin as a sure evidence of Crawford's flight; for which service Huntly, upon his return home, gave him the lands of Asswanly, and George Duke of Gordon gave to his successor a massy silver cup gilded, whereon the history of this action is engraven to preserve the remembrance of it (g). From this Hutcheon is descended the family of Muirton, the present Sir Thomas Calder of Muirton being a great-grandchild of the family of Calder of Asswanly\*.

(c) MSS. History of the family of Macintosh. (d) MSS. History of Kilravock's family. (e) Boetius. (f) Charta penes D. de Calder. (g) History of the family of Gordon.

\* " Sir Thomas Calder of Muirton is a great-grandchild of the family of Calder of Asswanly, but the Calders of Asswanly are not descended from Hutcheon, second son of Donald Thane of Calder, nor has the grant of the lands of Asswanly any reference to the battle of Brechin, which was fought on the 18th May 1452, twelve years subsequent to the date of the grant of the foresaid lands of Asswanly, as appears by a Charter of Confirmation from the king, dated at Edinburgh 8th July 1450, of the grant of the lands of Asswanly, by Sir Alexander Setonne, to Hugh Calder, son and heir of Alexander Calder, and to his spouse Elizabeth Gordone, dated at Elgin the last day of August 1440.

" Witnesses thereto, George Earl of Avendale, Sir George Crichton of Blackness, Sir George Haliburton, John Dunbar, Alexander Dunbar, and John Stewart, Alexander Bannerman and Patrick Calder, Shield-

The before named Donald Thane of Calder was succeeded by his eldest son William; in a charter of confirmation granted by Alexander Earl of Ross to Sir Walter Innes, of the lands of Aberkerder, dated 22d February 1438, he is a witness, and is designed *Willielmus de Calder*, his father being then alive in *anno* 1450; he went with William Earl of Douglas to the Jubilee at Rome (*a*). He had three sons, John, William, and Alexander, the last of whom, or another brother, whose name is not handed down, went, with several other Scots gentlemen, to assist Charles VII. of France against the English; and from him is descended the family of *De la Campagna* in Thoulouse in France (*b*).

To the said William succeeded his eldest son John, who died without issue, and was succeeded by his brother

WILLIAM, who was the last Thane in Scotland, that title having fallen into desuetude, through introducing the new title of Earl, which is said to have come in place thereof; however he obtained the thanedom and other lands belonging to him erected into a fee barony in the 1476, and declared to lie within the shire of Nairn, notwithstanding they lay in different shires (*c*). He married Marjory Sutherland, daughter to the Earl of Sutherland, by whom he had issue, William, his eldest son, John, Alexander, and Hutcheon, and a daughter, Elizabeth, married to Evan Macintosh, son to Macintosh of that Ilk: William, the eldest son, inclining to the church, upon the 29th April 1488 renounced his right to the estate, which the father entailed to his second son John and his heirs, who, in virtue thereof, was infeft in the 1493, and the father being then aged, yielded the estate to him, and retired.

This John married Elizabeth, daughter to Hugh Ross of Kilravock, *anno* 1492, and died the year following, leaving his wife big with child of two daughters, Janet and Murriell; Janet died young, and Murriell succeeded to the estate in virtue of the entail made by her grandfather.

Archibald, the second Earl of Argyle, and Hugh Ross of Kilravock, uncle to the said Murriell Calder, being appointed tutors *dativo* to her by King James IV. *anno* 1494, Kilravock delivered up the young lady to Campbell of Innerliver, who had come to Kilravock in the year 1499, with sixty men to carry her to Inverary, to be educated in the family of Argyle. But, in their way thither, they were pursued by Hutcheon Calder her father's brother, and a body of men who came up with them in Strathnairn, whereupon Inverliver sent her away with one of his sons, and a few men, and with the rest gave the Calders diversion, till he was sure she was at a considerable distance; and when he had got clear of the Calders, with some loss on both sides, he followed and conducted her to Inverary, where she was educated, and, in *anno* 1510, married to Sir John Campbell, the Earl of Argyle's second son, by his Countess Elizabeth, daughter of John the first Earl of Lennox, to whom the Earl gave the lands of Lochow. After this marriage, Sir John Campbell continued his own surname, and did not assume that of Calder, as is frequently done by those who marry heiresses, whereby he seemed rather to found a new family, than to continue an old one, which so exasperated the heirs-male, and relations of the name of Calder, that they had constant feuds and skirmishes with the Campbells of Calder for a considerable time, and carried off all the ancient writings belonging to the family, which are since either lost or destroyed; and this, in a great measure, has occasioned the original transactions of the family of Calder to be in so much obscurity. But to return,

Sir JOHN CAMPBELL of Calder had issue by Murriell Calder, six sons, viz. Archibald who succeeded him, John, bishop of the Isles, of whom are descended the families of Inverstrigan and Ardchattan; Donald, of whom the family of Kirkton, Sonchan, and Balnabie; Duncan and William, who had no issue, and Alexander

"Bearers. The original charter is in the possession of Rear-Admiral Sir Robert Calder, and grandson of "Sir Thomas Calder."

"Edinburgh, 29th September 1802."

[This note was of the above date affixed by Admiral Sir Robert Calder, Baronet, to a copy of the former edition of this work in the Advocates' Library, from which it is here copied. E.]

(*a*) Dr Abercromby's history. (*b*) Lesley in vita Jacob. II. (*c*) Charta penes D. de Calder.

of Flynnes, ancestor to the families of Moy and Torrich, and as many daughters; Katharine, married to James Lord Ogilvie, thereafter to the Earl of Crawford; Jean, married to Alexander Lord Lovat; ———— married to Ross of Balnagowan; ———— married to Urquhart of Meldrum; Isabel, married to M'Dougall of Rary; and ———— married to ———— of Folly.

Sir ARCHIBALD succeeded his father Sir John; he married Isabel, daughter to Grant of that Ilk, by whom he had a daughter, who was married to Grant of Glenmoriston, and a son who succeeded him,

Sir JOHN, who was a very accomplished gentleman; he was tutor to Archibald Earl of Argyle, which office he discharged with so much integrity and fidelity, as procured him the malice of the enemies of that noble family, who caused murder him at Knipach in 1592. He married Marion, daughter to William Earl Marischal of Scotland, by whom he had five sons, John, who succeeded him, Alexander, Archibald, and William, who all died without issue, and Colin, ancestor of the family of Dell in Isla, and two daughters, Margaret, who was married to Sir James M'Donald of Isla, who was chief of that ancient and heroic name, and Beatrix, who was married to Campbell of Glenfauchin: Besides these, Sir John had a natural son, (as is thought, by a lady of quality) named Donald, who proved a very fine gentleman, and was active in prosecuting his father's murderers, several of whom were brought to condign punishment. He was created a Knight Baronet of *Nova Scotia* by King Charles I. by the title of Sir Donald Campbell of Ardnarmurchan, and married Macintosh's widow; but dying without issue, left his estate to George, tutor of Calder, his brother's son. Sir John Campbell had likewise two natural daughters, Jean, married to Dallas of Cantray, and Euphame, married to James Campbell of Auchindown.

Sir JOHN CAMPBELL, eldest son to the former Sir John, first married Anne, daughter to Sir Duncan Campbell of Glenorchy, great grandfather to the present Earl of Breadalbane, by whom he had six sons, viz. John, who succeeded him, Colin, who married Elizabeth, daughter to Brodie of that Ilk, George, who was tutor to his nephew Sir Hugh Campbell of Calder, and married the Captain of Dunstaffnage's daughter, of whom are descended the families of Airds and Odomore, and Robert, Alexander, and Duncan, who all died without issue; and one daughter, Jean, who was married to Dunbar of Grange. After the death of his first lady, Sir John married Margaret, daughter to William Earl of Angus, by whom he had one son, James, who was married to the widow of Sir Donald Campbell of Ardnarmurchan, but had no issue; and one daughter, Mary, who was married to Alexander Campbell of Sinderland: but soon after his second marriage, King Charles I.'s wars coming on, he zealously adhered to the royal interest, for which he was forfeit by Oliver Cromwell, and obliged to retire to France until the Restoration; but his son Sir John, being in the fee of the estate before the forfeiture, retained possession of it. After the Restoration he returned home, and built a handsome chapel at the house of Calder, and being then old, retired to Muckairn in Argyle-shire, where he died, and was succeeded by his eldest son

Sir JOHN, who married Elizabeth, daughter to Sir Thomas Urquhart of Cromarty, by whom he had a son, Colin, who died in his youth, and two daughters, Jean, who was married to William Lord Forbes, and Christian, to Dunbar of Tirlinach. He was succeeded by his nephew

Sir HUGH, eldest son to Colin, second son to Sir John Campbell, and Anne, daughter to Sir Duncan Campbell of Glenorchy, and Elizabeth Brodie his spouse; he married Henrietta Stewart, daughter to James Earl of Murray, by whom he had four sons, Alexander, who succeeded him, Sir Archibald of Clunies, who married Anne M'Pherson, on child of Duncan M'Pherson of Clunie, chieftain of that name, by whom he has issue: and Colin and George, who were both captains in Queen Anne's wars, and there slain, leaving no issue. Sir Hugh had also four daughters, Margaret, who was married to Hugh Ross of Kilarvock, Jean, married to Urquhart of Meldrum, Sophia to Brodie of Lethen, and Anne to M'Lean of Lochbuy.

Sir ALEXANDER succeeded to his father Sir Hugh; he married Elizabeth Lort, daughter to Sir John Lort of Stackpoole in South Wales, by whom he had issue,

John his successor, and two daughters; Susanna, married to Sir James Campbell of Auchinbreack, and Anne, married to Edmund Merris of \_\_\_\_\_ Esq.

JOHN CAMPBELL, now of Calder, Esq. married Mary Price, daughter to Lewis Price of Gogarthan in South Wales, Esq. by whom he has issue. He is master of an opulent fortune, present member of Parliament for the county of Pembroke, and one of the Lords Commissioners of the Admiralty; and it is expected will make an appearance not unworthy of his ancestors; his children will succeed to the estates of Calder, Stackpoole, and Gogarthan.

Before finishing this account of the family of Calder, it will not be improper to observe, that though none of the family of Calder were created baronets, yet, since the marriage of Sir John Campbell with the heiress of Calder, each of the representatives of the family (except the present) have had the honour of knighthood conferred upon them, for their personal merit.

#### BOTHWELL LORD HOLYROODHOUSE.

THE surname of Bothwell must needs be exceedingly ancient; for it cannot be a question that it was taken from the great estate and lordship of Bothwell, in the county of Lanark, by the ancient proprietors, when surnames were assumed among us, and transmitted as hereditary, to difference and distinguish persons and families from one another: It is very presumable, yea highly probable from some presumptions, that the Oliphards, once a great family, and powerful, got the barony of Bothwell, by marriage of an heir-female of the surname of Bothwell, as soon as the reign of King Alexander II. (a) and which, from certain documents and vouchers in the next succeeding reign, came to another heir-female, who married Sir Andrew Murray, who, upon that, is designed *Dominus de Bothwell Justitiarius ac Panitarius Scotiæ* (b). However, the family of the surname of Bothwell, it is most certain, continued in the male line ever after this: For vouching this, there is a charter still extant in the rolls of King David II. in the public archives, "Dilecto consanguineo suo (the king's cousin, as he does him the honour "to call him) Johanni de Bothwell de decem solidis Sterlingorum et quatuor chaldris farinae, nobis debitis de Thanagio de Darvon in vicecomitatu de Bamff, pro "omnibus vitæ suæ diebus." The charter is dated at Dundee, the 31st July, the 37th year of his reign, that is, the year of our Lord 1369. The same prince gives another charter to the foresaid John Bothwell, "Dilecto consanguineo suo omnes "terras Parci nostri de Inchbuthell, jacen. infra vicecomitatum de Bamff, pro "vita sua. Apud Edinburgh decimo nono die Mensis Aprilis, anno Regni nostri "quadagesimo primo 1371." The family of the Bothwells at length came and fixed their residence in the city of Edinburgh, where they had a very considerable estate in lands, so that they grew up to be among the greatest burghesses of any other whatsoever, both with regard to opulency and reputation, and allied with many of the first families in the kingdom, as will evidently appear from the sequel of this memorial.

Since the family of Bothwells came to Edinburgh, I have not seen writs, or any other documents, carrying back the family of the Bothwells farther than the reign of King James III. that Richard Bothwell, the ancestor of this family, was provost of that city (c), and executed the office with great discretion in a very turbulent time. He married Elizabeth, daughter of William Somerville of Plain (d), in the county of Stirling, who was the second son of William Lord Somerville (e), by whom he had two sons and a daughter, Mr Francis his eldest son, who carried down the line of his progeny; and Mr Richard Bothwell, who, being bred to the

(a) Chartulary of the Episcopal See of Glasgow. (b) Ibidem. (c) Charta pæces Dominum Holyroodhouse. (d) Ibidem. (e) Charta in publicis archivis.

service of the church, and taking holy orders, was made a prebend of the cathedral church of Glasgow, and was rector of Ashkirk (*f*), being a person well seen both in the civil and canon law, and was created a doctor in both: He was preferred to the provosty of the kirk of our Lady in the Fields, within the walls of the city of Edinburgh. "Præpositus Ecclesiæ Sanctæ Mariæ, de Campis infra muros civitatis Edinburgen." I have found him so designed in a deed in the 1534 (*g*), to which his seal of arms is appended; the cheveron charged with the mullet, betwixt the three trefoils (*b*). He was also director of the Chancery in the reign of King James V. and one of the first Senators of the College of Justice; he died in the 1547 (*i*). Margaret, the only daughter, was married to Sir Duncan Forrest of Garden, Comptroller in the reign of King James IV. anno 1503 (*k*).

Mr FRANCIS BOTHWELL, the elder brother, was a learned worthy man: In the 1535 both he and his brother, Doctor Richard Bothwell, were named Senators of the College of Justice at the institution of the Court of Session by King James V. (*l*), the one upon the temporal side, and the other upon the spiritual; and at the very same time, anno 1535, he was Provost of the city of Edinburgh, as is evident from the records and registers of Parliament. He married Janet, one of the two daughters and co-heirs of Patrick Richardson of Meldrumsheugh, and got with her these lands lying within the regality of Broughton, and shire of Edinburgh. In his infestments he is designed *Magister Franciscus Bothwell, honorabilis vir burgen. burgi de Edinburgh* (*m*). He had by his wife two sons and one daughter, Richard, who was Provost of Edinburgh, and allied in marriage with the House of Halton (*n*). But his male progeny are all worn out and extinct; Mr Adam Bothwell the second son, and Janet, who was married to Sir Archibald Napier of Merchiston, mother by line to the honourable and learned mathematician John Napier of Merchiston (*o*), inventor of the Logarithms. Mr Adam, whose son laid the foundation of the honour and dignity of Lord Holyroodhouse, was educate to the service of the church, and, after passing through some inferior offices in the church, he was elected bishop of Orkney, and had the Queen's letters patent confirming the deed of the chapter, 8th of October 1562 (*p*), the See being void by the demise of Bishop Reid (*q*).

Bishop Bothwell of Orkney fell in with the Reformation, and acted in a parity with Mr Knox and others, in settling the whole system of the reformed doctrine, though they left the discipline more at large. The bishop being invested in his bishopric with a full power to alienate, if he had a mind, the whole benefice, he made an exchange of the bishopric of Orkney with Robert Stewart, commendator of Holyroodhouse, natural son to King James V. for the Abbey of Holyroodhouse, which is ratified and confirmed to the bishop the 25th of September 1569 (*r*): He was after that made one of the Senators of the College of Justice; which office he enjoyed till his death on the 23d of August 1593. He was interred in the nave of the Abbey-church of Holyroodhouse, with a tomb over him, with his name and arms; and underneath a tabulature there is this inscription and epitaph.

"Hic jacet reconditus, nobilissimus vir, dominus Adamus Bothuelius, episcopus Orcudum et Zetlandæ, et Commendatarius Monasterii Sanctæ Crucis, Senator et Conciliaris Regis, qui obiit anno ætatis suæ 67. Die Mensis Augusti 23. anno Domini 1593."

*Englished thus,*

Here lies a most noble Lord, Adam Bothwell, Bishop of Orkney and Zetland, Commendator of the Monastery of Holyroodhouse, and one of the Lords of Council and Session, who died upon the 23d day of August 1593, and in the 67th year of his age.

(*f*) Chart. Glasguen. (*g*) Charta penes Dominum Ross. (*b*) Charta in rotulis. (*i*) Acts of Parliament. (*k*) Charta in publicis archivis, ad annum 1503. (*l*) Acts of Parliament. (*m*) Charta penes Dominum Holyroodhouse, and registers of the regality of Broughton. (*n*) Charta penes Dominum Holyroodhouse. (*o*) Charta penes Dominum Napier. (*p*) Charter under the Great Seal, in the public archives, anno 1562. (*q*) Archbishop Spottiswood's History. (*r*) Charter in the public records.

## EPI TAPHIUM.

Nate senatoris magni, magne ipse senator,  
 Magni senatoris triplici laude parens ;  
 Tempore cujus opem poscens ecclesia sensit,  
 Amplexus est cujus cura forensis opem.  
 Vixisti, ex animi voto, jam plenus honorum,  
 Plenus opum senii, jam quoque plenus obis,  
 Sic nihil urna tui nisi membra senilia celat.  
 Teque vetat virtus vir tua magne mori,  
 I felix mortem requie superato supremam,  
 Sic patriæ et liberis fama perennis erit.

*The above Epitaph in English,*

Thrice worthy judge, son to and father also of a judge,  
 Whose aid the church in time of need did feel,  
 And no less on the bench thy care was known.  
 As heart could wish thy days thou well didst spend,  
 And now with honour, and with age full fraught,  
 To peaceful shades thou mak'st a safe retreat.  
 Of thee, great man, here nothing but thy dust does lie,  
 Yet for thy virtuous life thy name shall never die.  
 Go happy hence, and to all ages blest, thy fame  
 Shall by thy sons and country ever be rehearst.

The Bishop of Orkney left issue by Margaret his wife, daughter to John Murray of Touchadam in the county of Stirling, by Janet his wife, daughter of the Lord Erskine, and sister to the Earl of Marr the Regent (r), by whom he had issue,

JOHN, his eldest son, thereafter Lord Holyroodhouse.

WILLIAM, the second son, who had a grant of several lands from his father, as Commendator of Holyroodhouse, within the regality of Broughton, dated the 12th of May 1582; in the deed the granter designed him *Gulielmo Bothwel filio meo legitimo* (r), of whom this present Lord Holyroodhouse derives his descent (u).

MARGARET, a daughter, who was married to William Sandilands of St Monans, ancestor to the Lords of Abercromby (x), and had issue.

Mr JOHN BOTHWELL, designed of Alhammer, succeeded his father in the commendatory of the Abbey of Holyroodhouse, and in his seat on the Bench in the Session; and getting into a considerable degree of favour and confidence with his Majesty King James VI. he was graciously pleased to erect, unite, and incorporate, all the lands that had formerly pertained to the abbey, and hail convent, into a temporal lordship, "Omni tempore a futuro Dominium de Holyroodhouse nunc cupandum" (y). The peerage is specially provided to the heirs-male of the patentee's own body; which failing, to the heirs-male of Adam Bishop of Orkney his father. He married Mary, daughter of Sir John Carmichael of that ilk; and dying in November in the year 1609, was succeeded by John Lord Holyroodhouse, his son and heir, who died unmarried in the year 1635 (z). The title of honour was by no means extinct, but it lay dormant for a hundred years, save one, that Henry Bothwell of Glencross, as heir-male to the Lord Holyroodhouse's dignity, was served heir to him on the 8th of February 1734, he being the nephew of his great-grandfather's father; thus reckoning the line of the descent, that William Bothwell, who was his predecessor, was the second lawful son of Adam Bishop of Orkney, brother-german to John, the first Lord Holyroodhouse, the patentee, who, by his wife Helen, daughter of John Cunningham of Drumquassell, had Adam Bothwell of Philpside, his son and heir; who, by Janet his wife, daughter of Sir William Hart of Preston, Justice-Depute in the reign of King James VI. had a son, his lineal heir.

(r) Charter under the Great Seal in the public records. (r) Register of the Regality of Broughton. (u) Retour of this Lord Holyroodhouse, 1734. (x) Original patent of the erection of the Abbey of Holyroodhouse, in the public archives. (y) Charta in Cancellaria, S. D. N. Regis. (z) Charta in rotulis.

ALEXANDER BOTHWELL of Glencross, who, by Mary his wife, daughter of Sir James Stewart, knight, son to Robert Earl of Orkney, who was one of the natural sons of King James V. had Alexander Bothwell of Glencross, his son and heir, who, by Janet his wife, daughter of John Trotter of Mortonhall, had

HENRY, now Lord Holyroodhouse, who married Mary Campbell, daughter of Lord Neil Campbell, second son of Archibald Marquis of Argyle, and of Vere Ker, his wife, daughter of William Earl of Lothian, by whom he has issue

ALEXANDER, Master of Holyroodhouse, who married Lady Margaret Home, daughter of Charles Earl of Home.

NEIL BOTHWELL, Esq. who is Factor to the South-Sea Company.

ARCHIBALD BOTHWELL, Esq. the third son, who is Master of his Majesty's Mint in Scotland.

HENRY BOTHWELL, who lives abroad in France, and

ROBERT, a surgeon in Jamaica.

And four daughters, Vere, Eleanora, Mary, and Anne, the eldest of whom is married to Mr Francis Wauchope of Kekmuir, advocate.

THE FAMILY OF *De* BERKELEY, OR BARCLAY, FORMERLY OF MATHERS,  
NOW OF URIE.

WHETHER the ancient surname of BERKELEY, or BARCLAY, be originally of Caledonian, British, or Saxon extract, is what cannot, at this distance of time, be certainly concluded; but it is vouched, beyond contradiction, that there were four great and eminent families of that name settled in Scotland, viz. *Walter de Berkeley*, *William de Berkeley*, *Humbrey de Berkeley*, and *Robert de Berkeley*, in the days of William the Lion of Scotland, and Henry II. of England; the two first having been Great Chamberlains of the kingdom; Walter being so designed in a donation granted by him to the monks of Aberbrothock, of the church of Inerkeleder, confirmed by William the Lion, both being in the old chartulary of Aberbrothock, in the Advocates' Library in Edinburgh; and William being so designed a witness to a deed granted by the same king to the monks of the Cistercian Order, copied from the original by Anderson, in his *Independency of Scotland*, and all four considerable donators to the abbacies.

All these circumstances determine us to believe their early settlement in this kingdom, no doubt, before the conquest, and makes it more than probable that they were not of the Norman race; neither can we certainly determine how long they have been settled in this kingdom; but this we have sufficiently vouched, that this same *Walter de Berkeley*, in the shire of Angus, was one of the pledges for King William the Lion to Henry II. of England, as is mentioned in *Abercromby's History of Scotland*, he observing upon the margin, that the document is in the custody of Panmure; an evident demonstration that they had been long settled here before that time, it not being to be supposed that a stranger, immediately come to the country, would have been accepted of as a pledge for the king; neither that such would have been honoured or trusted with being Great Chamberlains of the kingdom. This Walter left no children but two daughters, one of them, according to *Nicol's Peerage*, married to Seaton of Seaton, predecessor to the Earl of Winton.

It being certain that the armorial bearing of Berkeley of Innerkeleder was the very same, both in the tincture of the field, viz. *azure*, and the crosses *argent*, that has been always borne by Berkeley of Mathers, and by no other family of the name that I know, or ever heard of, either now in being, or formerly, excepting Berkeley Lord Brechin, and their other acknowledged cadets; for, according to heraldry, this proves Brechin to have been of them, Innerkeleder being extinct many years ere Berkeley married the heiress of Brechin; I say, although this proves Innerkeleder and Mathers to have been one family, yet we have no sufficient document

positively to determine their relation; nevertheless the exact parity of their armorial bearing, the circumstances of time, *Walter de Berkeley* of Inerkeleder, and *Humphrey*, son to *Theobald de Berkeley*, being apparently cotemporaries, as both having confirmations from *William the Lion*, all these reasons, corroborated by constant tradition, confirm us in the belief, that *Walter de Berkeley* of Inerkeleder was cousin-german to *Humphrey*, and brother's son to

I. *THEOBALD de BERKELEY*, he being the first whose name is transmitted down to us with such certainty as we may depend upon to have been the original of the family of *Mathers*, he appearing, by unquestionable records, to have lived in the days of *David I.* of Scotland, commonly called *St David*, who began his reign anno 1124; *Theobald* being, as we suppose, born about anno 1110, in the 3d year of the reign of *Alexander I.* son to *Malcolm III.* commonly called *Canmore*, both kings of Scotland, and 10th of *Henry I.* son to *William the Conqueror*, both kings of England. This *Theobald* had two sons, *Humphrey* and *John*; *Humphrey*, being in possession of a large estate in the shire of the *Merns*, did, according to the devotion of these times, upon part thereof, viz. *Balfèith*, *Monboddo*, *Glendarquhar*, &c. in the parish of *Fordun*, grant a donation to the abbot and monks of *Aberbrothock*, witnessed by *Willielmo & Waltero capellanis Dom. regis*, *Willielmo Cummin*, *Willielmo Giffard*, *Philippo de Moubray*, *Dom. de Aberbutbenot*, *Philippo de Mallewill*, *Johanne de Montfoit*, *Waltero Scot*, & *Waltero filio suo*, *Agatha sponsa mea*, cum multis aliis. This donation was confirmed by *William the Lion* (who began his reign anno 1165) before these witnesses, *Waltero & Willielmo capellanis nostris Will. Cummin*, *Philippo de Moubray*, *Roberto de Lunden*, *Roberto de Berkeley*, cum multis aliis; apud *Forfar* xxvi. Martii. This same donation of *Humphrey's* was renewed and augmented by his only child and daughter *Richenda*, and *Robert*, the son of *Warnebold*, her husband, (who was, according to *Nicol's Peerage*, predecessor to the Earl of *Glencairn*) the witnesses thereto being *Dom. J. Wisbart vicecom. de Merns*, & *Johanne filio ejus*, *Dom. Duncano de Aberbutbenot*, & *filio ejus*, *Humphre de Middleton*, cum multis aliis. This second donation was confirmed by *Alexander II.* the witnesses thereto *A. Abato de Melross*, *Ro. Abbato de Newbotle*, *Tbo. de Hay*, *Alex. de Seton*, cum multis aliis, vicesimo die Martii, anno regni nostri, vicesimo quarto. After the death of *Robert*, the son of *Warnebold*, the monks got *Richenda*, his widow, to dispone these lands to them for the third time, "Et ad majus hujus rei testimonium, in posterum una cum Sigillo meo hujc scripto, Sigillum venerab. patris nostri R. Abredonensis Episc. & Sigillum Domini Anselm Cammell feci apponi, coram his Test. Dom. A. Archiep. Brechin, Dom. Nigello de Moubray, Dom. Roberto de Montealto, & Dom. Will. de Hunyter, cum multis aliis." This third donation was confirmed by *Alexander II.* at *Aberbrothock*, the 7th day of *March*, and 32d year of his reign, "corom test. verab. Patr. Ro. Episc. Abr. Willielmo Comite de Marr, Waltero de Moravie, R. de Montealto."

All these six documents, viz. the three donations, and their three respective confirmations, being registrate in the ancient chartulary of *Aberbrothock*, in the *Advocates' Library* in *Edinburgh*, from whence the present *Barclay of Urie* had them extracted.

Notwithstanding all this precaution of the monks, *Humphrey* and his daughter *Richenda* being dead, and he having no heirs-male of his own body, was succeeded by his brother,

II. *JOHN de BERKELEY*, who not being satisfied with the liberality of his brother, and the other two donators, turned the abbot and monks out of all their possessions in his lands; but was obliged, with consent and concurrence of his son and heir, *Robert de Berkeley*, to come to an agreement with them, whereby, in lieu of what he dispossessed them, to give them the mill of *Conveth*, with the appurtenances thereof, binding them at the same time to pay him and his heirs, in all time coming, the sum of thirteen merks of silver yearly.

This agreement was not only signed and sealed by the abbot and monks of *Aberbrothock*, by *John*, and his heir *Robert de Berkeley*, but also "Una cum Sigillis venerab. virorum *Greg. Episc. Brechin* & *Dom. Willielmo de Bosco*, *Dom. regis Can. & Dom. de Lunden*, fratris illustr. regis *Alex.* apponi. procurarent;

“ coram test. Willielmo Capellano, Dom. Episco. Brechin, mag. Andrea de Perth, “ mag. Hugo de Milburn, cum multis aliis,” and confirmed by King Alexander II. at Dundee, the 1st of January, “ coram test. Greg. Episco. Brechin, Willielmo “ de Bosco nostro Cancellario, Ro. de Lunden, nostro fratre, Hugo Cameron, cum “ multis aliis.”

Both this agreement and the confirmation thereof, are also extracted out of the chartulary of Aberbrothock.

According to what hath been already observed, of Theobald's being born about *anno* 1110, and that his son John's agreement with the abbot and monks being confirmed by Alexander II. it naturally follows that Theobald, Humphrey, and John, must have lived in the days of Alexander I. David I. Malcolm IV. William the Lion, Alexander II., all kings of Scotland; and of Henry I. King Stephen, Henry II. (the first of the name of Plantagenet) Richard I. and John, all kings of England. It may also be observed, that during that time Jerusalem being taken by Godfrey of Boulogne, and the war in the Holy Land carried on by the Christians against the Saracens, that the armorial bearing of the Berkeleys makes it very probable they were of the number of those zealots who put on the cross, as is positively asserted by Camden. Upon John's death he was succeeded by his son

III. ROBERT *de* BERKELEY, who, as is already observe<sup>d</sup>, consented to the agreement between his father and the abbot, and the monks of Aberbrothock, being succeeded by his son

IV. HUGH *de* BERKELEY, who obtained a charter from King Robert Bruce, upon Westerton, being lands lying near to the above-mentioned mill of Conveth; which charter Nisbet asserts to be registrate in the chartulary of Melrose, his son's name being

V. ALEXANDER *de* BERKELEY of Mathers, who by marrying Katharine, sister to *William de Keith* Marischal of Scotland, obtained the lands of Mathers, which he added to his paternal estate, vouched by a charter, dated *anno* 1351, granted by “ he said *William de Keith*, with consent (as the charter words it) of Margaret my wife, to *Alexander de Berkeley*, and Katharine my sister, his spouse, and the longest liver of them two, and the heirs-male of their bodies; my lands of Mathers, “ datum apud mansum capitale nostrum de Strathekin die Martii inventione “ sancte crucis, anno 1351, coram test. reverendo in Christo Patr. Dom. “ Philippo, Dei Gratia Episc. Brechin, Dom. Willielmo eadem gratia Abbato de “ Aberbrothick, David de Fleming, Willielmo de Liddel militibus, Johannes de “ Seton, et aliis.

This charter of Marischals being repeated verbatim, is confirmed by King David Bruce, at Perth the 18th day of March, and 21st of his reign, “ coram test. “ Roberto Seneschallo nepote nostro (the first king of Scotland of the name of “ Stewart) Tho. Seneschall comite de Angus, Tho. de Moravie panacri nostro “ Scotiæ, Roberto de Erskine, et Tho. de Falside militibus.”

This original charter from Marischal, with the original confirmation thereof by King David Bruce, are both in the custody of the present Barclay of Urie. Upon the death of this Alexander he was succeeded by his son

VI. DAVID *de* BERKELEY of Mathers, who, by all the accounts we have, married ——— Seaton, daughter to the same John de Seaton, who witnessed the preceding charter from Marischal, to his father: their son's name being

VII. ALEXANDER *de* BERKELEY of Mathers, by the tradition of our family he married Helen Graham, daughter to ——— Graham of Morphy; their son being

VIII. DAVID *de* BERKELEY of Mathers, who, as is supposed, built the castle called the Keim of Mathers, where the family, for their better security, lived for a while during some troublesome times. By all the accounts we have, he married Elizabeth Strachan, daughter to Strachan of Thornton, then an ancient and flourishing family in the Merns; who bore to him

IX. ALEXANDER BARCLAY of Mathers, who is the first of our family whose name we find, both by old evidents and by his own subscriptions, spelled as we now do, viz. Barclay, by a charter granted to him by William Earl Marischal, Sheriff-prin-

cial and High Constable of the shire of the Merns, wherein he terms him *Dilecto consanguineo nostro*, i. e. To our beloved kinsman Alexander Barclay of Mathers, and Katharine his wife, (this was Katharine Wishart) dated *anno* 1483; which charter we have in the family. As he lived to old age, so upon his son's marriage he put him in possession of the old estate, reserving Mathers to himself during life: As he was reputed a scholar, and something of a poet, so to him are ascribed the verses made by a laird of Mathers, and given as advice to his son and successors, which as worthy I insert.

Giff thou desire thy house lang stand,  
 And thy successors bruik thy land;  
 Abive all things live God in fear,  
 Intromit nought with wrangous gear;  
 Nor conqess nothing wrangously,  
 With thy neighbour keep charity.  
 See that thou pass not thy estate,  
 Obey duly thy magistrate:  
 Oppress not, but support the puire,  
 To help the common weill take cuire.  
 Use no deceit, mell not with treason,  
 And to all men do right and reason:  
 Both unto word and deed be true,  
 All kind of wickedness eschew.  
 Slay no man, nor thereto consent,  
 Be nought cruel, but patient.  
 Allay ay in some guid place,  
 With noble, honest, godly race:  
 Hate huiridome, and all vices flee,  
 Be humble, haunt guid companie.  
 Help thy friend and do nae wrang,  
 And God shall cause thy house stand lang.

It appears, by the above document, he married the already-mentioned Katharine Wishart, daughter to Wishart of Pittarrow, a family for a long time of great eminency in the Merns; some of them having been high or principal sheriffs thereof, being so designed in several of our ancient papers: She bore to him,

X. DAVID BARCLAY of Mathers, who married Janet Irvine, daughter to Irvine of Drum, then one of the most considerable families in the shire of Aberdeen. This our marriage with Drum's daughter we have vouched by several documents in the family, viz. an ancient manuscript, wrote *anno* 1578, intitled, *Genealogy of the Barons of the Merns*, (in which are inserted the above verses) as also by charters upon the lands of Falside and Slains, in the Merns. His eldest son was

XI. ALEXANDER BARCLAY of Mathers, vouched by the genealogy of the barons of the Merns, old charters, &c. to have married Marjory Auchinleck, second daughter to James Auchinleck, Laird of Glenbervie, who was son to John Auchinleck of Auchinleck in Angus, and who, by marrying the only daughter of that same sheriff, John Melville, that was killed by the barons of the Merns, obtained the estate of Glenbervie.

This same James Auchinleck leaving no children but two daughters, the eldest being married to Sir William Douglas, second son to the famous Earl of Angus, called *Bell the Cat*; by this marriage came the Douglasses first into the estate of Glenbervie in the Merns, and from whom are descended the Earls of Angus and Dukes of Douglas.

This ALEXANDER BARCLAY sold the lands of Slains and Falside in the Merns to Andrew Moncur of Knapp, to whom he granted a charter of these lands, to be holden of himself and his heirs, dated *anno* 1497; which charter we have in the family, as also a conveyance of the lands, all writ and subscribed with his own hand at Edinburgh the 17th day of March 1497, in which he obliges himself to bear the said Andrew Moncur harmless, both from his mother, the above Janet Irvine, (these lands being, as it seems, part of her jointure) and from a contract he had

entered into with Sir James Auchterlony of Auchterlony and Kelly, for a marriage between his son George and Auchterlony's daughter.

It was this same Alexander Barclay, who, being superior of the lands of Durn in the shire of Banff, granted to Sir James Ogilvie of Deskford, predecessor to the Earl of Findlater, a precept of *clave constat*, as heir to his grandfather Sir James Ogilvie of Deskford, for infefting him in the lands of Durn: The original of which precept, with our seal and arms appended, bearing date the 29th April 1510, at Kirktonhill, the seat of the family of Mathers, is in the custody of Sir James Dunbar of Durn, who favoured us with a copy. This Alexander's son's name being

XII. GEORGE BARCLAY of Mathers, who married Marjory Auchterlony, daughter to the above-mentioned Sir James Auchterlony of Auchterlony and Kelly, then a considerable family in the shire of Angus; their son's name being

XIII. DAVID BARCLAY of Mathers, who married first Mary Rait, daughter to Rait of Halgreen, by whom he had George who succeeded him; and had for his second wife Katharine Home, by whom he had John, to whom he gave the lands of Johnston in the Merns; as is evident by Barclay of Johnston's first charter, dated *anno* 1560, and the genealogy of his family in his own custody. Barclay of Balmakeuan is a cadet of Johnson's family. Fullarton of Kinnaber married a daughter of this David Barclay, whose eldest son, as above, was

XIV. GEORGE BARCLAY of Mathers married first Mary Erskine, daughter to Sir Thomas Erskine of Brechin, who was Secretary of State to King James V. of Scotland; he, or his immediate successor, exchanged the estate of Brechin for that of Pittodrie in the shire of Aberdeen, his posterity continuing there a flourishing family: For his second wife he married Margaret Wood, daughter to Wood of Bonnyton in Angus, who bore him a son, Alexander, to whom he gave the lands of Bridgeton and Jackston in the Merns, whose lineal heir-male, is George Barclay, merchant in Banff. His eldest son by Mary Erskine succeeding to the estate, his name being

XV. THOMAS BARCLAY of Mathers, who married Janet Straiton, daughter to Straiton of Lauriston in the Merns, a family eminent both for its antiquity and greatness, extinguished only in our age; this Thomas Barclay died before his father, leaving only one son behind him,

XVI. DAVID BARCLAY of Mathers, great-grandfather to the present Barclay of Urie, born *anno* 1580. He married Elizabeth Livingston, daughter to Livingston of Dunipace: He was called a very polite well-bred man; but by the easiness of his temper, and living much at Court, he brought himself into such difficulties as obliged him to sell the estate, first Mathers, after they had kept it near 300 years, and then the old estate, after they had kept it upwards of 500 years. He had a daughter, Anne, first married to Douglas of Tilloquhally, by whom he had a daughter, grandmother to the present Hog of Raymore; her last husband was Strachan, afterwards bishop of Brechin. He had also several sons, John and Alexander, both dying young and unmarried, Colonel David, of whom more afterwards, Robert, Rector of the Scots College at Paris, and James, captain of a troop of horse in his brother David's regiment, killed at Philpahaugh, also unmarried, as they all were, except his son the above

XVII. COLONEL DAVID BARCLAY of Urie, who purchased the estate *anno* 1648. He was born at Kirktonhill 1610, belonging to his father, upon the old estate, upon some of which the servitude had been granted by Humphry, &c. to the abbot and monks of Aberbrothock, as is already mentioned; part of which they had all along retained until the year 1651, as appears by a fitted account, attested by Wishart notary-public and clerk, at the oversight of the Viscount of Arbutnot, Sir Robert Farquhar of Manie, and Sommers of Balyordie, between the Colonel as representing his father David Barclay of Mathers, on the one part, and John Barclay of Johnston, as having had the management of Mather's affairs for twenty years, on the other part. His decision bears date at Bervie and Kirk of Benholm, from the 21st to the 26th day of May 1651.

As hath been already observed, he purchased Urie, *anno* 1648, from William Earl Marischal, being designed in all the conveyances of the lands of Urie, Colonel Da-

vid Barclay, lawful son of David Barclay of Mathers; as he is also in his own contract of marriage, dated at Bog of Gight (now Castle-Gordon) and Gordonston, the 24th day of December 1647; and likewise in his sister Anne's contract of marriage with her last husband Strachan, afterwards Bishop of Brechin, dated at Aberluthnot the 21st day of May 1649, written by the above John Barclay of Johnston, and subscribed by David Barclay of Mathers, her father, and Colonel David Barclay, her brother, consenters, they being so designed in the paper. Both these contracts of marriage, as also the fitted accompt being in the custody of the present Barclay of Urie, his grandchild. He married Katharine Gordon, daughter to Sir Robert Gordon of Gordonston, second son to the Earl of Sutherland, and second cousin to King James the VI. of Scotland, and I. of Great Britain, by his grand aunt Lady Helen Stewart, sister to Matthew Earl of Lennox, being the said Sir Robert's grandmother, his mother being Lady Jane Gordon, daughter to the Earl of Huntly.

Katharine Gordon bore to him three sons, Robert, John, and David, and two daughters, Lucy and Jean; David and Lucy died unmarried; Jean was married to Sir Ewen Cameron of Lochiel, to whom she bore eight children, who were all married; John married in East-Jersey in America, and hath left children. The eldest,

XVIII. ROBERT BARCLAY of Urie, born *anno* 1648; he was the author of the Apology in behalf of the people called Quakers, (which he presented to King Charles II.) with whom he joined himself about the 19th, and wrote the Apology in the 27th year of his age. He married Christian Mollison, daughter to Gilbert Mollison, merchant in Aberdeen, by whom he left seven children behind him, three sons, Robert, David, and John, and four daughters, Patience, Katharine, Christian, and Jean; he died in the 42d year of his age at Urie, the 3d of October 1690. All his seven children being at this time alive, now about 50 years since he died, this being wrote *anno* 1740. His second son, David, settled in London, married first to Anne Taylor, daughter to James Taylor, draper there, and afterwards to Priscilla Frame, daughter to John Frame, banker in London, having children by both the marriages. His eldest son, James, being also married, and hath children. His third son, John, settled in Dublin, married Anne Stretell, daughter to Amos Stretell, merchant there. His daughters, Patience and Katharine, married to Timothy and James Forbesses, sons to Alexander Forbes of Aquorthies in the shire of Aberdeen, and merchants in Dublin. His third daughter, Christian, married Alexander Jaffray of King's-wells in said shire. His youngest, Jean, married Alexander Forbes, son to John Forbes of Aquorthies, in the same shire, merchant in London. The eldest son,

XIX. ROBERT BARCLAY of Urie, born *anno* 1672; he married Elizabeth Brain, daughter to John Brain of London, merchant, by whom he had two sons, Robert and David, and three daughters, Mollison, Elizabeth, and Katharine; his son, David, settled a merchant in London, married Mary Pardoe, daughter to John Pardoe of Worcester, merchant. His daughter, Mollison, married John Doubleday, son to John Doubleday of Alnwick Abbey in Northumberland; Elizabeth married Sir William Ogilvie of Barras in the Merns. His eldest son,

XX. ROBERT BARCLAY of Urie, born *anno* 1699, married one Cameron, daughter to Sir Ewen Cameron of Lochiel, by whom he has four children, three sons, Robert, David, and Ewen, and one daughter, Jean. His eldest son,

XXI. ROBERT BARCLAY of Urie, born 1731-2.

Their armorial bearing was formerly three cross patees with a cheveron, and a mitre for a crest. But the present Barclay of Urie, *anno* 1725, after the example of Struan Robertson, threw out the cheveron, as being by some thought a mark of cadency: though, as Sir George Mackenzie observes in his heraldry, it was anciently esteemed an ornament; so their present bearing is *azure*, three cross patees in chief, *argent*, with a dove and olive branch in its mouth for a crest. In an escrol above, *Cedant arma*, and below, *In hac vince*. As extracted from the Lyon's books, 1725.

## CARNEGIE OF BALLINDARG.

CARNEGIE of Ballindarg, his predecessor, was Carnegie of Gallery, now in the possession of Mr Fullarton: Thomas Carnegie, the representative of that family, married Margaret, eldest daughter of Alexander Carnegie of Bearhill, near to Brechin; their only son was John Carnegie, Provost of Forfar, who purchased the lands of Ballindarg from Walter Lord Torphichen; he married Elizabeth, daughter to John Dickson, merchant in Forfar, their son Robert Carnegie of Ballindarg, by his wife Agnes, daughter to Michael Gray of Turfbeg, was father to the present ROBERT CARNEGIE of Ballindarg, who is married to Anne, daughter and heiress of John Carnegie of Kinnell. Ballindarg's predecessors also were possessed of the lands of Kirkton of Aboyne, now the property of Farquharson of Finwean.

Which ROBERT CARNEGIE's coat of arms is matriculated in the registers of the Lyon Office, and is thus blazoned, viz. *or*, an eagle displayed *azure*, holding in his dexter talon a thistle, proper; crest, a dexter arm vambraced, proper, holding an escutcheon *azure*, and thereon a St Andrew's cross *argent*; and, in an escrol above, this motto, *Loyal in adversity*, and in another below, *Balenberd*.

JAMES CARNEGIE of Kinnell was second son to Sir John Carnegie of Boysack, and Margaret, daughter and only child of ———— Erskine of Dun, by his first wife, a daughter of the Lord Spynie; which James married Anne, eldest daughter to Sir David Ogilvie of Innerquharity; their son John Carnegie of Kinnell married Anne, daughter and heir of Archibald Auchinleck of Balmanno; their only child Anne Carnegie of Kinnell is married to Robert Carnegie of Ballindarg, as above.

Sir William Auchinleck of Balmanno married Janet, only child of Sir Robert Bruce of Clackmanan, by Janet Wardlaw, daughter to the Laird of Torry, his first wife; their son, Archibald Auchinleck of Balmanno married Anne, daughter to ———— Arnot of Woodmiln, whose only child and heir, Anne Auchinleck, was married to John Carnegie of Kinnell, and their only child and heir to both, Anna Carnegie, is married to the said Robert Carnegie of Ballindarg.

Michael Gray of Turfbeg was the second son of William Gray of Hayston, by Elizabeth, daughter to ———— Paterson of Dunmure; he married Jean, daughter to John Smith of Glasswall; their son William married Mary, second daughter to Sir David Ogilvie of Innerquharity, and their son, Mr William Gray, is a clergyman.

N. B. The Grays of Hayston, thereafter designed of Inverichty; the Grays of Invergowrie, thereafter designed of Braikie, and the Grays of Bullion, were three brothers by a second marriage, sons of the Lord Gray.

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 OF THE FAMILY OF MENZIES OF THAT ILK, OR OF WEEM.

IT is the misfortune of this family that most of their ancient writs were consumed when their mansion-house was burnt in the beginning of the sixteenth century (*a*), whereby it is rendered the more difficult to discover the antiquity of it, seeing most of our old records were destroyed by King Edward I. when he over-ran Scotland; and that writers and historians have left this, among the many other ancient and noted families in Scotland, mostly in oblivion.

(*a*) Charta in pub. archiv. Baronie de Menzies, in favorem D. Roberti Menzies de eodem, militis, anno 1510.

The origin of this family, first called *Maynoers*, or *Meyners*, afterwards *Meignes* or *Mengues*, and now *Menzies*, according to the corrupted pronunciation and various ways of spelling, in the different periods of time in which they got their charters and grants, cannot, for the reason above mentioned, be now well discovered, though it is generally thought that they are of foreign extract, and that the surname is originally the same with that of *Manners* in England, which came over at the conquest, and were seated in Northumberland, and other parts in the north of England, in the reign of King Henry II. about the 1170; and that soon after the conquest there were of this name in Scotland, Boetius and others affirm, and mention *Menzies* as a surname in the reign of King Malcolm Canmore, when surnames were first used in this kingdom (*b*).

I. The first of this name that is to be met with in any private grants or records in Scotland, is one ANKETILLUS de MAYNOERS, who lived in the reign of King William the Lion, and is a witness, among others, to the donation (*c*) made by *Willielmus de Vetere Ponte* to the abbacy of Holyroodhouse, of the lands of Ogleface (*d*), "pro salute Domini mei Regis Willielmi et Regina Emergardæ."

II. The next person of this name, and not improbably the son of the former, is ROBERT de MEYNERs, knight, who flourished in the reign of King Alexander II. and who, upon the accession of King Alexander III. to the crown, was promoted to the office of Lord High Chamberlain of Scotland (*e*); and in that character, as well as one of the barons, called *Magnates Scotiae*, was employed in several embassies to England, which he discharged with great honour and commendation (*f*). This Robert granted a charter (*g*) of the lands of Culdares, "Matthæo de Moncrief pro "homagio et servitio suo;" the seal of which charter is quite entire, and the arms resemble those of the old family of *Manners* in England (*b*), of which the family of Rutland is descended; and this helps to support what is said before concerning the affinity betwixt the two surnames; the witnesses to this charter are, among others, *David de Meyners*, and *Thomas de Meyners*; and which Thomas is a witness to the confirmation of the kirk of Melville, to the Monastery of Dunfermline, by *Gregorius de Melvil*, anno 1251 (*i*). The above Robert died in the year 1266 (*k*), and left a son,

III. Sir ALEXANDER de MEYNERs, Knight (*l*), who was one of those worthy patriots, who stood firm to the interest of their country after King Alexander III. his death, in opposition to the violent oppressions of King Edward I. of England, and for which he was thrown into prison by King Edward, as appears from Rymer's *Fœd.* Vol. II. p. 728, where a fifty merk land of old extent is allotted for the subsistence of his wife and children, anno 1296. This Alexander got the lands Weem and Aberfeldy in *vic. de Perth*, from *John de Stratbogy* Earl of Athol (*m*), father of David, who was Constable of Scotland in the beginning of King Robert I. his reign. He was also possessed of the lands of Durisdeer in *vic. de Dumfries*, and which he resigned (*n*) in favour of his brother-in-law James, third son of James High Steward of Scotland; but which he afterwards got back, and King Robert I. granted a charter (*o*) of the barony of Durisdeer (*p*), to the said Alexander: "Tenend. eidem Alexandro et Ægidie Senescallæ, sponsæ suæ, de nobis," &c. This Alexander is a frequent witness in King Robert I. his charters, and particularly he is a witness to the grant (*q*) made to *Gilbertus de Haya*, of the office of Lord High Constable of Scotland, the ninth year of the king's reign, anno 1315; and it is observable he is inserted in the charter before Sir Robert Keith, Marischal of Scotland; from which it may be supposed that at that time he enjoyed some

(*b*) Abercromby's History, King Malcolm Canmore's Life. (*c*) Charta nunc penes D. Robertum Menzies hujus familie principem. (*d*) Ogleface in vic. de Linlithgow. (*e*) Crawford's Officers of State. (*f*) Rymer's *Fœdera Angliæ*. (*g*) Charta nunc penes Dom. Robertum Menzies. (*h*) The family of *Manners* bore of old *or*, two bears *azure*, and a chief *gules*, and the seal at the forefaid charter is, *or*, one bear *azure*, and a chief *gules*. How Mr Nisbet, Vol. I. p. 68, comes to distinguish betwixt the arms of *Menzies* of that ilk, and *Menzies* of Weem, is not known; and it is certainly a mistake, for the families are, and always were the same. (*i*) Cartul. Dunfermline. (*k*) Fordun's *Scoticchronicon*. (*l*) Charta penes Dominum Robertum Menzies; whereby John Earl of Athol grants the lands of Weem, &c. Dom. Alexandro de Meyners, filio et hæredi quondam Dom. Roberti de Meyners militis. (*m*) Ibidem. (*n*) Stewart's history of the Stewarts, p. 52. (*o*) Charta in pub. archivis. (*p*) This barony is afterwards called Enach, in all the subsequent rights. (*q*) Charta penes Comit. de Errol.

place of considerable rank, otherwise he never would had the preference of the Marischal. Alexander left issue by the above Egidia, or Giles Stewart, only daughter of James High Steward of Scotland (*r*).

IV. SIR ROBERT *de MEYNEERS* his successor, who got in his father's lifetime from *Robert de Bruce, Dominus de Liddisdale*, the lands of Fernauchie and Gowlantine, in the abthanaige or Lordship of Dull, *vic. de Perth* (*s*), from his father Sir Alexander, wherein he is designed his son and heir, a charter (*t*) of the foresaid lands of Weem and Aberfeldy, and from *David de Strathbogy*, Earl of Athol and Constable of Scotland, the lands of the thanage of Cranach, *in vicecomitat. prædict. (u)*. The first of these charters is confirmed by King David II. anno 1343 (*v*); and the second by Robert, Steward of Scotland, and Lord of Athol (*w*); thereafter the said Robert got a charter (*x*) from Duncan Earl of Fife, whereby he grants to him, *consanguineo nostro*, the lands of Edramuckie and Morinch Desewer, *in vic. prædict.* and this is likewise confirmed by the said King David II. anno 1343 (*y*). This Sir Robert married *Margaret de Ouyoth* (*yy*), one of the daughters and heirs-portioners of Sir *David de Ouyoth*, Knight. This lady in her widowity, with consent of *John de Meyners*, her son and heir, gave (*a*) to the monastery of Dunfermline, "Totam terram meam de Pilkfuran (Pitferran) me jure hæreditario contingentem;" and which charter was confirmed by King David II. anno 1360 (*b*): She likewise in her widowity gave to her *consanguineus Richard Eviotb* the lands of Busey *in vic. de Perth*; and which was also confirmed by the said King David in the 23d year of his reign, *ad annum 1362 (c)*. Of this marriage there were two sons, John the heir of the family, and *Alexander de Meyners, de Fotbergill (d)*; and of which Alexander, who, by his wife Janet, got lands in the shire of Aberdeen in the north (*e*), it is reckoned the family of Pitfoddles, and others of the name in that country are descended.

V. JOHN succeeded to his father Sir Robert, in the whole lands before mentioned; and, further, got a grant from King Robert II. (*f*) by which his majesty gave to him and his heirs, "Illum annum redditum octo solidorum nobis debitum, sive "exeuntem castri, Wardæ ratione, de terra de Vogry, infra vicecomitat. de Edinburgh." So that it would appear, though there is no document extant to instruct it, that at that time the family was possessed of the barony of Vogrie, otherwise there was no necessity of granting them a discharge of the castle-ward duties payable out of these lands: By Christian his wife (*g*), John left a son

VI. ROBERT *de MEIGNES*, who got charters from King Robert II. of the barony of Enach (*b*) in the shire of Dumfries, the barony of Vogrie in the shire of Edinburgh, the half of the barony of Culter in the shire of Lanark, and the lands of Ceres in the shire of Fife, proceeding upon his father John's resignation, and, as he was still alive, his liferent is reserved (*i*). This Robert left a son, David, his successor, but what other children he had, or to whom he was married, is uncertain.

VII. SIR DAVID *de MENGUES*, knight, succeeded to his father Robert in the above lands, and as the bulk of his estate lay then in Perthshire, he did, conform to a charter granted by King James I. anno 1436, excamb the barony of Vogrie, *in vice. de Edinb.* with the barony of Rawer, *in vice. de Perth*, which the king disposed to him and his heirs (*k*); and as these lands were a part of the lordship

(*r*) Stewart's Hist. of the Stewarts, p. 52. (*s*) Charta penes Dom. Robertum Menzies. (*t*) Charta penes eundem. (*u*) Ibidem. (*v*) Ib. (*w*) Ib. (*x*) Ibidem. (*y*) Charta in pub. archivis. (*yy*) Ouyoth, Uyoth, or Eviotb, the same name, and which family, afterwards called Eviotb of Busey, was of considerable note, and subsisted till the reign of King James VI. that Colin Eviot of Busey was forfeit for Gowrie's conspiracy. (*a*) Chart. of Dunfermline. (*b*) Charta in pub. archiv. (*c*) Ibidem. (*d*) In the charter granted by the before-mentioned Sir Alexander to Sir Robert his son, Alexander de Meyners de Fothergill is called his grandchild. (*e*) Chart. penes, Mr George Crawford, by which Euphemia domina de Ross, filia et hæres Willielmi Comitis de Ross, confirms, as superior, a charter granted by Janet de Meyners, Domina de Fothergill, to Alexander Meyners her husband, of the lands of Fechelly in the barony of Kinedicard, and shire of Aberdeen, dated 9th March 1381. (*f*) Charta in pub. archivis. (*g*) Cont. penes D. Robertum Menzies, betwixt the said John and Robert his son and heir, anno 1395, whereby Robert becomes bound to dispone to Christian de Meyners his mother, the liferent of the lands of Culter. (*h*) This formerly called the barony of Durisdeer. (*i*) Charta in pub. archiv. (*k*) Charta in pub. archiv.

of Dull, wherein Queen Jean was secured for jointure, her majesty ratified (*l*) the charter of excambion, and past from all claim she might have to the barony of Raver. This Sir David was one of the hostages for King James I.'s ransom (*m*), and is the same who, in that reign, was employed in several embassies to the crown of Denmark, and made Governor of the Orkneys, which then belonged to the King of Denmark (*n*). He married Marjory Sinclair, sister of Henry Earl of Orkney (*o*), and was by the Earl sole tutor to William Sinclair his son and heir: Of this marriage Sir David had a son, John, his successor. Sir David was married a second time to one whose name was Helen (*p*). In the end of his days he gave himself up to a religious life, and became a monk of the Sestertian order in the monastery of Melrose. He made several donations to religious houses; he gave the lands of Newkhill in Lanarkshire to the monks of Kelso, in pure alms, "pro salute Jacobi Regis et Jeanæ Reginae" (*q*), which the king, by his charter 25th January 1431, confirmed (*r*). He gave also to the monastery of Melrose (*r*) the third part of the lands of Wolfclyde, in the barony of Culter and shire of Lanark, "pro salute Domini Regis Jacobi, et Joannæ Reginae, et pro salute sui, &c." and which donation is confirmed by the king (*t*) in July 1431; and he likewise gave to the abbacy of Dunfermline anno 1412, "pro salute animæ meæ, et animarum parentum meorum, &c. unum annum redditum sex librarum et undecim solidorum, mihi annuatim de terris de Luscer-Evioth, debitum, et per me, et predecessores meos hucusque per manus Balivi, qui pro tempore fuerit pro Muskilburgh receptum, &c." And which charter the said Sir David afterwards, 22d May 1438, with consent of *John de Menges*, his son and heir, confirms, "Charitatis intuitu, ac pro salute animarum nostrarum, et animarum Marjoriæ et Helenæ uxorum mearum, &c." (*u*). Sir David left likewise another son, but of which of his marriages is uncertain; his name was Cudbert (*x*); he got a feu grant of part of the barony of Enach from John his brother (*y*), and it is reckoned that the family of Enach (*z*), and others in Dumfries-shire, were descended of him.

VIII. JOHN *de MENGEIS* succeeded his father Sir David, and got grants from the crown of all his lands, proceeding upon his father's resignation (*a*). He married Janet Carruthers (*b*), daughter to Carruthers of Holmains; he had three sons, George, who married Elizabeth, daughter of Robert Duncanson of Struan (*c*), *sans* issue, Sir Robert his successor, and John, the ancestor of the family of Culterallers (*d*).

IX. Sir ROBERT, the second son, was, in the year 1487, retoured heir to John, his father, in the hail lands before mentioned; it was in this Robert's time that the mansion-house of the family was burnt, which induced the sovereign to give him a new grant of his whole lands and estate, and to erect all of them into a free barony, to be called the Barony of Menzies; the words are, "Dilecto nostro Roberto Menzies, de eodem, militi, pro bono et gratuito servitio, et quia intelligimus quod ipsius Roberti cartæ et evidenciæ tempore combustionis sui loci de

(*l*) Ratificatio penes D. Robertum Menzies. (*m*) Rymer's Fœdera. (*n*) Forfei historia Orkensis. (*o*) Commission of Baillery by Marjory to John her son and heir, and nomination by Henry Earl of Orkney, wherein the Earl calls Sir David his brother-in-law, both penes de Robertum Menzies. (*p*) Donation to the monastery of Dunfermline above mentioned, pro salute animarum Marjoriæ et Helenæ uxorum mearum. (*q*) Chartulary of Kelso. (*r*) Charta in pub. archiv. (*r*) Chartulary of Melrose. (*t*) Charta in pub. archiv. (*u*) Chartulary of Dunfermline. (*x*) Reversion of the lands of Auchintinsel and Duncrue in the barony of Enach, granted by the said Cudbert to John de Meignes, his brother-german, anno 1472. (*y*) Constat. per said Reversion. (*z*) It is to be observed, That before this period there are Menzieses of Enach mentioned; but then these were always the eldest sons of the family of Menzies, they were so stiled till they got the estate; the predecessor of the present family of Enach was, in the 1603, called Menzies of Boltachan; for at that time Adam Menzies of Boltachan got the superiority of Enach from Menzies of that ilk; Charta in pub. archiv.: ad annum 1603, and from this Adam is Captain Charles Menzies, the representative of that family, lineally descended. (*a*) Charta in pub. archiv. in the reigns of King James I. and II. (*b*) Mr George Crawford has the voucher of this marriage. (*c*) Charta in pub. archiv. in favour of the said George and Elizabeth daughter of Robert Duncanson of Struan, proceeding upon John de Meignes the father's resignation, ad annum. (*d*) Charta penes Robertum Menzies de Culterallers of the lands of Culterallers granted by Sir Robert Menzies, knight, to John Menzies meo fratri germano, anno 1510.

“ Weem, per malefactores combust. et destruct. fuerunt, &c.” (*e*). This Sir Robert married Margaret Lindsay, daughter of Sir David Lindsay of Edziell (*f*), and left issue three sons, Sir Robert his successor, William Menzies of Roro, ancestor of the family of Shian (*g*), and Alexander (*b*), and a daughter, Margaret, married to William Robertson of Struan (*i*).

X. Sir ROBERT, in the year 1520, was retoured heir to his father in the estate of Menzies (*k*); he married first Christian Gordon, eldest daughter of Alexander Earl of Huntly, by Jean Stewart, daughter of John Earl of Athol (*l*), by whom he had Alexander his successor; and afterwards he married Marion Campbell, daughter of Archibald Earl of Argyle (*m*); but of this last marriage there does not appear to have been any issue.

XI. ALEXANDER, anno 1557, was retoured heir to his father in the above estate of Menzies (*n*); he married first Janet Campbell, daughter of Sir James Campbell of Lawers (*o*), by whom he had a son, James; and afterwards he married Katharine McGhie (*p*), by whom he had three sons, George, Mr James, the ancestor of the family of Culdares, and Thomas (*q*).

XII. JAMES succeeded Alexander his father, and married Barbara Stewart (*r*), eldest daughter of John Earl of Athol, by Jean, daughter of John Lord Forbes (*s*); he left two sons, Alexander his successor, and Duncan Menzies of Comrie (*t*); likewise two daughters, Helen, married to James Beaton of Me-gum (*u*), and Grizel, married to Mr James Grant of Ardmilly, brother-german to John Grant of Freuchie (*v*), ancestor to the Laird of Grant (*w*).

XIII. ALEXANDER, afterwards Sir Alexander, was in the year 1588 retoured heir to his father James (*x*). He married, first, Margaret Campbell, daughter of Sir Duncan Campbell of Glenorchy (*y*), *sans* issue; thereafter he married Elizabeth, daughter of Sir John Forrester of Carden (*z*), by Margaret, daughter of John Earl of Wigton, by whom he had a son, John (*a*), who died without issue, and Duncan, who succeeded to his brother. Sir Alexander afterwards married Marjory Campbell, daughter of Alexander, Bishop of Brechin (*b*), of which last marriage he had seven sons, Alexander Menzies of Rotmell, of whom there are descendants still alive; William Menzies of Carse, of whom there are likewise descendants; Thomas Menzies of Inchaffray, Robert Menzies of Glassie, George, David, and Mr Archibald, who was a Writer to the Signet; but of these five there are no descendants alive (*c*). He had likewise of this marriage four daughters, Helen, married to Sir James Campbell of Lawers (*d*), Grissel, to Sir Thomas Stewart of Grandtully (*e*), Margaret, to Colin Campbell of Bowhastle, second son to the Laird of Glenorchy (*f*), and Jean, married to Alexander Robertson of Lude (*g*).

(*e*) Charta in pub. archiv. 1510 before mentioned. (*f*) This Sir David had another daughter married to Ruthven of that ilk, ancestor of the Lord Ruthven. (*g*) Assignment granted by William Menzies of Roro to Sir Robert his father, 8th March 1520. (*b*) Alexander had a son, John, who got, 7th July 1546, a charter of Tegramuch from his uncle Sir Robert; he is called Joanni filio Alexandri Menzies fratris mei. (*i*) Con. of Mar. penes Dom. Robertum Menzies. (*l*) Retour penes eundem. (*l*) Con. of Mar. by way of indenture betwixt Sir Robert Menzies, knight, in behalf of Robert the son, and the Earl in behalf of his daughter, 22d Nov. 1503. (*m*) Con. of Mar. penes eundem, 8th Decem. 1526, Janet Countess of Athol, Sir John Campbell of Calder, and Archibald Campbell of Skipnack, are burden-takers for the bride, and oblige them to pay 600 merks of tocher. (*n*) Retour penes eundem. (*o*) Con. of Mar. penes eundem. (*p*) Con. penes eundem. (*q*) Latter-will and testament of Alexander Menzies of that ilk, penes Jacobum Menzies de Culdares. (*r*) Con. of Mar. penes Dom. Robertum Menzies. (*s*) Stewart's History of the Stewarts' family of Athol. (*t*) Charta de Comrie penes Dom. Robertum Menzies, of this family of Comrie is lineally descended Captain John Menzies. (*u*) Discharge of Tocher, penes Dom. Robertum Menzies. (*v*) Con. of Mar. penes eundem. (*w*) The Lairds of Grant, till of late, were called Grants of Freuchie. (*x*) Retour penes Dom. Robertum Menzies. (*y*) Genealogy of the family of Glenorchy. (*z*) Charta in pub. archiv. ad annum 1603. (*a*) The above charter 1603, wherein John, eldest son and heir of the said Sir Alexander, procreated betwixt him and Elizabeth Forrester, is provided to the fee of the estate. (*b*) Contract of mar. penes Dominum Robertum Menzies. This Marjory had a sister, Margaret, married to Sir John Hamilton of Litterick, ancestor to the family of Bargeny, Craw, Peerage. (*c*) Test. of Sir Alexander Menzies, penes Dom. Robertum Menzies. (*d*) Contract of mar. penes eundem. (*e*) Ibid. (*f*) Ibid. (*g*) Ibid.

XIV. DUNCAN succeeded to his father, and was, in the 1624, retoured heir to John his brother, in such parts of his estate as he died in the fee of (*c*). He married Jean Leslie, only daughter of James, Master of Rothes (*b*), by Katharine, daughter of Patrick Lord Drummond; of which marriage Duncan had three sons, Alexander, his successor, Robert, who died without issue, and William (*c*), who was killed at the battle of Worcester; and five daughters, Marjory, married to ——— Trotter, merchant in Portugal (*d*), Jean, married to Mr Robert Campbell of Finnab (*e*), Elizabeth to Alexander M'Nab of that Ilk (*f*), Margaret, to Alexander Stewart of Foss (*g*), and Helen, who died unmarried (*b*).

XV. ALEXANDER succeeded to his father Duncan, and was created a Knight Baronet 2d September 1665 (*i*); the words of the patent are, "In memoriam revocantes multe præclara servitia nobis, nostrisque illustrissimis progenitoribus, per dilectum nostrum Dominum Alexandrum Menzies de eodem, equitem auctum, ejusque prædecessores, præstita & peracta, et gravia damna iis illata. Quinetiam, eum esse philarchum & principem clare familie cognomine Menzies, in hoc regno nostro Scotiæ, &c." He married Agnes Campbell (*l*), eldest daughter of Sir John Campbell of Glenorchy, by Mary, daughter of William Earl of Airth and Monteith (*j*); of which marriage he had two sons, Robert, his heir, and Captain James Menzies, who is still alive (*m*); and three daughters, Susan, married first to Lord Neil Campbell, second son to Archbald Marquis of Argyie, and afterwards to Col. Alexander Campbell of Finnab; Jean, married to Mungo Campbell of Netherplace, and Emilia to Thomas Fleming of Moness.

XVI. ROBERT MENZIES, Fiar of Menzies, for his father Sir Alexander survived him, made an early appearance at the late revolution, and had not fate cut him off in the flower of his age, would have made a considerable figure, he being a gentleman of great parts and influence. He married Anne Sandilands, daughter of Walter Lord Torphichen, by Katharine, daughter of William Lord Alexander, eldest son of William Earl of Stirling. He died in the year 1691, leaving issue two sons, Sir Alexander, his heir, and James, who died young *sans* issue; and two daughters, Christian, first married to Patrick Stewart of Ballechan, and afterwards to John Farquharson of Invercauld; but of neither of these marriages are there issue surviving; and Katharine married to John Menzies, M. D. of the family of Culterallers, of whom there is issue.

XVII. SIR ALEXANDER, son of the said Sir Robert, who succeeded to the estate after his grandfather's death, married his own cousin-german, Christian, daughter of Lord Neil Campbell, by Susan Menzies his second wife, by whom he left Sir Robert his successor, and a daughter, Christian, who was married to William Macintosh of that Ilk, Esq. but of whom there is no surviving issue.

XVIII. SIR ROBERT succeeded his father, and presently enjoys the estate of his ancestors, he is married to the Lady Mary Stewart, eldest daughter of James Earl of Bute, by Lady Anne Campbell, daughter of Archibald Duke of Argyle.

The armorial bearing of this family is *argent*, a chief *gules*; crest, a Saracen's head crazed, proper; supporters, two savages; and motto, *Will God I shall*.

(*a*) Retour. (*b*) Cont. mar. (*c*) Duncan's Latter-will. (*d*) Disch. of Tocher, penes eundem. (*e*) Con. mar. penes eundem. (*f*) Ibid. (*g*) Ibid. (*h*) The Testament above mentioned. (*i*) Patent penes Dom. Robertum Menzies, et in publico archiv. (*k*) Con. mat. penes eundem. (*l*) Genealogy of the family of Glenorchy. (*m*) Captain Menzies married Anna Campbell, daughter to Lord Neil Campbell by Lady Ver Ker his first wife, and has issue four sons, John, James, Neil, and Duncan, and several daughters, one married to James Stewart of Killychassy, one to Robert Fleming of Moness, and one to Lieutenant John McKenzie of Kincaig, &c.

## VANS OF BARNBAROCH.

THE learned antiquary and historian Sir James Dalrymple (*a*) observes, That the ancient surname of Vans, in Latin charters called *de Vallibus*, is the same with the name of Vaux in England, and is one of the first surnames that appears there after the conquest. One of the family came to Scotland in the time of King David I.; and in the reign of his grandson and successor Malcolm IV. mention is made of *Philip de Vallibus*, who had possessions in the south on the border; and soon after that we find the family of the *Vallibus* or *Vans*, proprietors of the lands and barony of Dirleton in East-Lothian. *Joannes de Vallibus, Dominus de Dirletoun*, gave in pure and perpetual alms to the Episcopal See of Glasgow, *decem marcas de firmis terræ suæ de Golyn* (*b*); dated *apud* Edinburgh 18th April 1249; which is ratified by King Alexander III. the 4th of June, the 29th year of his reign (*c*). He was succeeded by

SIR ALEXANDER DE VALLIBUS his son, who is designed *filius Joannis de Vallibus, militis*, who exchanges the annuity out of the lands of Golyn, given to the Metropolitan Church of Glasgow by his father, for the same ten merks to be uplifted out of his mill of Haddington. The deed bears date at Glasgow, *3tio Kalendas Decembris* 1267 (*d*). He was succeeded by another *Joannes de Vallibus, Dominus de Dirletoun*, who ratifies and confirms to the church of Glasgow the deed of Sir John his grandfather, dated in *Capitulo Ecclesiæ Glasguen.* the 8th of February 1305 (*e*). The family of the *Vans*, or *de Vallibus* of Dirleton, flourished down in the male-line till the reign of Robert II. that it came to terminate in an heir-female, who was married to John Halyburton, son to Sir Walter, and brother to another Sir Walter Halyburton of that ilk, who thereupon assumed the title, and carried the arms of the Vanses, viz. *argent*, a bend *azure*, in his achievement, and which was borne quarterly in the arms of the Lord Halyburton of Dirleton, so long as the family subsisted. There is a charter (*f*) granted by *Henricus de Sancto Claro, Comes Orkadiæ, ac Dominus de Roslyn, Jacobo de Sancto Claro Domino de Longformacus*, dated the 22d of June 1384, to which there are witnesses, *Thoma de ERSKINE de Dun, Georgio de ABERNETHY de Saulton, Waltero Haliburton de eodem, et Joanne de Haliburton de Dirletoun, militibus*. This Sir John Halyburton of Dirleton, by the heir-general of the family of the Vanses of Dirleton aforesaid, had a son, Sir Walter Halyburton of Dirleton, who succeeded his uncle in the estate and barony of Halyburton, and is upon that designed in several authentic deeds still extant (*g*). *Walterus de Haliburton, dominus ejusdem, et de Dirletoun*; and, as the family of Halyburton carried the arms of the Vanses quartered with their own, so for some time did all the three families that married the daughters and co-heirs of Patrick the last Lord Halyburton of Dirleton carry the coat of arms of the Vanses of Dirleton, quartered in their several achievements, viz. the Lord Ruthven, who was afterwards Earl of Gowrie, the Lord Home, and Kerr of Faudinside.

The only remaining heirs-male of the ancient family of the Vanses of Dirleton were the Vanses of Barnbaroch, in the county of Wigton, who carry the bend for their arms, the principal figure of the coat of the Vanses, and charge the bend with a mullet, intimating that they were a younger son of the House of Dirleton. But now, since they represent the principal family, by the rules and maxims that are laid down in heraldry, they may strike out the mullet, the brotherly difference, and wear and carry the bend-simple, as they have done for some centuries.

The original ancestor of the Vanses of Barnbaroch, who was a younger son of the Vanses of Dirleton, got the lands of Barnbaroch from the Earls of Douglas, while they had the lordship of Galloway, which might be soon after that Sir Archi-

(*a*) Appendix to the Collections relating to the Scots History. (*b*) Excerpts from the Charters of Glasgow in the Lawyers' Library. (*c*) Ibidem. (*d*) Ibidem. (*e*) Ibidem. (*f*) Penes Dom. Robert. Sinclair de Longformacus, Baronet. (*g*) Writs in the hands of the Earl of Buchan.

bald Douglas got that great lordship in the reign of King Robert II. that we find him designed, from authentic and clear vouchers, *Dominus Galuidiæ*; and even after the 1388, that he comes to the succession of the earldom of Douglas, he stiles himself *Comes de Douglas, ac Dominus Galuidiæ* (a), as did also his successors; for, although the Vanses of Barnbaroch had been long vassals to the Earls of Douglas, yet, what by the feuds that were common in the more ancient times, what by other accidents that have befallen the archives of other ancient families, as well as this of the Vanses of Barnbaroch, they have no charters in their custody preceding the reign of King James II. for then they have a charter granted by *Willielmus Comes de Douglas, & Dominus Galuidiæ, dilecto armigero suo Roberto Vans, de terris de Barnglass & Barnbaroch*, and many other lands, *hereditibus suis & assignatis, data 26th January 1451 (b)*; which charter is ratified and confirmed by a charter under the Great Seal, the 13th of August the same year. But, though the family of Barnbaroch have no older charters now in their custody, yet it is plain and evident, that the Vanses of this house had subsisted long before that; for a younger brother of the family, Mr George Vans, Dean of Glasgow, was Secretary of State to King James II. (c). This Robert Vans of Barnbaroch, aforesaid, was succeeded by Blanse Vans of Barnbaroch, his son and heir; and he had also a younger son, George, Bishop of Galloway. There is a charter by King James II. to Blanse Vans, son and heir apparent of Robert Vans of Barnbaroch, of the lands of Barn-glass and Barnbaroch, &c.; in the resignation of his father the lands are provided to the heirs-male of Blanse *nominatim*; and failing these, to several other collateral heirs-male carrying the surname of Vans. The charter is dated at Kirkcudbright the 8th of March 1458 (d); this was when the sovereign came to have the lordship of Galloway in the forfeiture of the Earl of Douglas. This Blanse was succeeded by

PATRICK VANS of Barnbaroch, his son, who has a charter of conjunct infestment to himself and Margaret Kennedy, his spouse, of several lands which he held of the crown in the 1498 (e). He was succeeded by

ALEXANDER VANS of Barnbaroch, his son and heir, who resigns the lands of Kirkwonask in favour of Mr Patrick Vans of Westraw, as from the instrument in the resignation, still extant, dated the 11th June 1508 (f). This Alexander Vans of Barnbaroch was succeeded by

JOHN VANS of Barnbaroch, his son and heir, who had a grant by charter from Patrick Vans of Whitehalls, of the lands of Dunjargan, dated the 9th of August 1535, which is confirmed by a charter under the Great Seal of King James V. bearing date the 3d of February 1537. He married Janet Kennedy (g), daughter to the Earl of Cassilis, and had Alexander, his successor, and Patrick, who succeeded his brother in the estate.

This ALEXANDER VANS of Barnbaroch married Euphame, daughter of Sir John Dunbar of Mochrum; but he dying without issue-male, was succeeded by his brother and heir-male,

Mr PATRICK VANS of Barnbaroch, who was a gentleman of reputation for parts and integrity. During the heat of the civil war this gentleman was solicited with the greatest earnestness by the two contending parties; those who appeared for the young king, and both the queen herself, and the regents who supported the young king, wrote him letters of solicitation to come over to their side, judging it of no small consequence to which of the parties he attached and joined himself: However, he sided with the king's party, and was thereupon named one of the Privy Council and Exchequer, and one of the Senators of the College of Justice in the 1582 (b). In the 1587 he was joined in commission with Mr Peter Young of Seaton, in an embassy to Denmark, where he discharged his negotiation with honour and success. Upon his return he made the first proposal to the king of the Princess of Denmark, as a proper spouse for his majesty; and when the king went

(a) Charters in the public records. (b) Charter in the charter-chest of the family. (c) Lives of Officers of State. (d) Charter in the charter-chest of the family. (e) Charter under the Great Seal in the records. (f) Writ in the archives of the family. (g) Historical and Genealogical Account of the family of Cassilis, MSS. (b) All this appears from original letters still preserved in the family.

to Denmark in person to espouse the princess, he had the honour to attend his majesty to Upsal, where the marriage was happily solemnized; at which time he got a charter of his estate in liferent, and the patronages of the churches of Wigton and Colmonell, and Kirkcown, and to John Vans, his son and apparent heir, in fee, dated at Upsal the last of November 1589, which is confirmed by the Scottish Parliament; and in the preamble to the charter Sir Patrick's great merit and services are very honourably set forth (*a*). This Sir Patrick Vans of Barnbaroch married Katharine Kennedy, daughter to the Earl of Cassilis, by whom he had Sir John Vans, his son and heir, who was of the Privy Chamber to King James VI.; and, being in a good degree of favour with that prince, he had a grant of the estate of Longcastle in Ireland, of considerable value; and upon that, in his father's lifetime, he was designed by the title of Longcastle. He married Margaret, daughter of Uthred M'Dowall of Garthland (*b*), and had by her Patrick, his son and heir apparent, who married Grissel, daughter of John Johnstone of that ilk, then Lord Hartfield, ancestor to the present Marquis of Annandale, by Margaret his wife, daughter of Sir Walter Scott of Buccleugh (*c*), ancestor to the present Duke of Buccleugh, by whom he had John, his son and heir apparent, in whose favour Sir John, his grandfather, resigns the fee of the whole estate, dated the 30th of January 1640 (*d*). The same Sir Patrick Vans of Barnbaroch, with consent of his father, Sir John Vans of Barnbaroch, provides his second son, Alexander Vans, in the lands of Barquhanny, by his charter dated the 15th of February 1640 (*e*). This Sir Patrick Vans of Barnbaroch was succeeded by

JOHN VANS of Barnbaroch, his son, who married Grissel, daughter of John M'Culloch of Myrton; but he dying without issue-male, was succeeded by Captain Alexander Vans of Barquhanny, his brother-german. He married Margaret, daughter of William Maxwell of Monreith, by whom he had Colonel Patrick Vans of Barnbaroch, who was member of Parliament for the burgh of Wigton, and the districts thereof. He married, first, Jean, daughter of Sir James Campbell of Lawers, by whom he had Patrick Vans, Esq. his eldest son, and a daughter, Agnes, who was married to James Brown of Carsluth, now both alive. He married, next, Barbara, daughter of Patrick M'Dowall of Freugh; and dying on the 27th of January 1733, left issue, by his wife foresaid, two sons, John and Alexander, and three daughters, all yet alive;

BARBARA, ANNE, ELIZABETH.

The armorial bearing of this ancient family is *argent*, a bend *azure*, as in the First Volume of this work: The author has only there taken notice of the crest and motto, which is a lion rampant, holding in his dexter paw a pair of balances, proper: But from the attestation of two gentlemen, of undoubted credit and reputation, the coat of arms of the family, as it stands engraved on the old House of Barnbaroch, is supported by two savages, with clubs in their hands, and wreathed about the middle with laurel: crest and motto as in the First Volume.

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#### M'DOWALL OF FREUGH.

IT is agreed on by all our modern antiquaries, that all the families of the M'Dowalls are branched from the great Lords of Galloway, who appear to be great men as soon as we have the authority of charters or records to rely on. Mr Nisbet, in his Treatise of Heraldry, or some other in his name, has made a kind of dissertation on the three families of the M'Dowalls in the county of Wigton: But it is obvious this is done in such a manner, that sometimes it would seem the author is not serious, and has rather embarrassed than cleared up the origin either

(*a*) Charter in the custody of the family. (*b*) *Ibidem*, charter under the Great Seal to Sir John Vans of Barnbaroch, and Margaret M'Dowall his spouse, 12th March 1608. (*c*) Collections relating to the family of Johnstone, MSS. (*d*) Charta penes the family of Vans. (*e*) *Ibidem*.

of the House of Freugh, or the other two, who all three set up on a footing of independency of one another. Freugh, in that Treatise, is treated by the author in a very abusive manner, and is run down at a terrible rate. I can see no ground for all this, unless it be a pedigree and line of descent of the M'Dowalls of Freugh, drawn up by some very unskilful hand, that Mr Nisbet pretended had been sent him, and founded upon a very wild conceit, that the Earls of Carrick, as well as the Lords of Galloway, were anciently of the surname of M'Dowall; whereas it is evident, beyond the possibility of cavil or contradiction, that the surname they used was territorial, *de Galloway* (a). And the Earls of Carrick, though they were a branch of the House of Galloway, yet when they got the lands of Carrick, they, as was the usual custom of the time, surnamed themselves *de Carrick* (b); so there is not the least vestige that ever they had the surname of M'Dowall, or any thing like it. Ulgerick and Douenald were the leaders, and no question the Lords of Galloway in the reign of King David I. They were both slain in their country's service at the battle of Allerton, against the English, *anno* 1138 (c); they seem to be brothers. From *Douenald*, or *Douegald*, the M'Dowalls or M'Dougalls, as they are called in the more ancient writs, are sprung. The surname intimates that they are the offspring and descendants of Dougal, or Dungald, which is one and the same. In this Appendix M'Dowall of Freugh, we say, is run down at an odd rate, with a view to raise and exalt the other two competing families. Freugh has no mind to retaliate that way; he thinks that far below him; he frankly acknowledges the other two families, as well as he himself, are descendants and branches of the Galloway family; all he intends is to do justice to himself, and to rescue his family from the load of infamy Mr Nisbet, or some other in his name, has endeavoured to throw on it, without any ground or provocation given by him for such a severe treatment: Retaliations of that kind never do any good, nor is any thing said in such a way much minded; that rather exposes all competitors and competitions of that kind to the ridicule and diversion of all sober men. This is obvious, and so generally acknowledged to be true, that we need insist no longer in a matter that is so well known.

The first time the surname of M'Dowall or M'Dougall is found in any authentic voucher or record, is in that deed of submission and fealty that was so universally gone into by the Scots nation, whereby they acknowledged King Edward I. of England as direct superior Lord of the kingdom of Scotland, *anno* 1296: there are two gentlemen of the name there, Dougall M'Dougall, and Fergus M'Dougall, *Del Count de Wigton* (d), which gives the M'Dowalls a claim to a very high antiquity. There is soon after this a *Fergusius M'Douall* in the records, and in the *Fœdera*; and the truth is, these M'Dowalls are applicable to be the ancestors of all the three competitors, Freugh, Garthland, and Logan. After them there is a Dougall M'Dougall, *Gallovidianus*, who was a man of such eminency in Galloway that he was like to turn very troublesome to King David Bruce; he, it seems, intended to set up for independency, which threatened the peace of the country, and was like to grow up to a rebellion; but his pretensions, if he had any such, were defeated by the conduct and vigilance of Sir Archibald Douglas, who obliged him to submit, and swear allegiance to the king, as his rightful sovereign, in the church of Cumnock; our author's (the learned Dr Major's words) are, "Post Angli decessum, dominus Willielmus Douglasius sibi subjectos colligens, in Gal-luyam vadit, ubi, ferro & verbis, omnes ad Davidis Brussii partes sequendas impulit: Illic Donaldus M'Douall, in ecclesia de Cumnoc, fidelitatem regi jurat" (e). This *Doualdus*, or *Douenaldus M'Douall* had a son, *Fergusius*, who is designed patronymically *Fergusius filius Douenaldi M'Douall*, as witness to a charter, in or about the 1390, granted by *Johannes de Craxford, filius, dominus de Dalgarnock, Johanni Ferguson domino de Craigdarroch, de terris de Garbruch, in baronia de Glencarn* (f). This *Fergusius* must be the same *Fergusius M'Douall*, designed *Gallovidianus* by Dr Major in his History of Scotland, who, with many others of his countrymen of quality and rank, was taken prisoner by the English

(a) The ancient chartularies of Glasgow and Melrose, and the ancient histories. (b) Charters of the abbey and nunnery of North-Berwick, mentioned by the learned Sir James Dalrymple. (c) *Ibidem*, from the Chronicon Saxicon. (d) Ragman's Roll in Fyenne's History. (e) Majoris Historia, M: Freebairn's late exact and correct edition, page 285. (f) Charta penes Craigdarroch.

at the battle of Homildon in the 1401; he, doubtless, is the same *dominus Fergusius M'Douall, miles*, who is one of the witnesses to a charter by *Archibaldus comes de Douglas, dominus Galluidie & Annandale, domino Johanni Senescallo de Grayton & Callie, de terris de Burle, in dominio Galluidie*, and to Elizabeth his daughter. The witnesses to the charter are *Willielmus de Douglas, nepos* to the Earl of Douglas the grantor, *Thomas M'Culloch, Fergusius M'Douall, Alexander Gordon, Johannes Keith, militibus*, all knights, *Alexander Cairnys prepositus Ecclesie de Lincludin, Johannes Gordon, Willielmus Senescalli, & alii*. The charter wants a date, as was then very usual; but that which will fix it very near, and clear up the precise date, is a dispensation from the Pope for Elizabeth, the daughter of Sir John Stewart, aforesaid, to marry Alexander Stewart of Torbane, a brother of the House of Darnly, notwithstanding they stood within the degrees of consanguinity in blood, prohibited by the laws and canons of the church. This deed is dated in the 1411, and goes far to clear the date of the former charter (a). Now, admitting that all the three families competing, Freugh, Logan, and Garthland, should claim this *dominus Fergusius M'Douall* to be their own ancestor, yet it is plain, from these following vouchers, that he is the predecessor of the House of Freugh; the arguments brought to support this allegation are submitted to the judgment of every impartial man, whether Freugh has not most to say on this point.

1mo, Neither Garthland nor Logan, the other two competing families, have a Sir Fergus as the head of their families at the time; for, in the 1413, the name of the Laird of Garthland, when he got the charter of his estate from the Earl of Douglas, his name is not Fergus, but Thomas M'Dowall (b), and his son's name is Uthred M'Dowall of Garthland, in the 1426. As this Sir Fergus M'Dowall is clearly not the ancestor of the House of Garthland, so

2do, Neither is he the ancestor of the House of Logan; for how soon the family of Logan have writs and charters in the fourteenth century, the name of their ancestor is Patrick M'Dowall of Logan (c). But that no objection may remain, as if this Sir Fergus M'Dowall were the ancestor of the M'Dowalls of Makerston, Freugh urges,

3tio, That from the records, to which he refers (d), he is able to show, that the name of the head of the family of Makerston is not Fergus, but Dougall M'Dougall of Makerston from the 1400, and above twelve years downward: So that Freugh conceives himself so well entitled to this Sir Fergus, that he contends, and on very rational grounds, that he is his own ancestor, and can be no other's.

Although Freugh, as is already hinted in this memorial, has not the remotest thought to run down the antiquity or the lustre of any of the other families of the M'Dowalls, he only intends to vindicate himself from the aspersions thrown on his family in this Appendix, though he does not well know from whom; he thinks he is, at least, entitled to an antiquity as high as any other family of the M'Dowalls whatever, and to a perfect equality of rank; and he has no view of carrying his pretensions any further, though he might urge that his family seems to have been considered in ancient times as superior to the other two in quality, because the House of Freugh had the patronage of the parochial church, where at that time they all had their chief seats of residence; Garthland has it still, and all the three have the burial-place of their families at the church of Stonnykirk. A patronage, we may observe, was a noble dignity in a family in times of popery; it was highly esteemed, because the patron was to be named in all the masses said in this church; and it is a maxim among antiquaries, that a patronage was always given to the families of the greatest eminence of rank in the parochial district. As far as this argument can go, it is with the family of Freugh; for when the lordship of Galloway came to be vested in the crown, by the attainer of James, the last of the race of the Earls of Douglas, in the 1455 (e), the *jus patronatus & advocacioni ecclesie de Stonny-kirk* is given and bestowed on Gilbert M'Dowall of Ravenston and Freugh (f).

(a) The charter to Sir John Stewart by the Earl of Douglas, I have seen under the hand of the celebrated antiquary Mr David Simpson, Historiographer for Scotland, taken out of the Earl of Galloway's charter-chest. (b) The original charter cited by Mr Nisbet, and is exact enough. (c) Charter by Patrick M'Dowall of the lands of Aldrich, &c. in 1454. (d) Charters from the registers. (e) Black acts of Parliament. (f) Charter from the crown to Gilbert M'Dowall of Ravenston, in the custody of the present Freugh.

We come next to deduce the line and race of the descent of Freugh, and in this respect his family writs will carry him up to the reign of King James I. which is as far back as any of his two competitors can carry the standing of their families: For Freugh acknowledges, that none of the three families have the first charters or titles to their estates they might, and no doubt had, from the crown, when the lordship of Galloway was vested there, before it was given to Sir Archibald Douglas, afterwards Earl of Douglas, in the 1371 (*a*). I am apt to believe he was a hard and rigorous master to his vassals, forced them to give up their ancient charters, and continued them in possession by such title as he was pleased to give them; for not one charter by him to his vassals appears, and but only one granted by his son, and another by his grandson (*b*); which are all the charters that are extant to any of the vassals of the lordship of Galloway, till it came to the crown.

But though M'Dowall of Freugh has no charter or other title to his estate from the crown, till after the attainder of the House of Douglas, yet it is certain, from other authentic vouchers, that they had the estates of Ravenston, Freugh, and Urle, before that: For it is clear, that Gilbert M'Dowall of Ravenston gave the lands of Urle, in the lordship of Craighlaw, to John Macgiligh, who, it seems, having only a daughter or heir-female, bestowed her in marriage, with his estate, on Gilbert M'Dowall, son and heir, as he is designed, of Gilbert M'Dowall of Ravenston. He gave him and Katharine Macgiligh, his wife, a charter of the lands. Their instrument of possession is dated the 8th of November 1445 (*c*), which is ten years before the forfeiture of the Earl of Douglas: But this shows that the House of Freugh had their estate long before they have any charters from the crown, which was not before the reign of King James II. Sure we are this gentleman got from the crown a feu-charter of the lands of Ravenston, Urle, and Freugh, with the advocacion and donation of the church Stonnykirk, which he again, in the decline of his age and years, resigns in the Sovereign's hands in favour of Gilbert M'Dowall his grandson, "nepoti suo et hæredi apparenti;" upon which there was a charter expedite in due form under the Great Seal, the 17th January 1473-4 (*d*). His own son, Fergus, had died in the life of his father: But he left a son, we see, his grandfather's heir apparent, to whom he gave the fee of his estate; and after that he conveys the most of his moveable estate to him, reserving a right out of the whole to his lady, Agnes M'Culloch, who was of the House of Myrton (*e*). His grandfather died at a great age in 1496, and was succeeded by his grandson Gilbert M'Dowall of Freugh (*f*), who was slain with a huge deal of the nobility and gentry of Scotland, with King James IV. at the misfortunate battle of Flodden, the 9th September 1513 (*g*), leaving issue by Isabel his wife, daughter of ———Gordon of Lochinvar (*h*), the ancestor of the Viscounts of Kenmure.

Fergus, his son and successor, who, in the 1518, was served and retoured heir to Gilbert M'Dowall of Freugh, his father, and to Fergus, his grandfather, *avus suus* (*i*). He brought a very noble alliance by marriage to his family; his wife was Dame Janet Kennedy, daughter of David the first Earl of Cassilis (*k*), sister to Gilbert Earl of Cassilis, who contracts the lady his sister in marriage. He was slain on Saturday, commonly called the *Black Saturday*, the 10th of September 1547, at the battle of Pinky-Cleugh, against the English, and left a son to succeed him by his wife the foresaid noble lady, James M'Dowall of Freugh, who is served heir to his father, "qui obiit ad fidem et pacem, sub vexillo S. D. N. Reginae, in campo belli apud Pinky-Cleugh (*l*). He married Florence, daughter of John M'Dowall of Garthland (*m*). The marriage proceeds upon a dispensation from the Apostolic See (so the court of Rome is called) because of consanguinity the parties stood in to other. He had issue by his lady, John M'Dowall of Freugh (*n*), who died without issue; so his estate, that stood devolved to heirs whatever, came to his sister Mary M'Dowall, heiress of Freugh; her uncle, Uchred M'Dowall of Garthland, had her ward, and was her guardian. He bestowed her in marriage on

(*a*) Haddington's Collections from the Records. (*b*) One in Garthland's custody, and another in Vans of Barnbaroch's. (*c*) Charter I have seen in the hands of Freugh. (*d*) Still extant in the family of Freugh. (*e*) Ibidem. (*f*) Ibidem. (*g*) Ibidem. (*h*) Charta penes Freugh. (*i*) Ibidem. (*k*) The original marriage-articles are still extant in the charter-chest of the family of Freugh; the marriage portion is 400 merks. (*l*) Ibidem. (*m*) The contract and dispensation is still extant in the writs of the family. (*n*) Writs of the family, ad annum 1577.

a gentleman of her own blood and kindred, who, they say, was an heir-male of her own family, John M'Dowall, apparent heir of Dowalton: However this be, the right of the blood, and all the claims of the family, were vested in the lady herself, and transmitted to her posterity. The lady was a great fortune: But the marriage was not brought about till the lady and her future husband were obliged, so soon they should be duly vested in all the rights of the family of Freugh, to part with, and denude themselves in favour of her uncle and tutor Garthland, of the patronage of the church of Stonnykirk, and some other valuable considerations; though these conditions might be somewhat hard of digestion, yet the young lovers, being *in furore amoris*, went in to them; so the marriage was solemnized (o). Soon after that they resigned the " Patronatus Ecclesie de Stonnykirk " Uchredo M'Dowall of Garthland," which has been ever since continued down in his family; though we see it originally flowed from the family of Freugh to them, who had it directly from the crown in the reign of King James II. The heir of the marriage was John M'Dowall of Freugh, his maternal ancestor, who is served heir to James M'Dowall of Freugh, and had all the rights that were in him vested in his person. In the time of the Usurpation he was a high royalist, and maintained the king's interest in the worst times, with inflexible firmness and fidelity. He was very terrible to the English forces in Galloway, when they ventured out in small parties from their head-quarters, or their garrisons; they, in their turn, took severe revenges, and burnt his house and fort at Freugh, took himself prisoner, and carried him to England: But he happily made his escape, and got safe to Scotland. His lady was Margaret, daughter of Sir Patrick Vans Lord Barnbaroch, one of the Senators of the College of Justice (p), by whom he had Uched his son and heir, Fergus, a younger son, who went to Ireland, whose lineal heir is John M'Dowall of Bellytragh, Esq. of the county of Cavaa.

UCHRED M'DOWALL of Freugh was served heir to his father 31st July 1669 (q); he, as his father had been, was a firm royalist, and had several military commands in the king's service, both in Scotland and in Ireland. Upon the happy turn of the Restoration, he was chosen a member of the first Parliament, called by King Charles, for the county of Wigton 1661, though he did not run violently into the measures of the court in settling of Episcopacy, and in annulling all the acts of the former times. He married Agnes, daughter of Sir Patrick Agnew of Lochnaw, hereditary sheriff of Wigton (r); by whom he had Patrick his son and successor. Uched, the second son, a man of figure and business in the way of trade and merchandize at Edinburgh, was a bailie there. Alexander, bred to the law, was an advocate before the Court of Session: He died without issue.

PARTICK M'DOWALL of Freugh was served and retoured heir to his father the 26th February 1670 (s), and succeeded to a right opulent estate. His principles led him to join in the rising at Bothwell, as a likely mean to retrieve the oppressions his country groaned under. When the design was broke by the defeat of the party, it came soon to be known he had been among them; so he was first excepted out of the indemnity (t). Soon after that an indictment of high treason was brought against him before the High Court of Justiciary (u). The trial was soon dispatched; for it was proven that he was seen marching at the head of three or four hundred of the rebels at Sanquhar and Hamilton-muir, where the engagement was: so that he was attainted (v). Captain Graham of Claverhouse, a rising favourite, had an eye to his estate, and had got the promise of it as soon as it should be confiscated; so he, with great eagerness, saw the sentence of forfeiture punctually executed, as the law directed; the tearing out his coat of arms out of the books of heraldry, and the throwing them over the cross of Edinburgh with sound of trumpet, as a part of the ceremonial, was not omitted. This is the reason why the armorial bearing of the house of Freugh may not be in the registers of the Lyon Office; so when Freugh's attainder was taken off at the Revolution, and

(o) Marriage-articles betwixt John M'Dowall, apparent heir of Dowalton, and Mary M'Dowall, daughter and heiress of James M'Dowall of Freugh, in the year 1583, penes John M'Dowall de Freugh. (p) Charta penes Freugh. (q) Ibidem. (r) Ibidem. (s) Ibidem. (t) Act of indemnity published immediately after the defeat at Bothwell 1679, in the records of council. (u) Journals of Justiciary. (v) Ibidem: Journals of Justiciary.

his son restored, he had no other way left to ascertain, with any exactness, what had been the armorial bearing of his ancestors, but by observing nicely what was cut out on his house, and graved on his family utensils: This he did, and got the arms and the whole achievement, used and carried by his ancestors, attested by some gentlemen of honour and probity, and others conversant in matters of that kind. The original attestation is extant; an exact copy taken from it is here subjoined.

“ We undersubscribers do hereby certify and declare, that we have often seen  
 “ and viewed the coat of arms of the ancient family of Freugh, which had been  
 “ born by them, handsomely cut on a window-broad, which was saved when the  
 “ house of Freugh was burnt by the English. This broad we have often seen,  
 “ and noticed in the house before it was last burnt by accident. And we have  
 “ also seen the same coat of arms cut out on an old wainscot bed, viz. a lion  
 “ rampant, crowned with an imperial crown, and an open crown about his neck,  
 “ with a lion’s paw, holding a dagger pointed upward, for the crest; the helmet  
 “ with mantling; and for supporters, two savages, having each a laurel crown  
 “ and girdle, holding a flaming dagger in one hand pointing upward, the motto  
 “ above in a folding scroll, *Vincere vel mori*, and below upon another, *Pro Deo*  
 “ *et Rege et Patria*. The said coat, by the initials, was cut out by G. M. D.  
 “ for Gilbert M’Douall of Freugh, anno 1475, upon the coat of arms on the bed  
 “ was J. M. D. for James M’Douall of Freugh, anno 1543. In testimony of the  
 “ verity of the above written declaration, these presents are certified, and signed  
 “ by Mr William M’Douall of Mye, writer hereof, Mr Robert Gordon of Park,  
 “ with Matthew Torbane in Ardwell, and John Blair in Kirkmagil, both joiners,  
 “ dated at Stony Kirk the 26th January 1720.”

MATTHEW TORBANE.  
 JOHN BLAIR.

WILL. M’DOUALL.  
 ROB. GORDON.

Freugh, the gentleman who was attainted, after his party were broke at Bothwell, found means to make his escape, and got into England, where he lived concealed for some short time; after that he got home to his own country. His misfortune and unhappy situation sunk deep into his heart; for he quickly fell into an apoplexy, of which he died on the 13th of January 1680 (w), and was interred in the church of Kirkcoveen, where part of his estate lay. He left issue by Barbara his wife, daughter of James Fullarton of that ilk, one of the ancientest families in all the shire of Ayr, and can best vouch their antiquity, Patrick, his eldest son and successor, William M’Dowall, Esq. a younger son, who was an officer in the army in the war with France, and after the peace was put into a place in the Customs.

PATRICK M’DOWALL of Freugh was restored again to his father’s forfeiture, which by act of Parliament was repealed (x), and he restored to his estate, honour, and fame. I am well informed he was a gentleman of good parts and learning, chiefly in antiquities and the history of families: Some of his performances in that way I have seen, that are both correct and exact, far beyond what could be expected from a gentleman who lived mostly in the country, made the study an amusement, and had not searched and gone through records and offices: Withal he minded chiefly the recovering of his family from the great debts under which it was sinking, by the misfortune of his father, which was raised up again by his great management. He married Margaret, daughter and at length one of the co-heirs of William Haltridge of Dromore, Esq. of the county of Down in Ireland, by whom he had only one son who survived him, John, his heir and successor, and a good many daughters, that brought a very honourable alliance to his family. The brevity of this memorial will not allow to enlarge on, and being recent. He died on the 15th of October 1729, and was succeeded by his son

(w) Mem. Patrick M’Dowall of Freugh, in the family. (x) Act of Parliament 1690.

JOHN M'DOWALL of M'Dowall and Freugh (*y*), who is acknowledged by all that have the honour to be known to him, to be a generous open-hearted fine gentleman. He has married a lady of high quality and rank, Lady Betty Crichton, daughter of Colonel William Dalrymple of Glenmuir, brother to the present Earl of Stair, by his lady Penelope Countess of Dumfries, in right of her own blood, by whom he has a numerous hopeful issue, viz. PATRICK, his eldest son and heir apparent, William, Stair, John, Crichton, Penelope, and Margaret, being seven yet alive.

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OF THE FAMILY OF THE MUIRHEADS OF LACHOP, NOW REPRESENTED BY MUIR-HEAD OF BREADISHOLM, AS THE HEIR-MALE.

THE family of Muirhead of Lauchop, or Muirhead of that Ilk, has been always reputed one of the ancientest families in all the shire of Lanark. It is not known how soon they had the lands of Muirhead, that being past all memory, and their first original charters have had the fate of many others, to be lost: Their house of Lauchop was indeed burnt down by the Earl of Murray's friends, the regent; because the then Laird of Lauchop sheltered his brother-in-law, James Hamilton of Bothwelhaugh, at his house, when he fled from Linlithgow, after he had killed the regent in 1569; and by that sudden unexpected shock they lost most of all the old evidents and charters of the family.

The surname *de Morehead* or *Muirhead* is, like other surnames of the greatest antiquity, *local*, taken from lands, from whence either the proprietor took a denomination, when fixed hereditary surnames became customary, or took an appellation from the lands as soon as he obtained them; for it is a maxim amongst antiquaries, that it is a sufficient document of an ancient descent, where the inhabitant has the surname from the place he inhabiteth. So much is certain for the antiquity of the surname and family of Muirhead, that they have been fixed in the barony of Bothwell before the reign of King Alexander II. that *David de Oliphant* or *Oliphant*, was *Dominus Baronie de Bothwel*; for they never wore any part of the arms of their superiors, as arms of patronage, for the Oliphants had crescents. As the Muirheads had not the arms of their superiors, the Oliphants, neither had they any part of the bearing of the Murrays, who succeeded to the barony of Bothwell, by the marriage of the heir-female; for it is well known the armorial figures of the Murrays were three stars; for the double tressure was but an addition to the original arms. As they wore no part of the arms of patronage of the Murrays, who indeed were great men, *Panitarii Scotiae*, neither had they any thing in their armorial bearing like the great and illustrious family of the Douglasses, who in the reign of King Robert II. became superior lords of the whole great barony of Bothwell, *dominum baroniae de Bothwell*, by the marriage of Dame Jean, daughter and sole heir of *Thomas de Moravia*, *Dominus de Bothwel, ac Panitarius Scotiae* (*x*). The truth is, the family of the Muirheads must have been a set of people, that since they never assumed the arms, or any part thereof, from their respective superiors or over-lords, as was very usual, the presumption must be, that they were seated a family, and fixed there, before the Oliphants had the barony of Bothwell; and that they were the *liberi tenentes Regis et Coronae*, before the crown gave the superiority of the *Baronia de Bothwel* to the Oliphants; and so we may rationally, and without stretching things, conclude, that the Muirhead family were fixed, and proprietors of the lands of Muirhead, as far back as

(*y*) The family of Freugh have their charter from the crown, erecting their estate into a barony, the barony of M'Dowall. (*x*) Liber Dunblanen. MSS. penes meipsum.

the reign of King William, or sooner for what we know, even up to the time that surnames began to be taken up, and men began to call themselves after their own lands; which is agreed was not the custom generally gone into before the reign of King David I. *anno* 1122.

The tradition goes, and as I had it from a learned and curious antiquary, who was also a gentleman of great reputation and integrity (*a*), that the Laird of Muirhead of that ilk, *de Muirhead*, as I have often found them designed, in the time of King Robert II. got the lands of Lauchop and others, for assaulting and killing a great robber that infested all that part of the country, by violent ravages and depredations, which he carried to a very insufferable degree; so that at length the government were obliged to take notice of him; and, by a public act, notified, "That whosoever should apprehend, kill him, or bring him to justice, should be rewarded with such and such lands." His name, the tradition tells us, was *Bertram de Shotts*; he was a terror to every body that resided near him, or who had occasion to pass east or west through those parts where he lurked and had his haunts. The Laird of Muirhead, at the time, was a bold, daring, intrepid man; he did not surprise him in his lurking places, but with a few in his company, to whose courage and valour he could well trust, came up, and, in the day time, attacked him in that valley on the east side of the kirk of Shotts, when, after a pretty smart encounter, the Goliath Bertram was slain on the place. The Laird of Muirhead cut the head off this robber, which he carried straight to the king, who immediately, in the terms of the proclamation, ordered him a charter and infeftment of these lands, that were then or soon after called Lauchop, and gave him, as an additional honour to his arms, the three acorns in the seed, on the bend dexter; for crest, two hands supporting a sword in pale, proper; and the motto, *Auxilio Dei*, which is borne by the family to this day (*b*). When the Lairds of Muirhead came of course to be vassals to the Earls of Douglas for their estate in the barony of Bothwell, the tradition is, That being gallant brave men, they were mightily aiding and assisting to them, not only in the public wars in the defence of the country against invasions from England, but even in the lesser feuds and scrapes they were, as was customary, engaged in against other great families, which were sometimes carried far, and much blood shed on both sides; it was in reward, they say, of these services to the House of Douglas, who were also Lords of Galloway, that the Lairds of Lauchop had first the feu from them of the lands of Daldenan, Clonard, &c. (*c*), which they continued to possess in feu and assedation from the crown, after the forfeiture of the House of Douglas; and it is reported their estate was by far greater and more considerable in Galloway than it was in the county of Lanark.

The first charter I have seen of any note concerning this ancient family, is a deed granted by *Archibaldus Comes de Douglas, Dominus Galovidia et Bothwel, dicto scutifero suo Willielmo de Muirhead*, of his lands of Muirhead, in baronia de *Bothwel*, in the 1393 (*d*). Being a gentleman of mettle and spirit, and who seems to have had a turn for business, he had the honour of knighthood conferred on him by King Robert III. for we find him designed, in no less an authority than the learned Mr Rymer in the *Fœdera Angliæ, Dñm. Willielmus de Muirhead, miles*. This same noble gentleman had the honour, in the 1404, to be employed with Sir David Fleming, whom the king calls *consanguineus suus*, to treat with the King of England, Henry IV. or his Commissioners, concerning the redemption of the Earls of Fife and Douglas, who had been both taken prisoners at the battle of Homildon in Northumberland, two years before (*e*); empowering them also to

(*a*) I mean my most worthy friend William Hamilton of Wishaw. (*b*) Mr Nisbet's Heraldry, page 438, intimating, that he went out in the strength of God to vanquish that robber, who was a pest to the country. (*c*) Assedation in 1517 from the crown, Daldenan Joanni Muirhead, filio et hæredi quondam Joannis Muirhead, who was slain at Flodden; and another feu or tack to him in the exchequer rolls, Joanni Muirhead, filio et heredi Joannis Muirhead de Bullis, de Clonard. (*d*) Note of this charter in the genealogy of the family I have seen. (*e*) Rymer's *Fœdera*, ad annum 1402.

conclude a truce or peace (*f*). The commissioners of both kings met at Pontefract, and, on the 6th of July 1404, agreed to a truce, which was to commence on the 20th of that month, and to last till Easter the next year; as also, that during that interval of time, a congress should be held at Handerstank, in order to a more complete and satisfying treaty; but an unlucky unforeseen event, the seizing the prince going to France, diverted them from pursuing the measures that had been laid down.

This Knight of MUIRHEAD of the House of Lauchop, married Dame Jean Hay, daughter of Sir William Hay of Locharret, ancestor of the Lords of Yester, and of the Earls and Marquisses of Tweeddale (*g*), by whom he had *Willielmus de Muirhead, Dominus de Lauchop*, in 1445 (*h*).

Dr ANDREW MUIRHEAD, who being from his youth bred up with a view to the service of the church, and taking holy orders, was first rector of Cadyow; and after that rising in reputation for his piety, learning, and integrity, was preferred to the Episcopal See of Glasgow on the demise of the ever memorable Bishop Turnbull, on the third of September, in the year 1454 (*i*). It must have been upon the knowledge, as well as the fame of the consummate merit of this worthy prelate, that either the canons or prebends of the chapter of the Episcopal See were induced to elect, or the king to conform the choice of a successor, even so regularly and duly elected, according to the canons of the church, to Bishop Turnbull, as Dr Muirhead. They seem to have been very just in their choice, for he had not been long in the See, when the greatest honour was done him that could be thought of, (not by any private deed, but by a public national act of the estates of Parliament) to testify the esteem they had of his character; for, on the death of King James II. he was named, in the 1460, one of the Lords of the Regency, in whom the power of the sovereignty was lodged, till the young king should be of age. The Bishop's colleagues in that important office were, the Bishop of St Andrews, Bishop Kennedy, the Bishop of Dunkeld, Dr Lauder, the Earl of Orkney, the Lords Boyd, Graham, and Kennedy (*k*); and it is acknowledged, to the honour of their memory, that they ruled the kingdom to their great glory, and the infinite advantage both of the king and people, and that with uninterrupted harmony and unanimity. One of the first things, it seems, the governors thought fit to do for preserving the peace and tranquillity of the nation, was to come to an accommodation with England, and to treat upon a truce (*l*). Accordingly a commission is issued out in the name of the young king in the 1462, authorising Bishop Kennedy of St Andrews, Bishop Muirhead of Glasgow, the Abbot of Holyroodhouse, Mr Archibald Crawford, Mr James Lindsay, the Provost of Lincluden, the Privy Seal, the Earl of Argyll, the Lord Livingston, the Lord Hamilton, the Lord Borthwick, the Lord Boyd, Sir Alexander Boyd of Duncow, to meet and treat with the commissioners of the crown of England, in order to negotiate a truce. Accordingly they met at York; and, on the 19th December agreed to the following conditions (*m*): "That it should last  
" from the 16th day of December, by land and fresh water, to the last day of October next coming; and from the first day of February next, till the same last  
" day of October, by sea: Secondly, That James King of Scotland shall give no  
" assistance to Henry, late calling himself King of England, or his adherents, during the alliance or truce: Thirdly, That Edward King of England shall give  
" no countenance or protection to any traitors or rebels to King James: Fourthly,  
" That in regard James Earl of Douglas was become liegeman to King Edward,  
" he, or such other Scotsmen, shall enjoy the benefit of the truce: Fifthly, That if  
" Henry, late called King of England, or any other his adherents, shall become  
" liegemen to the said King James, they shall, in that case, have the benefit of  
" the truce as all his other liegemen."

(*f*) Rymer's *Fœdera Angliæ*, 2d annum 1404; and some part of this is taken notice of by our own historians, particularly my worthy learned friend Dr Patrick Abercromby, in his second volume of the History of Scotland, page 222. (*g*) Manuscript History of the House of Tweeddale in the family of Tweeddale. (*h*) Note of the History of the House of Lauchop I have seen. (*i*) Obituary of the Episcopal See of Glasgow in the Chartulary of the Bishopric in the Scots College at Paris, I have seen. (*k*) Buchanan and Abercromby, and the other histories. (*l*) Rymer. The ambassadors, 2d June 1460, are the Bishop of St Andrews, Bishop of Glasgow, with a retinue of 30 persons in his company. (*m*) Rymer's *Fœdera*, and Dr Abercromby from him, page 390.

The very prospect of so long a calm put the bishop upon executing the more immediate offices of his function; for after this he made several regulations in the chapter of the See, and founded the vicars of the choir that had not been in his church before, *fundator vicarior. choiri in ecclesia Glasguen. (a)*, as he is called. He also adorned and beautified the cathedral, and appears to be a benefactor, especially in the northside of the nave, where, on the roof, there is still to be seen and viewed, by the curious, his coat of arms, the acorns on the bend surmounted of the salmon fishing, the cognizance of the Episcopal See, and adorned with a mitre exquisitely graved: but the virtues, goodness, and merit of this good prelate could not be confined within so narrow bounds as his own diocese, and the public could not suffer themselves to be deprived of his services, however usefully he might be employed in his own station as a bishop in the church; for in the 1468, an embassy to Denmark being judged necessary, not only to cultivate a firm friendship betwixt the two nations, but also to treat with King Christiern of a marriage betwixt the young king and the princess, the only daughter of that monarch; in an embassy of this importance, none was judged more proper than the Bishop of Glasgow. There were joined with our prelate the Bishop of Orkney, the Lord Evandale, the Chancellor, the Earl of Arran, Mr Martin Wan the king's almoner and confessor, Gilbert Rerrick his own arch-deacon of Glasgow, David Crichton of Cranston, and John Shaw of Hallie. A prosperous gale carried them quickly to Copenhagen, the capital city of Denmark, where, on the 8th of September, the marriage was agreed to on the following terms: "First, That the annual of Norway should be for ever remitted and extinguished: Secondly, That King Christiern should give 60,000 florins of gold for his daughter's portion, whereof 10,000 should be paid before her departure from Denmark; and that the islands of Orkney should be made over to the crown of Scotland, by pledge, for the security of the remainder, with this express *proviso*, That they shall return to that of Norway after complete payment of the whole sum: Thirdly, That in case of his dying before the said Margaret, his spouse, he should leave her in possession of the palace of Linlithgow, and castle of Doune in Monteith, with all their appurtenances, and the third part of the ordinary revenues of the crown, to be enjoyed by her during life, in case she should choose to reside in Scotland: But, Fourthly, If she rather inclined to return to Denmark, that, in lieu of the said liferent, palace, and castle, she should accept of 120,000 florins of the Rhine; from which sum the 50,000 due for the remainder of her portion being deduced and allowed, the islands of Orkney shall be annexed to the crown of Norway forever. Fifthly, That she shall in no case or event be allowed to marry an Englishman, or any subject within the jurisdiction of England (b)."

For some time after the arrival and coronation of the Queen, Bishop Muirhead seems to have meddled much in those transactions, more than was merely consistent with his character; but confined himself to the more private duties of his function and office in ruling his clergy, and diffusing his charity and beneficence through his diocese. More particularly about this time, in 1471, he founded, near to the precinct of his episcopal palace at Glasgow, an hospital, which he dedicated to the honour of St Nicholas. The place where the divine service was, is of fine aisler work of a Gothic form, and the windows supported by a buttress betwixt each of them; upon the front, over the door, is the bishop's arms surmounted of the salmon-fish, and a crosier or pastoral staff behind the shield. By the foundation I see it was to consist of twelve old men, who were provided with all necessaries for their support and sustenance; and also a priest to celebrate divine service at the canonical hours of devotion, that they might be freed from worldly avocations in the decline of their age, and in a better condition to prepare for another world, now that they were on the brink of eternity. The foundation subsisted till after the reformation that the payment of the revenue went into desuetude; so that at this time there are not above four maintained in it: however it still retains the name of Bishop Muirhead's Hospital, and St Nicholas's Hospital, and is a noble monument of its illustrious founder. Opposite to the hospital he built and devoted a house or manse for the

(a) Chartulary of Glasgow. (b) Torfœus's History of the Orkneys.

priest or preceptor, upon which there is still to be seen the bishop's arms, the crossier behind the shield, with the three acorns on the bend: but whilst this excellent prelate was thus busied in the offices of piety, beneficence, and humanity, to his distressed fellow-creatures, he was again called to act in a more public sphere and capacity; for, in the year 1472, King Edward IV. of England being no sooner resettled on the English throne, but to fix the Scots nation the more to his interest, he proposed a match betwixt some fit persons of the two royal families, as a good step towards a lasting friendship; and as King James III. did not seem averse from it, so, in this view, our prelate Bishop Muirhead of Glasgow, Bishop Spence of Aberdeen, the Earls of Argyle, Crawford, and Caithness, the Lords Hamilton, Borthwick, Seaton, Darnly, David Guthrie, the Lord Register, and Duncan Dundas, Esq. were named as Commissioners: but though they received their respective commissions in August 1471, yet they did not meet till the next year 1472, when, on the 20th of April, it was agreed, that the present truce should be observed till the month of July 1483 (a); but the bishop did not see the expiration of it; for, in about six months after the conclusion of the peace he had been so highly instrumental in bringing about, he died at his palace in the city of Glasgow, on the 20th of November 1473 (b), and was interred in the choir of the Cathedral Church, under, no doubt, a noble monument, suitable to the magnificence of so great a prelate, but has been swept clean away at the Reformation, with the rest that were within that stately edifice.

The death of so good and excellent a man was certainly an irreparable loss; for, who knows, and I am sure it is very likely, but that if our prelate had not been in his grave before the unhappy after-part of this reign, he might, in his great and consummate wisdom and prudence, have been happily instrumental in allaying the heats, rancours, and animosities, that afterwards broke out and ended in so dismal a catastrophe. The Bishop had a younger brother, as I take it, who was educated to the church, Mr Udastus Muirhead, who, after he was in orders, was made Dean of Glasgow, a benefice then both of great dignity and revenue, for he was a prebend in the chapter of the Episcopal See of Glasgow, and Rector of Cadyow. He was a gentleman of figure and character for learning; for he was on the 27th of October in the year 1476, elected Rector of the University of Glasgow (c); but whether he rose to any higher station in the church, or died in his rectory, I have not been able to discover.

There was a daughter of the House of Muirhead of Lauchop, called, as it is handed down, Janet Muirhead, who, for her great beauty, was commonly called *the Fair Maid*, or, *the Bonny Lass of Leebbrunach*, who was married *de facto* privately, *sed non de jure secundum canones*, to Gavin Hamilton, son to Sir James Hamilton of Cadyow, and brother-german to James Lord Hamilton. The marriage, they say, was private, and the parties *inter gradus a jure prohibitos*, within the degrees of consanguinity prohibited by the canons or laws of the church; and a previous dispensation had not been obtained from the Pope before the marriage, and the children so procreate *ex occulto et clandestino matrimonio*, were looked on as spurious. However, this lady bore four or five sons, and after that he left off cohabitation with the gentlewoman, and went into orders, and came to be Provost of the Collegiate Church of Bothwell, of the Earl of Douglas's patronage, and is in that office as soon as the year 1453 (d).

He does not indeed call his children his own sons, when he disposes the lands of Orbiston to the eldest, Mr Robert Hamilton, whom he designs *Cancellario Glasguen*. that is, Rector of Campsie, and then to Thomas Hamilton, Canon of Dunkeld; and failing him, to John Hamilton their carnal brother; and failing him, to Archibald and Gavin Hamiltons, all brothers to one another, in the 1468 (e). Of John Hamilton, the first layman in the charter, is descended the Hamiltons of Orbiston, Hagg, Bothwellhaugh, Innermadden, Aikenhead in Monkland, Fergusly, Kilbrackmont, Monkland, Dalziel, Neilsland, &c. But to return to the House of Lauchop, we may observe, that

(a) Rymer's *Fœdera Angliæ*, ad annum 1471. (b) Obituary of several of the great men and members of the chapter of Glasgow in the chartulary of that See, MSS. at Paris. (c) Writs of the College of Glasgow belonging to the Faculty I have seen. (d) Rymer's *Fœdera*. (e) This charter is afterwards confirmed under the Great Seal in the public archives.

WILLIAM MUIRHEAD of Lauchop, the elder brother of the Bishop of Glasgow, married Mariota Hamilton (*a*), daughter of \_\_\_\_\_ Hamilton of \_\_\_\_\_ by whom he had John, who was the heir of the House of Lauchop; and a younger son,

Dr RICHARD MUIRHEAD, who was, by the care of his uncle the Bishop of Glasgow, bred to the service of the church; and, getting into orders, was preferred to the deanery of Glasgow, which was a benefice both of considerable dignity and revenue, being the first member of the chapter of the Episcopal See of Glasgow, who had the second vote, next to the bishop himself. The Dean being a person of learning, merit, and integrity, King James IV. was pleased, from a confidence in his abilities and sufficiency, to make him Lord Clerk-Register of Scotland, or Clerk and Keeper of his Majesty's Council, Registers, and Rolls, the 21st of June 1489 (*b*), upon the removal of Dr Alexander Inglis, Archdeacon of St Andrews (*c*), Elect of Dunkeld. He held this great office, having the charge of the whole registers of the kingdom in his custody, for the space and time of five years, till the 1493, that he resigned in favour of Dr John Frissel, or Fraser, Dean of the Royal College Church at Restalrig (*d*). The removal of the Dean of Glasgow, Dr Muirhead, does not seem to have flowed from any disregard or dislike to his conduct in the administration of his great office, but rather to do him the greater honour; for while he was the Clerk-Register, it was concerted in Parliament, that certain great men of the clergy, as well as of the laity, should be sent to several different courts to solicit for a consort to the young king their master, which was a matter of the last consequence to the kingdom, the king being then nineteen, and the only person of his family. The persons employed were Robert, Bishop of Glasgow; this was Bishop Blackadder, thereafter the first archbishop of that See, Bishop Elphinstone of Aberdeen, the Earl of Bothwell, the Earl of Morton, the Lord Glamis, William, Prior of St John of Jerusalem in Scotland, Lawrence Lord Oliphant, and our Dean, Mr Richard Muirhead, Dean of Glasgow (*e*). They were to go to the courts of France, England, Castile, Arragon, Sicily, &c. But it was a while after this that the king's marriage with the daughter of England was completed, in which the Archbishop of Glasgow was the great and happy instrument; and it appears to me more than probable, that his dean, Dr Muirhead, had a share in that great transaction that has had such mighty effects, and laid not only the foundation of the union of the crowns, but also of the two kingdoms in our own time. Dr Muirhead, by his prudent conduct and just administration in his office while Clerk-Register, procured a general esteem, and he had got so much into the king's confidence and favour that he preferred him to be Secretary of State in the 1495 (*f*), in place of Dr Inglis, the Archdeacon of St Andrews, who was both Secretary and Clerk of the Register, *Secretarius, ac Clericus Rotulorum et Registri Regis Scotiae*, as he is designed. The great abilities and eminent qualities of the Dean of Glasgow, in this high station, coming to be more and better known and displayed, in the necessary discharge and dispatches of his office, the king was pleased to make him one of his Privy Council. This appears from an instrument taken within the Cathedral Church of Glasgow, where the king was present on the 10th of December 1502, when he was obliged, as was usual, to give his oath to observe the late treaty with England, before a great many of the nobility and gentry of both nations; among whom were Ricardus Muirhead, *Decanus Ecclesie Glasguensis, dictique Regis Scotorum, Consiliario et Secretario* (*g*). The king's marriage quickly following on the peace, with the Princess Margaret, eldest daughter of King Henry VII. pursuant to an article of the agreement, the queen's jointure was

(*a*) Note of the Genealogy of the House of Muirhead. (*b*) Charta of that date that he is in the Register's Office, *Clericus Rotulorum & Registri, ac Concilii Clericus*. (*c*) Charta in archivis. (*d*) This year 1493, 25th June, is the precise year that Mr Frisle, the Dean of Restalrig, is made Register, and is so designed in the *Fœdera Angliæ*, in a treaty with the English, and also in the registers of the Great Seal in the archives. (*e*) Rymer's *Fœdera Angliæ*, the 14th June 1491. (*f*) In a commission to go to England, 8th July 1494, among others there is the Archdeacon of St Andrews, *Secretarium etiam Clericum Registri Jacobi Scotorum Regis*, and this Dr Muirhead is in the office then. (*g*) Rymer's *Fœdera Angliæ*, ad annum 1502.

settled on the 4th of May 1503 (*a*), to which there are witnesses, Archibald Earl of Argyle, *Magister Hospitii*, Master of the Household, Andrew Lord Gray, *Jus-tituario nostro*, says the sovereign, *Magister Ricardus Muirhead Decano Glasguen. Secretario nostro, Gavino Dunbar Decano Moravien. Clerico nostrorum Rotulorum et Registri* (*b*).

As the Secretary, Dean Muirhead, has been a learned man in that which was more peculiar to his own profession of theology, so he has been well known in the civil and canon law, insomuch that he was made one of the Lords of Council and Session by King James IV. *anno* 1507, who were the ordinary judges of law and equity before the institution of the College of Justice, which did not commence till the next succeeding reign, *anno* 1532. There is a decret still extant, whereby a service of John Lord Somerville, as heir to William Somerville, his father, is reduced, because his father had been vested and seised in the half of the lands of Gilmerton, proceeding on a charter from Malise Earl of Monteith, who had no right either in property or superiority to the said lands (*c*). The Dean of Glasgow, in the extract, is mentioned among the rest of the Lords. He continued Secretary for about the space of eleven years, without any interruption, or the least visible diminution of favour from his prince, till his death in the 1506, that Dr Patrick Panter, then Rector of Fetteresso, and Preceptor of the *Maison Dieu* Hospital at Brechin, afterwards the learned Abbot of Cambuskenneth was preferred to the office (*d*).

But to return to my subject, the memorial of the House of Muirhead, JOHN MUIRHEAD of Lauchop and Bullis, the next in the line and course of succession in this ancient family, was tacksman and kindly rentaller, or rather feuar of many of the crown lands of Galloway, which he possessed till his death, that he was slain fighting by the side of his royal master King James IV. *in campo belli de Northumberland, sub vexillo Domini Regis*, as it is generally called in many records, and which is well known was the battle of Flodden, which was fought the 9th of September 1513 (*e*); and it is certain that the possessions of the family of the Muirheads were at this time as valuable as those they had in Clydesdale or Lanarkshire. This gentleman left issue by Margaret, his wife, daughter of Patrick Lord Hepburn of Hailes, and sister to Patrick Earl of Bothwell (*f*), John, his son and heir (*g*), who married Margaret Borthwick, daughter to the Lord Borthwick, then an opulent noble family as any in all the kingdom in the rank and quality of Parliamentary barons (*b*), and had James, the heir of the House of Muirhead and family of Lauchop, who married Jean, daughter of John Lord Fleming (*i*), ancestor to the present Earl of Wigton; by whom he had two sons, James Muirhead of Lauchop, the heir of the family, and John Muirhead of Shawfoot, a younger brother, who was a feuar under the Archbishop of Glasgow, Archbishop Dunbar (*k*), of whom is descended the Muirheads of Bredisholm, in the county of Lanark, who, since the death of Captain James Muirhead of Lauchop, in the end of the 1738, without any male issue of his body, is now the lineal lawful heir-male of the House of Lauchop; and the undoubted chief and representative of the ancient family of Muirhead is John Muirhead of Bredisholm, who, though he wore in his arms a crescent before, as a mark of cadency, intimating his descent, as a second brother, from the stem and root of the family, yet now he may lay it aside, as he has a just title to do, seeing, as heir-male, he represents the principal family. This James Muirhead of Lauchop had also a daughter, Margaret, who was married to James Hamilton of Woodhall, Captain of Arran, and had issue (*l*).

(*a*) Rymer's *Fœdera Angliæ*. (*b*) *Ibidem*. (*c*) In the original decret, among the lords there is Mr Richard Muirhead, Dean of Glasgow, Secretary. (*d*) Dean Muirhead of Glasgow is secretary in the charters of the Great Seal 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, &c. *respective* till his death. In the chartulary of the writs of the college of Glasgow, in 1512, Dean Muirhead is designed *venerabilis memoria*, which imports he was dead some time before. (*e*) Rolls of the Exchequer in the registers. (*f*) Draught of the descent and lineage of the Muirheads of Lauchop, MSS. (*g*) Tacks from the crown to John Muirhead, son and heir of John Muirhead, in 1517, in the Exchequer Rolls. (*h*) Birthbrieve in the registers of the Great Seal. (*i*) Birthbrieve to a gentleman descended of the House of Lauchop, in the registers of the Great Seal in the public records. (*k*) The Genealogical Draught of the Muirheads of Lauchop, MSS. (*l*) *Charta penes Joan. Crawford de Jordanhill, ad annum* 1539, and 1540.

This JAMES MUIRHEAD, the younger of Lauchop, married Janet, daughter of Alexander Baillie of Carphin (*a*), an ancient family of the Baillies, as far back as the reign of King David II., in the county of Lanark, by whom he had a son, the heir of the family, viz.

JAMES MUIRHEAD of Lauchop, who being linked in friendship, blood, and affinity with the Hamiltons, did stick firm to Queen Mary when she fell in her troubles; for how soon that misfortunate princess had found means to make her escape out of the castle of Lochleven, where a party of her undutiful subjects had shut her up, and came to Hamilton, this loyal gentleman repaired with his friends and followers to her standard, how soon it was set up, and marched to the battle of Langside, in order to recover and restore her to her liberty and sovereignty; but that attempt proving unsuccessful, by the defeat of the army on the 13th of May 1568, he was forfeited by a Parliamentary attainder for that dutiful and loyal appearance (*b*): However, he still continued in the queen's interest, and did some pieces of very acceptable service on that side: It is confidently reported, and I believe there is no ground to doubt the truth of the fact, that the Laird of Lauchop, being a bold and intrepid man, received and sheltered James Hamilton of Bothwelhaugh the night he fled from Hamilton, after he had shot the Earl of Murray, the Regent, at Linlithgow, the 29th of January 1570. The next day he went along with Mr Hamilton himself; but the party who were sent to pursue him, hearing he had stopt at the house of Lauchop, they first rifled it, and then set it on fire, and burnt it to the ground; and perhaps the regent's party were not a whit less set on in their resentment, that the Lady Lauchop was sister to Bothwelhaugh, who had slain their master, and whose death they were seeking to revenge. The forfeiture continued on the family of Lauchop till the general act of pacification amongst the two contending parties came to be finally settled on the 23d of February 1573, at Perth; whereby, in pursuance of an article of agreement, it was declared and decreed, "That the sentences past be doom and forfeiture in Parliament, or anie other sentence past before the Justice-General or his deputes, since the 15th day of June 1567, shall be of no avail, force, strength, or effect in all time coming." In this act there are a long roll of persons who had been engaged in the rebellion against the young king, who are all now remitted and restored; and among the rest this gentleman, James Muirhead of Lauchop (*c*), was one. He married Janet Hamilton, daughter of James Hamilton of Bothwelhaugh, who was a brother of the House of Orbiston (*d*), by whom he had issue James, his successor, and a younger son, Thomas Muirhead of Johnston, who married Elizabeth Hamilton, daughter of ——— Hamilton of Bathgate (*e*), whose heir-female, Margaret Muirhead, was married to John Crawford of Milnton, whose grandchild and sole heir, Dame Margaret Crawford, was married to Sir William Stewart of Castlemilk. This Laird of Lauchop, by Janet Hamilton his wife, daughter to Bothwelhaugh, had a daughter, Margaret, who was married to John Hamilton of Udston (*f*), of whom there issued a numerous progeny, which diffused through all Clydesdale, in relations; for, from this marriage sprang the Hamiltons of Udston, the Hamiltons of Barncluith, and the Lord Belhaven, the Hamiltons of Rosehall and Wishaw, &c. Elizabeth was married to William Cleland of Faskine, mother to Sir James Cleland of Monkland.

JAMES MUIRHEAD of Lauchop, the next in the succession of this ancient and honourable family, had the honour of knighthood conferred on him by King James VI. in the 1617, or rather in 1621. He married first Jean, daughter and sole heir of James Houston of Craigton, in the county of Dumbarton, who was a brother of the ancient family of Houston of that Ilk, in the shire of Kenfrew, and his wife was Margaret Fleming, daughter of Patrick Fleming of Barrochan (*g*), by whom he had James his son and heir, Mr Thomas a clergyman, who was minister at Cambusnethan, and daughters married to Alexander Garthshore of that Ilk, in the county

(*a*) Birthbrieve of the House of Lauchop in the records. (*b*) I find James Muirhead of Lauchop forfeited, among others, in the Regent's Parliament, in the records of the Privy Seal in 1568, in the registers. (*c*) Memoirs of the affairs in Scotland, page 287, by Mr David Crawford younger of Drumsoy. published in the year 1706. (*d*) The birthbrieve of the gentlemen of the House of Lauchop, in the registers in the Chancery. (*e*) Account of the House of Lauchop, by one Mr Hamilton, MSS. penes me. (*f*) Charter to them in the registers in 1593. (*g*) Birthbrieve in the register.

of Dumbarton, another to Mr John Crawford of Ruchsolloch, in the county of Lanark, another to ——— Baillie of Polkemmet.

He married to his second lady Dame Margaret Somerville, daughter of Sir James Somerville of Cambusnethan, and relict and widow of Gilbert Lord Somerville : But whether he had any issue of the marriage I am not positive.

JAMES MUIRHEAD of Lauchop, his son, was married with Lady Jean Dalziel, daughter of Robert Lord Dalziel, and afterwards Earl of Carnwath, by whom he had several children ; James, the eldest, he conceived a prejudice against, upon no other consideration than a piece of humour, and an extravagant fondness for a younger son ; he disinherited his eldest, and diverted the right of succession, according to the rules of primogeniture, from him to a younger brother : But to make that nevertheless as easy to him as possible, he gave him the estate of Craighton. He married a daughter of Patrick Lindsay, Archbishop of Glasgow ; but though he had a son, his male succession is quite worn out ; and a daughter, of whom there is still some issue remaining.

CLAUD MUIRHEAD was the second son, to whom he provided the fee of his estate of Lauchop, which was then considerable. I have heard from the relations of the family, who were persons of such honour and integrity as I could well trust to, that this Claud Muirhead, Lauchop's second son, was indeed a fine, polite, handsome, well-bred gentleman, as any in the kingdom. He travelled for his improvement far into France and Italy, where he contracted a close and intimate friendship with some eminent men of the popish clergy, who influenced him, from the common topics and arguments they urge of the unity and infallibility of the church, meaning their own church of Rome, to become their convert, and embrace the Roman Catholic communion ; but that was not the worst effect his change had, if he had kept it a private thing betwixt God and his own conscience ; but, upon his return home, his old parents were so captivated with the qualities of their favourite and charming son, as they thought him, that they received all his sentiments with that submission as he had been an angel sent from heaven. When he came to talk to them of the motives that had induced him, and prevailed on him to change his religion, he spoke in such a strain of conviction on their consciences, that they were soon brought over to the popish side, though I have it from those who were their relations, and had access to know the truth of it, that when his parents made the change they were above fourscore years ; and all or most of the sons became Roman Catholics ; at least I have heard it went through most of the family. This fine gentleman, that was the instrument of perverting all his father's house, married with another Roman Catholic family, Wauchope of Niddry, by whom he had a son, John, who died married ; but there was no issue of the marriage ; and was observed, that though the family was, at the old man's death, in a flourishing condition, yet it so visibly melted away, that but little of the fortune was remaining when it came to the youngest brother, Gavin Muirhead of Lauchop, who married Janet Douglas, daughter of William Earl of Selkirk, afterwards Duke of Hamilton, by whom he had two sons, William, a young gentleman, who went into the army young, was a proper handsome person, rose soon to a command, but died of his wounds he received at Wynendale ; Captain James, the second son, parted with any small remainder of the estate, and going also into the army, came to be a captain in the Earl of Orkney's regiment, in which he continued, after it was, on the Earl's demise, given to Colonel Sinclair ; in which station he died in the end of the 1738 in Ireland, leaving no issue, save two daughters ; so that, upon the absolute failure of all the House of Lauchop, in the male line, that were descended to James Muirhead of Lauchop, the loyal man under Queen Mary, the right of representing this ancient family devolves to the last heir-male, John Muirhead of Bredisholm, who is now considered, and justly entitled, to be chief of the name of Muirhead, as coming in place of the House of Lauchop, and accordingly has right to the armorial bearing of that family, without the crescent, the brotherly difference, but simple, with the crest and motto.

Now, to make this memorial full and complete, we shall return back to the younger branch of the family of Lauchop, that laid first the foundation of the Muir-

heads of Bredisholm, who are now turned out to be the heir-male of the family of Lauchop themselves. Their predecessor then, as we heretofore took notice of, was John Muirhead of Shawfütte, second son of John Muirhead of Lauchop by Jean his wife, daughter of John Lord Fleming. This gentleman, by his discretion, conduct, and prudence, in the managing his affairs, acquired a competent estate with in the barony and regality of Glasgow, in vassallage of the archbishops of that See. His first wife was Elizabeth, daughter of Crawford of Fern, a right ancient family (*a*) in Lanarkshire, that had subsisted from the time of King Robert III. (*b*) in the county of Lanark, near to Rutherglen, and after that, Jean Oliphant, daughter of Sir Alexander Oliphant of Kelly, in the county of Fife, the first cadet and branch of the family of Oliphant (*c*). His son, also of the name of John, allied with the Oliphants of Kelly; and being, as his father, a gentleman of spirit, and application to frugality, he acquired from Archbishop Spottiswood the lands of Bredisholm, which is confirmed by a charter under the Great Seal the first of March 1607 (*d*), the year just after the bishops were restored by Act of Parliament to the temporality of their Sees (*e*). He was succeeded by his son and heir James Muirhead of Bredisholm, who, like his father and grandfather, was a gentleman that had a peculiar turn and talent to frugality and management, and by that means he raised up a good estate; and this, doubtless, enabled him to make a very noble and illustrious alliance; for he married Margaret Drummond, daughter of James, Commendator of Inchaffry, second son of David Lord Drummond, and Dame Lilius Ruthven his wife, daughter of William Lord Ruthven, ancestor to the Earls of Gowrie. He was, after that, by the special favour of King James, created Lord Maderty in 1607. The lady's own mother was Jean, daughter of Sir James Chisholm of Creuch, an ancient, and then a great family in Perthshire, near Dumblane. The marriage is with consent of John Lord Maderty, and Sir James Drummond of Machany, her brother-german, and several other of her noble relations, as was then usual (*f*); by this noble lady he had two sons and a daughter, viz.

JAMES, his eldest son and successor;

Mr JOHN MUIRHEAD, whom he bred to the law, was an advocate before the Court of Session; he was the ancestor of that branch of the Muirheads of Persilands, in the shire of Lanark;

Dame LILIAS, his eldest daughter, was first married to Sir Walter Stewart of Minto, then a family of great reputation for quality and estate near Glasgow, which is now represented by the Lord Blantyre, and after his death to another very honourable gentleman, who was the lady's own first cousin, viz. Sir James Drummond of Machany (*g*), grandfather to the present Viscount of Strathallan and Lord Maderty.

JAMES MUIRHEAD of Bredisholm, the next in the line of succession of this family, married first Grissel, daughter of Robert Hamilton of Bathgate (*b*), who was sprung lineally from Sir William Hamilton, younger son to Sir David Hamilton of Cad-yow (*i*), ancestor to the Duke of Hamilton. The lady's mother was Margaret, daughter of Sir Alexander Hamilton of Innerwick, by whom he had James, the eldest son and heir, George Muirhead of Stevenson in Bothwell, whose male issue is extinct; he had also one daughter, Elizabeth, who was married to Patrick Hamilton of Neilsland, and had issue.

He married to his second wife Grissel, daughter of James Hamilton of Westport, near Linlithgow, descended from the Hamiltons of Silvertonhill, widow and relict of William Cochran, son and apparent heir of Alexander Cochran of Barbachlay in the county of Linlithgow (*l*), by whom he had one daughter Margaret, who was married to James Hamilton of Aikenhead, in the shire of Lanark (*l*), and had issue.

He married to his third wife Bessie, daughter of James Crawford of Kipbyre in Lanarkshire (*m*), by whom he had two daughters; Lilius, who was married to James

(*a*) Genealogical draught of the Muirheads. (*b*) Writs of the House of Fern. (*c*) Writs of the House of Oliphant, in the custody of Laurence Oliphant of Gask. (*d*) Charta penes Bredisholm. (*e*) Acts of Parliament. (*f*) Original contract yet extant in Bredisholm's hands. (*g*) Contract and marriage articles in the custody of Bredisholm. (*h*) Ibid. (*i*) Charta in archivis, ad annum 1407. (*l*) Ibid. (*l*) Ibidem. (*m*) Charta penes Bredisholm.

Hamilton of Blantyre, and had issue; and Anne to John Stark of Auchinvole and Gartsherry, and had issue.

JAMES MUIRAEAD of Bredisholm was a very worthy gentleman, well esteemed, a person of great goodness, uprightness, and integrity, he married a lady of a noble extraction, as we see some of his ancestors had done before him, viz. Mrs Helen Stewart, daughter of Alexander, fourth Lord Blantyre. Her mother was Margaret, only daughter of John Shaw of Greenock, and of Helen his wife, daughter of Sir John Houston of that ilk, by whom he had James, who died in the lifetime of his father, John his successor, William and George, both bred to the practice of the law, Walter, who all three died unmarried. He had also two daughters,

EUPHAME, the eldest, who was married to Archibald Grossett of Logie, and had issue.

MARGARET, to John Stark of Auchinvole and Gartsherry, and had issue.

JOHN MUIRHEAD, now of Bredisholm, since the demise lately of Captain James Muirhead of Lauchop, is now the heir-male, and of consequence the chief and representative of the family of Lauchop; which I may venture to say, is one of the most ancient families in all Lanarkshire. He married Lilius, eldest daughter of James Hamilton of Aikenhead; but as he has no issue, and but little hopes of any, his nephew, by his eldest sister the deceased Lady Logie, Walter Grossett of Logie, Esq. is his presumptive, if I may not call him his apparent heir, who, in that event, is to assume the arms of Muirhead, the simple coat, as his uncle now bears it, which probably he may think fit to marshal in the first and fourth quarter of his armorial achievement. Since there is then apparently so natural a connection betwixt Mr Grossett of Logie and the Muirheads of Bredisholm, I shall here but just touch a little at the origin and progress of that name in a very few words. I concur in my opinion with those who think the surname and family of Grossett to be of a French extraction, and of a family of eminency there, *Grosier*, and who bear the same armorial figures in their arms as those of the surname of Grossett do; the variation is very little; and the identity of one and the same armorial bearing is the very surest mark of blood and descent, as the heralds observe. It is an agreed point amongst the heralds, that the besants were acquired by those who had signalized themselves in the crusades in the Holy War against the infidels. That the ancestors of the Grossetts of Logie are but lately extracted from France is most certain. Captain Alexander Grossett came over from France, and served King Charles I. in the army, and had the reputation of a gentleman of honour, virtue, and probity. After the war was at an end, he settled in Scotland, and died there, leaving behind him a son, Alexander Grossett, Esq; who purchased the lands of Logie near Dunfermline; but being high in the presbyterian principles, and those people being much depressed in the late times, that he might freely enjoy the exercise of his religion, he retired over to Holland, where he died, leaving issue by Christian Cochran his wife, of the ancient family of the Cochrans of Barbachly, who can, by well vouched documents, carry up their pedigree to the time of King David II. if not further, only one son, his heir,

ARCHIBALD GROSSETT, Esq. who married Euphame, eldest daughter of James Muirhead of Bredisholm, in the county of Lanark, and of Helen his wife, daughter of Alexander Lord Blantyre, by whom he had three sons,

WALTER GROSSETT of Logie, Esq. Collector of his Majesty's Customs, Salt-duty, and excise, at the port of Alloa, in the county of Clackmanan, and one of the Justices of the Peace of that shire;

Captain ALEXANDER GROSSETT, the second son, is Captain in General Clayton's regiment;

JAMES GROSSETT, Esq. the third son, is a merchant at Lisbon in Portugal, a gentleman of reputation, and a rising young man that way.

The armorial bearing of GROSSETT of Logie is *azure*, three stars or mullets disposed fesse-ways, *argent*, and in base of the stars as many besants *or*, of the second; which coat he may carry, on the event of his uncle Bredisholm's death, in the first and fourth quarter of the achievement of that family.

OF THE FAMILY OF DUNDAS OF FINGASK, FORMERLY DESIGNED OF THAT  
ILK AND FINGASK.

AS the former memorial of the family of DUNDAS of that Ilk, inserted in this Appendix, contains several assertions, for which no document is adduced, and some of them contrary to fact; and deduces the succession of the family since the reign of King James II. from a collateral branch, and not the lineal heir, thereby insinuating that the present Laird of Dundas is the representative of the ancient family, in prejudice of the family we now treat of, which undoubtedly is so; they have thought proper to publish a genuine account of the family, vouched by charters and other authentic deeds, the originals whereof are either in their own custody, or to be found amongst the public records of the nation.

Some account is given of the family of DUNDAS in the First Volume of this System, page 275, where Mr Nisbet, from the similitude of the armorial bearing, and other arguments, attributes their original to *Cospatricius*, Earl of Dunbar and March, who came to Scotland with King Malcolm Canmore, and was by that wise and discerning prince rewarded with the lands of Dunbar, and many others in Lothian and the Merse.

I. WALDEVE, son to Cospatrick, about the year 1124, grants to Helias, son of Huthred (his brother) the lands of Dundas, to be holden of him, as mentioned in the copy of the original charter in Sir James Dalrymple's Collections, page 382, and another copy of the said charter, taken from the original, is engraven in copperplate, in Mr James Anderson's beautiful Collection of Ancient Scots Charters, lately published by the learned Mr Thomas Ruddiman.

II. SERLE *de* DUNDAS is the next found to succeed about the year 1170, and after him another

III. HELIAS *de* DUNDAS, who is often mentioned in the reign of King Alexander II. *anno* 1220.

IV. RUDOLPHUS *de* DUNDAS is afterwards in possession of Dundas, and found often witness to the deeds of the abbot of Kelso, *anno* 1256 (*a*). He was father to

V. SAER *de* DUNDAS, who was one of the persons of rank mentioned in Ragman-Roll, who swore fealty to Edward King of England, *anno* 1296, and was obliged to repeat the submission twice; first for his lands in Lothian, and again for his lands of Fingask in Perthshire (*b*).

VI. HUGH *de* DUNDAS is often found as companion to the hero Sir William Wallace, *anno* 1299. To whom succeeded another

VII. SAER *de* DUNDAS, who was slain at the battle of Duplin, fighting against Edward Baliol and an English army, *anno* 1332 (*c*). To him succeeded

VIII. JACOBUS *de* DUNDAS, of whom we have discovered nothing remarkable. He was father to

IX. JOANNES *de* DUNDAS, whom we find disputing his right to the islands in the Forth opposite to the Queensferry, with the Abbot of Dunfermline, who proceeded against him with the highest censures of the church, before he could oblige him to desist from his claim: but that matter being some way accommodated betwixt them, he was absolved from the abbot's sentence of excommunication in 1342 (*d*). Afterwards, upon his own resignation of the lands of Fingask, he obtained a new charter thereof from King David II. (*e*). whereof we have thought proper to annex a copy, as it is the first charter we can discover granted by the sovereign to any person of the name of Dundas, and evidences that the barony of Fingask was the ancient possession of this family before that period of time. This *John de Dundas, ac*

(*a*) Chartulary of the abbacy of Kelso, in the Lawyer's Library. (*b*) Rymer's *Fœdera Angliæ*, and Prynne's Collections. (*c*) Abercromby's Martial Achievements. (*d*) Absolutio Abbatis de Dunfermline. penes Walterum M'Farlane de eodem. (*e*) Charta in publicis archivis.

*Baro de Fingask*, left issue one son, James, and a daughter, Agnes, married to Sir Adam Forrester of Corstorphine, Lord Keeper of the Great Seal in the reign of King Robert II.

X. JAMES succeeded his father, who appears to have been very intent on securing his estate in those troublesome times wherein he lived, when the country was rent in pieces by factions of the great, struggling to wrest the power out of one another's hands, and harassing all those who differed from or opposed them. In *anno* 1380 he obtained a new charter (*f*) from King Robert II. under his Great Seal, of the lands and barony of Fingask, upon his own resignation thereof, to himself "et hæredibus de corpore suo legitime procreatis seu procreandis; quibus deficientibus, Adamo Forrester de Corstorphin, et hæredibus suis quibuscunque." This charter is dated 28th February, in the ninth year of that king's reign. And as he was invested by the king in the lands of Fingask, which held of him, so he obtained a new charter from the Baron of Winchburgh, ancestor to the Earl of Winton, of the lands of Dundas, which held ward of them, dated 13th December 1397 (*g*), whereby "Willielmus de Seton Dominus ejusdem, nepos et hæres quondam Alexandri Seton de eodem," grants and confirms "terras de Dundas Jacobo de Dundas, et hæredibus suis legitime procreatis seu procreandis; quibus deficientibus, Adamo Forrester de Corstorphin, et hæredibus suis quibuscunque." By a charter, dated 20th September 1406 (*h*), "Archibaldus Comes de Douglas, Dominus Gallovidiæ et Bothwel," grants and confirms "Jacobo de Dundas, Domino ejusdem, et hæredibus suis, pro homagio et servitio suo, omnes terras de Dunbarny in vicecomitatu de Perth." And, by another charter, dated 28th February 1416 (*i*), the same Earl of Douglas grants to the said James Dundas the lands of Easter-Blairmucks, "jacen. in baronia de Bothwell, in vicecomitatu de Lanerk." And in the March following he obtained from Robert Duke of Albany, then Governor of Scotland, during King James I. his absence in England, "licentiam construendi castrum et fortalitium apud Dundas." And, for his greater security in these troublesome times, he resigned his lands of Dundas, and took a new charter (*k*) from the Baron of Winchburgh, superior thereof, in favours of *James de Dundas* his son and heir, reserving to himself his liferent of the same, and to Christian Stewart, his spouse, her just third part thereof, and granting and ordaining her, peaceably at her pleasure, to abide in the tower of Dundas, after the decease of her said husband. This charter is dated at Seaton, 30th November 1423, and registered, *Lib. 2. Num. 1.* The said *James de Dundas* got also a charter from Murdoch Duke of Albany, Governor of Scotland, to himself and his heirs procreated, or to be procreated, with his aforesaid wife Christian Stewart, dated in December 1423 (*l*). And upon the return of King James I. to Scotland, from his confinement in England, his Majesty granted him a confirmation of the licence to build the tower of Dundas, dated 25th May 1424 (*m*). And in 1425 that prince granted another confirmation of the Baron of Winchburgh's charter of the lands of Dundas above mentioned, *Jacobo de Dundas scutifero nostro*, dated the 16th April, and 11th year of his reign (*n*). And, to complete all his rights, granted a charter, under the Great Seal, of the lands of Fingask, upon his own resignation thereof, "Jacobo Dundas de eodem, tenen. et haben. prædicto Jacobo Dundas, et hæredibus suis masculis de corpore suo ex Christiana Stewart, sponsa sua, legitime procreatis, aut procreandis; quibus forte deficientibus, veris, legitimis, et propinquiioribus hæredibus dicti Jacobi quibuscunque." This charter is dated at Edinburgh 24th May, in the 24th year of that king's reign (*o*); and, as it clearly illustrates a point in controversy, a full copy thereof is hereto annexed. The above *James de Dundas* died in the year 1436, leaving issue by his only wife Christian Stewart, daughter to Stewart Lord Lorn and Innermeth, and Earl of Athol, James, his eldest son and heir, and Robert, who was forfeited with him, and two daughters, Elizabeth, married to Philip Mowbray of Barn-

(*f*) Charter in the charter-chest of Dundas. (*g*) Ibidem. (*h*) Ibidem. (*i*) Charta in publicis archivis, Lib. 3. No. 32. (*h*) Ibid. Lib. 2. No. 1. (*l*) Charta penes Dundas de Fingask. (*m*) Licentia in publicis archivis, Lib. 3. No. 34. (*n*) Charta in publicis archivis, Lib. 2. No. 2. (*o*) Charta ibid. Lib. 3. No. 33, & extractum ejusd. penes Dundas de Fingask.

bogle, and Christian, to Sir John Sandilands of Calder, ancestor to the Lord Torphichen; and though it be asserted in the other memorial above taken notice of, that this James Dundas had several children by a former wife, the contrary is evident from the charters above cited; in the first of which, failing heirs of his own body, he substitutes Adam Forrester, his brother-in-law, and his heirs, in the fee of his estate; and in the last charter above mentioned, he provides the lands to the heirs-male of his body, by Christian Stewart his spouse; and failing of them, to his nearest and lawful heirs whatsoever in the general: which it is not to be presumed a gentleman who had been so exact, and taken so great pains in the settlement of his estate, and completing the rights thereof, would have done, had he had any other children of a former marriage to substitute in the succession of his estate, preferably to his heirs in general; nor is there the least mention or insinuation of any other wife or children in any of the charters above noticed, although there be a considerable series of them, obtained at different times, and at a considerable distance of time from one another.

XI. JAMES succeeded to his father in all his estate, in virtue of the above charters; and he is, upon the 6th November 1437, served and retoured, "tamquam legitimus et propinquior hæres quondam Jacobi de Dundas, de eodem, sui patris," in the lands of Dumbarny (*p*). He married Elizabeth, daughter to Sir Alexander Livingston, thereafter Lord Callender, Governor to King James II. by whom he was brought into the king's daily council, and is often found witness to his deeds and charters, from *anno* 1437 to 1449 (*q*), that the great change was made at Court by the prevailing power of the Earl of Douglas and his faction, and the Lord Callender, his sons, friends, and two sons-in-law, Sir James Dundas of Dundas, and Sir Robert Bruce of Airth, were all forfeited by act of Parliament, *anno* 1449 (*r*), and their estates given away to the Earl of Douglas and his friends and favourites. The estate of Fingask, which held of the sovereign, fell in his hands, which he retained: but the estate of Dundas fell partly to the Baron of Winchburgh, superior thereof, and the rest was given by the king to William Earl of Douglas, by two charters, both dated 9th February 1449, which proceed upon the following preamble or narrative: "Quæ terræ cum pertinent. ratione eschetæ, propter preditoriam traditionem in nostram personam regiam, per Jacobum de Dundas, als de eodem, commissam, et crimen nostræ lesæ majestatis per eundem Jacobum nequiter perpetrat. ad manus nostras devenerunt, sicuti in nostro parlamento apud Edinburgh tento, anno subscripto, notorie compertum extitit et declaratum (*s*)."

The Earl of Douglas's insolent treatment of the king having procured his fall by a blow from his majesty's own hand in *anno* 1451, Sir Alexander Livingston and his friends were pardoned and brought again into favour, and restored to what part of their estates remained in the king's hands; whereby Sir Robert Bruce was restored to Airth, and Sir James Dundas to his estate of Fingask, and other lands in Perthshire, which held of the king; and the new charter was granted to him and his heirs-male, conform to the old infeftments of the house of Fingask, which in that and all after deeds are always referred to, on account of the interruption of their right by the above forfeiture.

The lands of Dundas being vested in the person of William Earl of Douglas, at the time of his decease, fell to his brother James Earl of Douglas, and remained with him till they came to the crown by his forfeiture, 9th June 1452, when probably the king gave that part of them which fell to him, to Archibald Dundas of Liston, who, from his being possessed of the lands, assumed the designation of Dundas of that ilk ever afterwards; and Sir James Dundas having, by the forfeiture, been dispossessed of these lands, and he and his descendants laying aside that designation, and using only that of Fingask, has given occasion to the one

(*p*) Specialis Retornatus penes Dundas de Fingask. (*q*) Several charters in the public records. (*r*) Black Acts of Parliament in that year, and all histories of that time. (*s*) Due charte penes Dundas de Fingask.

family being mistaken for the other. But, to return from this digression, Sir James Dundas above mentioned, *olim de eodem*, now designed of Fingask, had issue by his said wife, Elizabeth, daughter to the Lord Callender (x), two sons, Alexander, his successor, and Duncan Dundas, Lyon King at Arms, who was several times sent ambassador to England (u). Mr Nisbet, in his First Volume (x), and other vouchers, agree that he was predecessor to the Dundasses of Craighton and Newliston. He had also a daughter, Elizabeth, married to Sir David Guthrie of that ilk, who was Comptroller, Treasurer, &c. to King James III.; all which evidences how groundlessly it is affirmed in the memorial above noticed, that this Sir James Dundas died without children, and destroys the whole superstructure founded upon that assertion.

XII. ALEXANDER *de* DUNDAS, now that the estates of Dundas and Fingask were separated as above, obtained himself served and retoured as heir to his father at Perth, *anno* 1460, only in the lands of Fingask, &c. (y): and from thenceforth designed himself from that estate, as we find in a solemn contract of submission betwixt the Abbots of Scone and Cupar anent their marches, to be determined by six barons, viz. "Dominus Henricus Douglas de Lochleven, miles; Joannes de Moncrief de eodem; Alexander de Dundas Baro de Fingask; Robertus Abercromby de eodem; Patricius Bruce de Pedenys, et Gilbertus Monorgan de eodem; "judices communiter et amicabiliter electi," dated in *anno* 1466, 24th July (a); to which contract the seals of the two abbots and six judges are appended; that of *Alexander de Dundas* is very entire, and distinctly exhibits the old principal arms of the family, without any additional figure or mark of cadency, viz. a lion rampant in a plain shield, and round the seal the legend is, *Sigillum Alexandri de Dundas Baro. de Fingask*. He married Isabel, daughter of Laurence Lord Oliphant, by whom he had no issue; thereafter Helen Arnot, daughter and co-heir of Walter Arnot of Balbarton, by whom he left issue Alexander his heir, *Adam de Dundas de Oxmuire*, and several other sons, some of whom, with himself, were slain at the battle of Flodden, 9th September 1513.

XIII. ALEXANDER DUNDAS succeeded his father, and, in *anno* 1540, got a new charter from King James V. of the lands of Coates in the lordship of Elcho, "Alexandro Dundas de Fingask et Elizabeth Bruce ejus conjugis, et hæredibus inter ipsos legitime procreatis seu procreandis, cognomen et arma de Dundas geren. (b)." By the said Elizabeth Bruce, daughter of Sir David Bruce of Clackmanan, and Janet his wife, daughter to Sir Patrick Blackadder of Tulliallan, he had issue, first Archibald his heir, second, Robert, third, Thomas of Findhorn (c), and two daughters, Nicholas, married to Alexander, Lord Commendator of Culross, ancestor to the Lord Colvil, to whom she had issue: Margaret, the second daughter, married to William Ker of Ancrum, their grandson was created Marquis of Lothian; she married, secondly, Sir George Douglas of Mordington, to whom she had Sir George Douglas, and a daughter, Martha, married to Sir James Lockhart Lord Lee; their issue were General William Lockhart of Lee, Sir George of Carnwath, and Sir John of Castlehill, and several daughters.

XIV. ARCHIBALD DUNDAS succeeded his father; he married Elizabeth, daughter of Robert Colvil of Cleish, ancestor to the Lord Ochiltree, by whom he had issue William, his eldest son, Archibald and Robert. In *anno* 1582 he entered into a contract of marriage with his son William and Dame Margaret Carnegie, eldest daughter to Sir David Carnegie; and by her mother, Elizabeth Ramsay, she was co-heiress of Colluthy and Leuchars, whereby these lands and the barony of Fingask is provided to the heirs-male of the aforesaid marriage, agreeable to the old infeftments, with the lands of Coates, Knightsporty, &c. but, there being no issue

XV. ARCHIBALD DUNDAS, his second brother, succeeded, and was, upon the 8th of February 1606, served heir in general to Alexander Dundas of Fingask, his grandfather, at Perth, before William, master of Tullibardin, sheriff of that shire (d).

(x) Contract of marriage in the Earl of Linlithgow's charter-chest. (u) Rymer's *Fœdera Angliæ*, ad annum 1484, &c. (x) Page 275. (y) *Specialis retornatus penes Dundas de Fingask*. (a) Original contract penes eundem. (b) Charta in publicis archivis Lib. 22. No. 292. (c) Charta ibid. (d) *Generalis Retornatus penes Dundas de Fingask*.

And, in *anno* 1609, he took a new charter of the lands of Fingask from the King (7). He married Jean, another daughter of the foresaid Sir David Carnegie, father to the Earls of Southesk and Northesk, by his second wife, Euphame, daughter to Sir John Wemyss of that Ilk, ancestor to the Earl of Wemyss, by whom he left issue Sir John Dundas, Robert, and six daughters. He married a second time Giles, daughter to Sir Laurence Mercer of Aldie, by whom he had Laurence, predecessor to Mr Laurence Dundas, Professor of Humanity in the University of Edinburgh; and, dying in 1624, was succeeded by

XVI. Sir JOHN DUNDAS of Fingask, his eldest son, who was knighted by King Charles I. *anno* 1633. His loyalty to his sovereign, and his near relation to the great Marquis of Montrose, induced him to expose his life and fortune in the royal cause, whereby the latter was much diminished. He married first, Anne, daughter to Sir William Moncrief of that Ilk, without issue; and, secondly, Margaret, daughter to George Dundas of Dundas, by his wife Elizabeth, daughter to Sir Alexander Hamilton of Innerwick, by whom he left issue,

XVII. JOHN DUNDAS, his only son and heir, who married Magdalen, daughter to ——— Allardice, son to Allardice of that Ilk, and his wife, daughter to Sir Thomas Burnet of Leys, by whom he left an only son, Thomas, and three daughters. And, secondly, He married Mary, daughter to Sir Michael Arnot of that Ilk, without issue.

XVIII. THOMAS DUNDAS, presently of Fingask, married Bethia Baillie, daughter to John Baillie of Castlecary, and Margaret, daughter to Baillie of Mannerhall, by whom he has three sons living, *viz.*

THOMAS, married to Anna, daughter to Mr James Graham of Airth, Judge of the High Court of Admiralty of Scotland, by Mary Livingston, daughter to Alexander Earl of Callender, and his lady, Anne Graham, daughter to James Marquis of Montrose.

LAURENCE married Margaret, only daughter to Alexander Bruce of Kennet, by Dame Mary Balfour, daughter to the Lord Burleigh.

WILLIAM, presently in the army.

The armorial bearing carried by Dundas of Fingask is, *argent*, a lion rampant *gules*; supported by two lions rampant, *gules*; crest, a lion's head full-faced, crowned with an antique crown, looking over a bush of oak: motto, *Essayez*; and the same arms, distinguished by a crescent, are used by the above-named Laurence Dundas.

*N. B.* Since the above was printed, I have seen the retour of "Archibaldus "Dundas, filius et hæres quondam Alexandri Dundas de Fingask," in the register of Perth, *anno* 1547.

*Charta Confirm. DAVIDIS 2di Regis Scotorum, in favorem JOANNIS de DUNDAS, Baronis de Fingask.*

"DAVID, Dei Gratia, Rex Scotorum, Omnibus probis hominibus totius terre sue, Clericis et Laicis, salutem. Sciatis nos dedisse, concessisse, et hac presenti charta nostra confirmasse dilecto et fideli nostro Joanni de Dundas, filio et hæredi Jacobi de Dundas, totam et integram Baroniam de Fingask, cum pertinen. jacen. infra vicecomitatum de Perth. Quæquidem Baronia cum pertinen. fuerunt dicti Joannis hæreditarie, et quas idem Joannes, non vi aut metu ductus, nec errore lapsus, sed mera et spontanea voluntate sua, in manus nostras per fustum et baculum sursum reddidit, pureque simpliciter resignavit, et totum jus et clameum quæ in prædicta Baronia cum pertinentiis habuit, vel habere poterit in futurum. Tenen. et haben. eidem Joanni et hæredibus suis, de nobis et hæredibus nostris, in feodo et hæreditate, per omnes rectas metas et divisas suas, cum omnibus et singulis commoditatibus, assiamentis, et justis pertinentiis quibuscunque ad dictam Baroniam spectantibus, seu quoquo modo in futurum juste spectare valentibus, adeo libere, quiete, plenarie, integre, et honorifice, bene et in

(c) Charta in publicis archivis, Lib. 46, No. 398.

“ pace in omnibus, et per omnia, sicut præfatus Joannes dict. Baroniam ante dic-  
 “ tam resignationem nobis inde spectan. liberius tenuit, sive possidet. Reddendo  
 “ inde nobis et hæredibus nostris idem Joannes et hæredes sui unum Denarium  
 “ Argenti apud Pentecosten, nomine albæ firmæ, pro omni alio servitio seculari,  
 “ exactione seu demanda quæ per nos vel hæredes nostros ad dictam Baroniam in  
 “ in futurum exigî poterit vel requiri. In cujus rei testimonium præsentî cartæ  
 “ nostræ nostrum præcepimus apponi Sigillum. Apud Edinburgh, Decimo Octavo  
 “ Die Mensis Februarii anno Regni nostri tricesimo quinto 1364.”

*Charta Confirm. JACOBI Imi Regis Scotorum, in favorem JACOBI DUNDAS de eodem,  
 Baronis de Fingask, ejusque conjugis.*

“ JACOBUS, Dei Gratia, Rex Scotorum, Omnibus probis hominibus totius terræ  
 “ suæ, Clericis et Laicis, salutem. Sciatis quod concessimus dilecto et fideli nostro,  
 “ Jacobo de Dundas de eodem, totam Baroniam de Fingask cum pertinen. jacen.  
 “ infra vicecomitatum de Perth. Quæ quidem Baronia fuit dicti Jacobi hæredi-  
 “ tarie, et quam idem Jacobus, non vi aut metu ductus, nec errore lapsus, sed sua  
 “ mera et spontanea voluntate coram testibus in manus nostras per fustim et bacu-  
 “ lum sursum reddidit, pureque simpliciter resignavit, ac totum jus et clameum  
 “ quæ in dicta Baronia cum pertinen. habuit, aut habere potuit, pro se et hæredi-  
 “ bus suis omnino quietum clamavit in perpetuum. Tenendum et habendum dic-  
 “ tam Baroniam cum pertinen. prædicto Jacobo de Dundas, et hæredibus suis mas-  
 “ culis de corpore suo, ex Christiana Stewart, sponsa sua, legittime procreatis aut  
 “ procreandis; quibus forte deficientibus, veris legitimis et propinquieribus hæ-  
 “ redibus dicti Jacobi quibuscunque, de nobis et hæredibus nostris in feodo et  
 “ hæreditate in perpetuum, per omnes rectas metas suas antiquas et divisas in bos-  
 “ tis, planis, moris, maresiis, viis, semitis, aquis, stagnis, pratis, pascuis, et pastu-  
 “ ris, molendinis, multuris, et eorum sequelis, aucupationibus, venationibus, pis-  
 “ cationibus, turbariis, et carbonariis, cum curiis et earum exitibus et eschetis,  
 “ cum fabrilibus et brasinis, ac cum omnibus aliis et singulis libertatibus, commo-  
 “ ditatibus et assiametis, ac justis pertinentiis quibuscunque, ad prædictam Baro-  
 “ am cum pertinen. spectantibus, seu juste spectare valentibus, quomodo libet in  
 “ futurum, adeo libere, quiete, plenarie, integre, et honorifice, bene et in pace, in  
 “ omnibus, et per omnia, sicut dictus Jacobus aut aliquis prædecessorum suorum  
 “ prædictam Baroniam cum pertinen. de nobis seu prædecessoribus nostris ante dic-  
 “ tam resignationem nobis inde factam, liberius tenuit seu possidet. Reddendo  
 “ inde nobis et hæredibus nostris dictus Jacobus et hæredes sui masculi de corpore  
 “ suo et Christiana Stewart sponsa sua legittime procreati seu procreandi; quibus  
 “ forte deficientibus, veri legitimi et propinquiores hæredes dicti Jacobi quicun-  
 “ que, annuatim unum Denarium Argenti ad festum purificationis beatæ Mariæ  
 “ Virginis, si petatur, nomine albæ firmæ tantum; pro omnibus servitiis, exac-  
 “ tionibus secularibus, aut demandis, quæ de dicta Baronia cum pertinen. exigî  
 “ poterint seu requiri. In cujus rei testimonium presenti cartæ nostræ Magnum  
 “ Sigillum nostrum præcepimus apponi: Testibus reverendo in Christo Patre  
 “ Joanne, Episcopo Glasguen. Cancellario nostro, Magistro Willielmo Pont præ-  
 “ posito Ecclesiæ Collegiatæ de Bothwell, nostri secreti Sigilli Custodi, Thoma de  
 “ Myrton, Decano Glasguen. Joanne Forrester Camerario, Waltero de Ogilvy  
 “ Thesaurario Regni nostri, Militibus. Apud Edinburgh, XXIV. Die Mensis  
 “ Maii, anno Regni nostri XXIV.”

## OF URQUHART OF CROMARTY AND MELDRUM.

THE surname of Urquhart is of great antiquity, and the family of Cromarty was always esteemed the best and principal family of that name: they enjoyed not only the honourable office of hereditary sheriff-principal of the shire of Cromarty, but the far greater part, if not the whole, of the said shire did belong to them, either in property or superiority, and they possessed a considerable estate besides in the shire of Aberdeen: But many of the old papers of this family being lost, and the rest of them in the hands of those who now possess that estate, the particular time and manner of its rise cannot be fixed with any certainty; and, therefore, without taking notice of such accounts as are only founded upon tradition, we shall go no farther back than we find clear documents from charters and retours still extant in the public records.

There is a charter of confirmation granted by King David II. confirming a charter granted by Hugh Earl of Ross, Lord of Philorth, to Adam Urquhart, Sheriff of Cromarty, and his heirs, of the lands of Fochesterday in Buchan, (now called Fishery) and bailiary of Kinnedder. And another charter of confirmation by the said King David, confirming a charter granted by David Lesly, Lord of Philorth, to John Urquhart, son of Adam Urquhart, sheriff of Cromarty, and his heirs, of the said lands of Fochesterday; both which charters are dated December 8, in the 40th year of the said king's reign, which was *anno* 1368; and by this it seems clear, that Cromarty was a family of note at this time; and not only enjoyed the lands and estate of that name, but also the office of sheriff-principal of the said shire.

I. The said ADAM URQUHART of Cromarty married Brigida, daughter of Fleming of Cumbernauld, ancestor of the Earl of Wigton, by whom he had John, his successor above mentioned.

II. JOHN URQUHART of Cromarty married Agnes, daughter of Sir Alexander Ramsay of Dalhousie, ancestor of the earl of that name, by whom he had William.

III. Sir WILLIAM URQUHART of Cromarty was knighted by King Robert III. and married Susanna, daughter of Forbes of that ilk, ancestor of the Lord Forbes, by whom he had two sons, William and Alexander.

IV. WILLIAM URQUHART of Cromarty married Elze, daughter of Sir Alexander Forbes, second Laird of Pitsligo, ancestor of the Lord Pitsligo; but having no issue-male was succeeded by his brother.

V. ALEXANDER URQUHART of Cromarty married Katharine, daughter of Sir James Ogilvie of Deskford, ancestor of the Earl of Findlater, by whom he had Thomas, and several other children; and of one of his younger sons was descended Colonel John Urquhart, who served many years in Sweden with great applause.

VI. THOMAS URQUHART of Cromarty married Helen Abernethy, daughter of the Lord Salton, by whom, it is said, he had twenty-five sons and eleven daughters; seven of the sons were killed at the battle of Pinky, which was fought on the 10th of September 1547, in Queen Mary's minority; and of another of his sons is descended the family of Newhall, now represented by Captain David Urquhart, only son and heir of Colonel Alexander Urquhart of Newhall, deceased. It is uncertain at what precise time the family of Burdsyards came off the family of Cromarty; but it is highly probable it was long before this time; for although the first charter we see in the public records, in favour of Alexander Urquhart of Burdsyards, is in the reign of King James V. yet it is certain that family have much older papers in their charter-chest. On the death of this Thomas he was succeeded by his eldest son

VII. ALEXANDER URQUHART of Cromarty, who was served and retoured heir to his father the 21st March 1561, in the lands of Fishery and others; and married Beatrix, daughter of Innes of Auchintoull, an old family in Banffshire, by whom he had Walter, and Johy Urquhart of Craigintray, commonly called Tutor of Cromarty, with several other children.

VIII. WALTER URQUHART of Cromarty was served heir to his father the 11th of April 1564, and married Elizabeth, daughter of Kenneth Mackenzie of Kintail, ancestor of the Earl of Seaforth, by whom he had Henry.

IX. HENRY URQUHART, younger of Cromarty, died before his father, leaving by Elizabeth, his wife, daughter of Ogilvie of Banff, ancestor of the Lord Banff, one son named Thomas.

X. SIR THOMAS URQUHART of Cromarty was served heir to his father on the 13th of April 1603, and to his grandfather on the 11th of May 1607; he was knighted by King James VI. *anno* 1617, and married Christian, daughter of Alexander Lord Elphinstone, by whom he had Sir Thomas, and Sir Alexander Urquhart of Dunlugus, with several daughters, one of which married Campbell of Calder, and another Abercromby of Birkenbog,

SIR THOMAS URQUHART of Cromarty was knighted, in Whitehall gallery, by his Majesty King Charles I. on the 7th of April 1641, and was afterwards a great sufferer for his loyalty to that distressed prince, and his son King Charles II. being taken prisoner at the battle of Worcester, and his estate sequestered by the rebels. He lived to see the happy Restoration, and died soon after, having never married; and his brother, Sir Alexander Urquhart of Dunlugus, having married his own cousin, a daughter of the Lord Elphinstone, had several daughters, but no male issue; so this branch failing, and the male descendants of Walter being now extinct, we must return to his brother.

JOHN URQUHART of Craighinray was born *anno* 1547; and, after the death of his brother and nephew, was tutor to his grand-nephew Sir Thomas, by which designation of Tutor of Cromarty he was commonly known; he managed his nephew's affairs to great advantage, and also acquired a very handsome estate himself. He lived to a great age, and died at his own house of Craigston, which he had built many years before, upon the            day of            1631, having been three times married; first, to a daughter of Gordon of Cairnborrow, relict of Meldrum of Iden, by whom he had John, his eldest son, with several other children; one of his daughters being married to Gordon of Buckie, and another to Sir Alexander Gordon of Clunie. Secondly, he married Jean Abernethy, daughter of the Lord Salton, relict of Alexander Seaton of Meldrum, by whom he had no issue. And, thirdly, he married, *anno* 1610, Elizabeth Seaton, only daughter and heir of Alexander Seaton, younger of Meldrum, and grandchild of Alexander Seaton, whose relict he had formerly married, by whom he had Patrick Urquhart of Meldrum, Adam Urquhart of Auchintoull, Walter Urquhart of Crombie, James Urquhart of Oldcraig, and one daughter, married to Fraser of Easter-Tyrie. John Urquhart of Lathers, eldest son to the said John Urquhart of Craighinray, married a daughter of Innes of that Ilk, an ancient family in Murray, and died soon after his father, on the            day of            in the same year, 1631, leaving one son named John.

JOHN URQUHART of Lathers married his own cousin-german, a daughter of the said family of Innes; and dying on the            day of            1634, left a son, named John, then an infant, who, upon the death of Sir Thomas Urquhart of Cromarty, and his brother, without male issue, came to represent the said family, and was knighted by King Charles II.; and his mother having married the Lord Brodie, one of the Senators of the College of Justice, had by him James Brodie of that Ilk, grandfather to the present Lord Lyon.

SIR JOHN URQUHART of Cromarty married ———— daughter of George, second Earl of Seaforth, by whom he had two sons, Jonathan and Captain Kenneth, which last died, leaving no issue-male.

JONATHAN URQUHART of Cromarty married Jean, daughter of James, second Marquis of Montrose, by whom he had one son named James; and the affairs of the family now falling in disorder, the estate came to be sold, and was purchased by Mackenzie Viscount of Tarbet, who thereafter was created Earl of Cromarty.

Colonel JAMES URQUHART, representative of Cromarty, served both in Spain and Flanders with great applause; he married Anne, daughter of Rollo of Powhouse, in Stirlingshire, and died on the 3d of January 1741, leaving only one daughter named Grissel; so all the male descendants of the Tutor of Cromarty, by his first marriage, being failed, we must now return to the eldest son of his last marriage.

PATRICK URQUHART of Meldrum was born *anno* 1611; he had not only his house of Lethendy plundered, (where he lived before he succeeded in right of his mother to the estate of Meldrum) but also suffered several other hardships for his loyalty to his Majesty King Charles I. He married Margaret, daughter of James first Earl of Airlie, who had the honour to save her brother the Lord Ogilvie's life, who made his escape in her clothes from the prison at St Andrews, *anno* 1646, the very night before he was to have been executed, with Sir Robert Spottiswood, Lord President of the Session, and others who suffered at that time for their loyalty. And by this lady he had issue John, who died unmarried, Adam, his successor, James Urquhart of Knockleith, (who married Margaret, daughter of Fraser of Tyrie, and had one son, Captain John Urquhart of Craigston, of whom afterwards, and two daughters) Dr Patrick Urquhart, professor of medicine in the King's College of Aberdeen, (who married Elizabeth, daughter of Dr Andrew Muir, his predecessor in office, by whom he had Dr James, Dr Alexander, and William, with several daughters) Captain Alexander Urquhart, who was killed in the king's service, *anno* 1685, and one daughter, Elizabeth, married first to Sir George Gordon of Gight, (which family she heired by a daughter) and afterwards to Major-General Thomas Buchan.

ADAM URQUHART of Meldrum was born *anno* 1635, and in his younger years, when his elder brother was alive, served long abroad as a soldier; and, after his return to his own country, he had the honour to serve his Majesty King Charles II. as cornet, and then as lieutenant of that independent troop of horse commanded by his uncle the Earl of Airlie, and was thereafter made captain of the said troop in room of the said Earl; in which station he continued till his death, which happened at Edinburgh the 10th day of November 1684. He married, *anno* 1667, Mary, daughter of Lewis Marquis of Huntly, and sister of George, first Duke of Gordon, by whom he had John, his successor, James Urquhart of Blyth, (who married Jean, daughter of Porterfield of Comiston, by whom he had two sons, James Urquhart, now of Blyth, and Adam, and three daughters) Adam and Lewis, both churchmen in France; also three daughters, Mary, a nun at Dieppe in France, Elizabeth, married to David Ogilvie of Clova, and Anne, married in France to Sir Florence O'Donogh, an Irish gentleman, and an officer in the King of France's *Gens d'Arms*. The said Lady Mary Gordon, after Meldrum's death, married James Earl of Perth, then Lord High Chancellor of Scotland, and, after the Revolution, went to France with her husband, where she lived till March 1726, and died at St Germain in the 80th year of her age.

JOHN URQUHART of Meldrum married Jean, daughter of Sir Hugh Campbell of Calder, by whom he had Adam, who died unmarried, and William, his successor; also four daughters, Mary, married to William Menzies of Pitfoddels, Jean, to Alexander Stewart of Auchluncart, Elizabeth, to William Forbes of Tilliorey, and Anne, to Charles Gordon of Blelack: He died at Aberdeen the 17th of November 1726, in the 59th year of his age.

WILLIAM URQUHART of Meldrum married Mary, daughter of Sir William Forbes of Monymusk, by whom he has now living two sons, William and Keith, and three daughters; Jean, the eldest, married to Captain John Urquhart of Craigston, only son of James Urquhart of Knockleith, before-mentioned, and has several children, and the other two daughters, Mary and Elizabeth, are both young and unmarried.

And now, by the death of Colonel James Urquhart, representative of Cromarty, without male issue, the said William Urquhart of Meldrum falls to represent the said family.

The arms of this family, as now matriculated in the Lyon Register, are *or*, three bears' heads erased *gules*, langued *azure*, supported by two greyhounds, proper, coloured *gules*, and leished *or*; above the shield a helmet befitting his degree, with a mantle *gules*, doubling *argent*; and on a wreath of his colours is set, for his crest, a demi-otter issuing *sable*, crowned with an antique crown *or*, holding betwixt his paws a crescent *gules* (being the armorial figure of Meldrum of that ilk, and Seaton of Meldrum); and, in an escrol above, this motto, *Per mare &*

*terras*; and, in another below, these words, *Mean, speak, and do well*, being the ancient motto of Cromarty.

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SOMERVILLE OF CAMNETHAN, OR CAMBUSNETHAN, IN THE COUNTY OF LANARK.

MR NISBET, the author, in his First Volume, page 256, observes, that one eminent family of the name of Somerville, was the Somervilles Barons of Camnethan, or Cambusnethan: The first of which (says he) was Sir John Somerville, son of John Lord Somerville, by his second wife Mary Baillie, a daughter of Lamington; but that he had not seen the arms of that family in old books, and says little more about it; however, the following account of the family of Camnethan, with evident documents of the truth of it, came to our hands since the death of the author.

Sir JOHN was born *anno* 1463, and was first designed of Quothquhan; but after his father provided him in the large barony of Camnethan, and a considerable part of the estate of Carnwath, in the county of Lanark, beside the ten-merk land of the manor of Robertson, with the lands of Kingledore, in the county of Peebles, he was designed of Camnethan, or Cambusnethan. He married Elizabeth Carmichael, daughter of William Carmichael of Balmeady, by his wife Elizabeth Sibbald, Countess Dowager of Angus, mother of Archibald Earl of Angus, commonly called *Bell the Cat*: She bore to him Sir John, his heir, William, who got for his portion the lands of Tarbrax, and three daughters; Margaret, married to the Master of Montrose, eldest son of William the first Earl of that title, Elizabeth, to Robert Dalziel of that ilk, ancestor to the Earl of Carnwath, and Helen, to Robert Boyd of Kilmarnock, who was created Lord Boyd, ancestor to the Earl of Kilmarnock, each of whom had issue: And besides these, Sir John had two lawful sons, Michael and James, who are witnesses to a charter granted by the Lord Somerville to Chancellor of Shieldhill, his vassal, dated 12th September 1508; but whether these had issue, or were married, does not appear. As Sir John was a great favourite of King James IV. so with him he lost his life at the fatal battle of Flodden, *anno* 1513, as appears by the retour of his son and successor,

JOHN, the second Laird of Camnethan, who was served heir to his father, and infeft in his estate, *anno* 1515. This gentleman was much attached to the Douglassian faction, (being first and second cousin to the then Earl of Angus, grandson of *Bell the Cat*) in the minority of King James V. and, as he appears to have been a man of great courage as well as power, so he was a great support to that interest, even when it was upon the decline; for when John Duke of Albany, Regent of the kingdom, had gone into France, and had committed the administration of public affairs to seven deputy governors, viz. Anthony Darcy, a Frenchman, the Earls of Angus, Arran, Argyle, and Huntly, Andrew Forman, Archbishop of St Andrews, and James Beaton, Archbishop of Glasgow, Chancellor of the kingdom; and that Darcy was put to death by the Humes, Arran, by the assistance of Beaton, endeavoured to grasp at the management of all public affairs, and got himself actually chosen chief of the deputy governors, and began to oppress Angus and the Douglassian faction; then, Sir John Somerville, of whom we are now speaking, appeared for Angus, and gave Arran and his faction abundance of disturbance; particularly, Buchanan tells us, that when a controversy happened between Andrew Ker of Fernherst and the Earl of Angus, the Hamiltons took part with Andrew, more out of hatred to the Douglas than the justice of Andrew's cause, and that both parties were preparing to decide the controversy by the chance of a battle, this Sir John Somerville attacked the Hamiltonian party, under the command of James, Arran's natural son, slew five of the faction, took above thirty of their horses, and put the rest to flight. Buchanan's words are, "Igitur cum sub diem conventus, in majores. quam pro re de qua contende- batur, aleam certaminis sese utrique pararent, Joannes Somervallius, Dou-

“ *glassianæ factionis, juvenis nobilis & magni animi, Jacobum Arrianæ comitis ñhum nothum, in itinere aggressus, quinque comitum ejus occidit, reliquos fugavit, supra triginta equos cept.*” page 400. Edinb. edit. 1727. l. 14. ch. 11. And Hume of Godscroft gives much the same account of this action in his History of the Douglasses.

Besides, in the affairs of which Buchanan gives us the history in the following chapter, this Sir John Somerville was the chief and principal actor; to wit, when a convention was indicted at Edinburgh, 29th of April 1520, and a great number of western Peers of the Hamiltonian faction came to that place, and in their private councils had determined to apprehend the person of the Earl of Angus; and, in order to accomplish that end, had shut up the whole ports of the city: This Sir John was the chief of these eighty brave men who drove Arran and Beaton out of the city, killed seventy-two of their party, and obliged that Earl and his bastard son, with several others, to save their lives by making their escape through the North-Loch, through which Sir John himself pursued them, although it appears that the Hamiltonian faction was very numerous; for after Angus found himself master of the city, he emitted a proclamation, forbidding any person to appear armed in the streets, except those of his own party, but liberty to all such as should desire it to depart without harm from the town; no less than eight hundred of those who had been beat from the streets, marched out in one body. Buchanan’s words are, “ *Abierunt autem uno agmine, præter eos qui fugam præceperant,*” (*i. e.* over the North-Loch) “ *equites plus minus octingenti, majore cum ignominia quam damno.*” And that Sir John Somerville was the chief commander in this action, is vouched not only from the history of the family of Camnethan, *penes* Lord Somerville, but likewise from the records of parliament; for, as such, he alone of all the eighty, was forfeited by the Parliament holden at Edinburgh, April 7. 1522, (notwithstanding of a remission he had formerly gotten) and his estate given to the Earl of Arran, Hugh Lord Somerville, and Sir James Hamilton of Fynart, Arran’s already-mentioned bastard son; but he was restored again to his estate and honour by the Parliament holden at Edinburgh August 3. 1525, whilst Arran, Somerville, and Sir James opposed it with all their interest; which restoration was confirmed by the king himself at the age of fourteen years, 21st June 1526. The truth of which is vouched from the records of Parliament of the above dates.

Sir JOHN married Margaret Graham, daughter of William Earl of Montrose: Their contract of marriage, and likewise that of the Master of Montrose with Margaret Somerville, Sir John’s sister, already mentioned, are both dated at Glasgow, 10th July 1510. By her he had two sons, Sir John, the heir of his family, and William, who got for his patrimony a forty-shilling land in the Nether-ton of Camnethan; and likewise two daughters, Nicolas, the eldest, first married to John Lord Fleming, ancestor to the Earl of Wigton, and had issue, and next to George Earl of Rothes, whose first lawful wife she was, and to whom she bore Andrew, heir of the earldom, another son who was the father of the first Lord Lindores, and a daughter, Agnes, married to William Douglas of Lochleven, afterwards Earl of Morton, to whom she bore (besides males) seven daughters, called the *Perches of Lochleven*, married into the families of Argyle, Home, Errol, Oliphant, Wemyss, Findlater, and Glamis, now Strathmore; Sir John’s other daughter, Margaret, was married to Johnstone of Westerhall. He died, *anno* 1543, and was succeeded by his son

JOHN, the third of the family of Camnethan; this gentleman was much in favour with King James V. He married, first, Katharine, daughter of William Carmichael of Meadowflat, who (because he was Captain of the castle of Crawford) is most frequently designed in history Captain of Crawford; by her he had two sons and two daughters, James, his successor, and Robert, who had for his portion the lands of Overcaldlaw; Katharine, the eldest daughter, married to Cockburn of Skirling, near Biggar, then a very considerable family; and Agnes, the younger daughter, married to Gavin Hamilton of Netherhillies, without the consent of her parents, and, for that reason, disowned by them. Katharine Carmichael died *anno* 1550, and Camnethan took for his second wife, Katharine, daughter of John Mur-

ray of Falahall, Sheriff of the Forest, ancestor to Murray of Philiphaugh, by Margaret his wife, daughter of Patrick Hepburn, first Earl of Bothwell, by whom he had a numerous issue, namely,

JOHN SOMERVILLE, who was first provided in the fee of the lands of Drum, half of Gilmerton and Gutters, then in possession of the family of Camnethan; but after they returned to my Lord Somerville's family, John was, in lieu of them, provided in the lands of Potterhall, and several others within the barony of Camnethan; Patrick, the second, got the lands of Green; William, the third son, went abroad, and took orders in the church of Rome; and Thomas, the fourth, of whom is descended Mr William Somerville, minister of Hawick. Besides these sons he had four daughters by Katharine Murray, to wit, Helen, married to Sir John Skene of Curriehill, who was Lord Register in the reign of King James VI. and ambassador for that prince to several foreign courts, and had a numerous issue; Nicolas, married to Walter Stewart first Lord Blantyre; Jean, married to James Dunlop of that Ilk; and Margaret, married to Adam Whiteford of that Ilk, or of Milton; and they all had issue.

This JOHN SOMERVILLE is the person who, with many of the peers and principal gentry, signed the bond of association in favour of the prince, when Queen Mary, his mother, gave in a demission of the crown and government, as is mentioned by Mr James Anderson in his Collections relating to the History of Queen Mary: He is likewise the same from whom the Earl of Arran borrowed a sum of money, by a mortgage upon his lands, immediately after the death of the Regent James Earl of Murray, (as Buchanan tells us, lib. 20. c. 6. page 601, Edinburgh Edit.) his words are, "Cæde Proregis vix dum divulgata, Jacobus Hamiltonius, oppositis " pignore agris Joanni Somervillio Camnethanio, pecuniam accepit, &c." To him succeeded

Sir JAMES, his son and heir, the fourth of the family of Camnethan, who married, *anno* 1561, Margaret, eldest daughter, and one of the two heirs-portioners of Archibald Hamilton of Raploch, and by her had Sir John, his heir, and two daughters; Margaret, first married to Gilbert Lord Somerville, and had issue, who are all extinct; and next to Sir James Muirhead of Lauchop, and had issue; and Mary, married to Cleland of that Ilk, and had issue. To Sir James succeeded his only son

JOHN, the fifth Laird of Camnethan; he married, *anno* 1597, Mary Hamilton, daughter of Sir James Hamilton of Evandale, and by her had three sons, John, James, and Patrick, and a daughter, Mary, who made a clandestine marriage with Mathew Stewart of Muirhouse, brother to the Laird of Minto.

Sir JOHN, the eldest son, married ——— Hamilton, daughter of Sir Robert Hamilton of Silvertonhill, and by her he had only one daughter, married to Sir James Kincaid of that Ilk. This gentleman, Sir John Somerville, was designed of Kersewell; for, dying before his father, he never came to be Laird of Camnethan. But

Sir JAMES, second son to Sir John the fifth Laird, succeeded to his father and elder brother, and was served and retoured heir to them, *anno* 1620, and *anno* 1623 married Helen Hamilton, daughter of Sir John Hamilton of Bargeny, and sister to the first Lord of that title, by whom he had two sons, Sir John and James. This gentleman had entertained the Marquis of Montrose, his kinsman, for three or four nights at his house at Camnethan, as he went through Clydesdale to Philiphaugh, his little army being quartered in the country thereabout, for which he was fined in L.10,000 Scots by the Council of State. He was a most profuse and extravagant man; for, in his own lifetime, he sold off his whole estate (which was the most considerable belonging to any gentleman in the shire of Lanark) in fifteen or sixteen different parcels, some to be holden of the crown, and others of himself, and thus brought his family to ruin; Sir John, his eldest son, having no posterity,

JAMES, the younger, became the representative of the family, who married Isabella Drummond, only child of Alexander Drummond of Kettleston (a cadet of Drummond of Carnock) by Helen Fairly, daughter of Sir Robert Fairly of Braid; by whom he had two sons, William Somerville of Corhouse, and Hugh Somerville of Inverteil, Writer to the Signet.

WILLIAM, the eldest, married Violet Baillie, daughter and heiress of John Baillie of St John's Kirk, by Martha Lindsay, eldest daughter of Sir William Lindsay of Covington, by whom he had James Somerville of Corhouse, and George, both unmarried, and several daughters, of whom Isabella is married to Wilham Inglis of Eastshiel, Doctor of Medicine.

HUGH, the second son, married Agnes Gibson, daughter of Sir Alexander Gibson of Pentland, one of the Principal Clerks of Session, by whom he has two daughters, Helen, married to Mr James Geddes, younger of Rachan, Advocate, and Isabella, married to Mr Hugh Dalrymple, Advocate, second son of Sir David Dalrymple of Hailes, Bart. Advocate to Queen Anne and King George I. who is now designed Mr Hugh Murray Kynninmond of Melgum and Kynninmond, and has issue.

#### SCOTT OF HORSLIHILL.

CAPTAIN ROBERT SCOTT of Horslihill, *or*, on a bend *azure*, a star betwix two crescents of the first; and, for difference, a sword in pale, proper, in the dexter chief; crest, a lion's head erased, proper: motto, *Pro patria*.

The first of this family was ADAM SCOTT of Tushilaw, descended of Scott of Houpayslay, a brother of Buccleugh. Adam was succeeded by his son, Robert Scott of Tushilaw; his son was Walter Scott of Midhope; his second son, Robert Scott, portioner in Hawick, who was father to William Scott of Horslihill. He was succeeded by his son Robert; and he, by his son Francis, who was father to the present Captain Robert Scott of Horslihill.

#### SCOTT OF SCOTSTARVET.

THE family of Buccleugh, of which the Scotts of Scotstarvet are descended, was originally seated in the west; their ancient estate was Murdiston in the county of Lanark, which they possessed, at least as early as the reign of King Alexander II. (a). *Walter le Scott de Murthockston* was one of the gentlemen of Clydesdale who went into that submission that was by fraud and force imposed on the nation, by Edward I. of England, upon pretence of his being Supreme Lord over the kingdom of Scotland, in the 1297; as is vouched from Prynne's History in that record commonly called *The Ragman-Roll*. The estate of Murdiston continued with the Scotts till the reign of King James II. that Walter Scott of Murdiston did exchange those lands with Thomas Inglis of Manor, for his part of the lands of Branksholm, the lands of Branshaugh, Goldilands, Whitelaw, White-rig, Todshaw, and Todholes: The charter of excambion is still extant in the custody of Alexander Inglis of Murdiston, which Mr Nisbet says, in his Treatise of Heraldry, he had seen (b); it bears date at Edinburgh, the 23d of July 1446. Sir David Scott of Buccleugh, his son, made a very great figure in the time of King James III. both in peace and war: By his lady, who was a daughter of the

(a) Historical narrative of the family of Buccleugh, MSS. in my hands, vouched from the chartulary, charters, and other documents of antiquities. (b) Page 83 and 86.

Somerville family (*c*), he had several sons; Sir Walter, the eldest, (from whom a lineal descent in the house of Buccleugh is continued), Sir Alexander Scott, who was Rector of Wigton, and Lord Register in the reign of King James III. from the 1483 till the 1488, that he lost his life, with the king his master, at the unhappy field of Bannockburn (*d*).

A third son was ROBERT, of whom the Scotts of Allanhaugh, Haining, and Scotstarvet, descended; to vouch which there is a charter granted by the foresaid Sir David Scott of Buccleugh, *dilecto filio suo Roberto Scott*, of the lands of Whitechester, &c. in the year 1483 (*e*); I see it observed by a gentleman of the surname of Scott, in an Essay on the family of the Scotts, published in the 1688 (*f*), that this Robert Scott was the only younger son of the family of Buccleugh of whom any lawful male issue remained; and consequently his descendants, now after the failure of heirs-male in the direct line, are the heirs-male of that illustrious family. One of his sons was Sir Alexander Scott, who is designed of Hassen-den (*g*); he was slain with King James IV. at the battle of Flodden (*h*); he had also the lands of Haining, at least in fee; for it was a common thing in those days for the father and the eldest son to have different titles and designations, more especially in the father's lifetime, as might be the case here. A younger son of this Sir Alexander Scott's, William Scott, was designed of Deloraine, from a patrimonial estate he had of his own (*i*) in the south in Teviotdale; his son, Sir Alexander Scott, was bred to the law, and being eminent in practice, and a man of candour, diligence, and assiduity, was made Vice-Register of Scotland in the 1534 (*k*). He had a brother, Mr James Scott, who was bred to the church, and after taking holy orders was preferred to the provostry of Corstorphine, a benefice both of considerable dignity and revenue. While Mr Scott provost of Corstorphine, he built a house or manse for himself and his successors in office, near to this collegiate church, on which he placed his coat of arms; the star and crescents on the bend, as borne by the House of Buccleugh, which is still to be seen; and this is a further confirmation of his descent from the Scotts of Buccleugh, for the heralds lay it down as a maxim that the same armorial bearing is the most sure evidence of the same descent.

Mr SCOTT, being a man of learning and integrity, got into the confidence and favour of King James V. who made him Clerk to the Treasury (*l*); and, from a regard to the memory and merit of the old Register, Sir Alexander Scott, to whom the provost of Corstorphine is called *Consanguineus* (*m*), his majesty was pleased to prefer him to be one of the Senators of the College of Justice, on the spiritual side of the bench (*n*), where he sat and discharged his office with learning and integrity till his death in the 1563 (*o*). The provost of Corstorphine took care to breed a nephew of his own, Mr Robert Scott, afterwards of Knightspotty, (*nepos suus ex fratre*) as my voucher calls him (*p*), to the law, in which he soon became so eminent a practitioner, and acquired such a character for integrity, that he was made one of the two Principal Clerks of the Session (*q*). In that station he behaved with such an universal reputation, that, upon the demise of Mr James McGill of Nether-Rankeillor, the Lord Register, it was thought that no body could fill that place better, or deserved it more; and it was at that time believed, that the First Clerk of the Session had a right to supply the vacancy when a Register died; so the thing was resolved on: but when it was proposed to Mr Scott himself, by a singular modesty he absolutely declined the offer (*r*). Mr Hay, the

(*e*) Manuscript before cited of the noble and illustrious family of Buccleugh. (*d*) Lives and characters of the Lord Registers, in the Second Volume of the Officers of State in Scotland, MSS. in my hand. (*c*) In the hands of his Grace the Duke of Buccleugh. (*f*) Captain Walter Scott, printed in the year 1688. (*g*) Ibidem. (*h*) Dr Abercromby's Martial Achievements of the Scots nation. (*i*) Captain Walter Scott's Genealogical and Historical Essay on the surname and family of the Scotts, published in the 1688, quarto, which is in several hands, particularly in the library of the family of Panmure. (*k*) Original writs in the custody of David Scott of Scotstarvet. (*l*) Writ under the Great Seal, in the custody of Mr Scott of Scotstarvet. (*m*) The fore-cited writ. (*n*) Memoirs of the College of Justice, prefixed to Mr Forbes's Decisions, and the fore-cited diploma in the custody of Scotstarvet, under the Great Seal. (*o*) Ibidem. (*p*) The deed under the Great Seal, in Scotstarvet's custody, so often cited in this memorial. (*q*) Sir John Scott's Account of the Directors of the Chancery, MSS. (*r*) Sir John Scott of Scotstarvet, in his Staggering State of the Scots Statesmen, or the Directors of the Chancery, MSS. in the custody of David Scott of Scotstarvet, his great-grandson, and in several other hands.

Clerk of the Council and Director of the Chancery, was not so scrupulous, for he accepted of the Register's place very cheerfully, and the other was prevailed on to be Director of the Chancery. His gift to the office, under the Great Seal, is in the registers (r), bearing date the 17th of October 1570. He discharged the duty of his office with greater diligence and exactness than had been practised by his predecessors; for whereas it had been the custom to leave the collecting of all writs to the clerks, the Director only signing in course, he read over every thing himself before he attested it; and in that his grandson, Sir John Scott, when he came to be Director of the Chancery, followed his example: By his place he became exceeding rich, and at his death had more money on land security than any other man at that time, so far as I have been able to discover.

He married first Elizabeth Sandilands of the House of Calder (t), by whom he had a son, Mr Robert Scott, his apparent heir, who died in the lifetime of his father. He married afterwards Elizabeth Scott, who survived him, and was long his relic (u); by her he had a son, Mr James Scott of Vogrie (v), who was one of the writers or clerks in the Chancery, and of whom several persons of distinction are descended. The Director, Mr Scott, growing old, with the consent and approbation of the King's Majesty, resigned his office in favour of his eldest son, Mr Robert Scott, who thereupon was confirmed in it, by a gift under the Great Seal the 5th of March 1585 (w), during life, *pro omnibus diebus vite sue*, with a power of deputa-tion. But the old man wisely apprehending that his son might happen to die before himself, got it so ordered that he should in that case return to the office; the thing fell out so; the young Director died in his father's lifetime, the 23d of November 1588 (x). He left behind him an only son, John Scott, by Margaret his wife, daughter of Alexander Acheson of Gosford (y), in the county of Had-dington, ancestor to Sir Arthur Acheson of Markethill, Baronet of Scotland, who has an opulent estate in the county of Armagh in Ireland: His great-grand-father, Sir Archibald Acheson of Glencairn, was one of the Senators of the Col-lege of Justice, and one of the principal Secretaries of State in the reign of King Charles I. and died in those offices in the year 1634 (z). Upon the death of Mr Scott, the young Director of the Chancery, his father, the old man, was restored to his office: but worn out with grief and old age, he found himself unable to under-go the fatigue of it; and therefore resigned in favour of a gentleman of his own name, Sir William Scott of Ardross, his lady's son by a former husband; but he took an obligation of Sir William, to resign in favour of his grandson, John Scott, afterwards Sir John Scott of Scotstarvet, whenever he came to be of age (a). He died on the 28th of March 1592 (b), and was succeeded in his estate by his grand-son and heir, John Scott of Knightspotty, not then full seven years old. During the minority, Sir William's obligation was lost, by which means it cost Sir John afterwards some trouble and expence before he could have right done him.

This great man, Sir JOHN SCOTT of Scotstarvet, proved an honour to his family and country. He was born in the year 1586, and as, from his very childhood, he discovered a more than ordinary genius for letters, his friends, who had the care of his education, gave him the best his country could afford. He went through a course of philosophical studies at St Andrews, and took his degree of Master of Arts. After that, though he was heir of a great estate, and the only son of his father, he went into a close course of study, not only of the civil and canon law,

(r) In the archives at Edinburgh. (t) Registers of the Heralds' Officers at Edinburgh, in the hands of Mr Roderick Chalmers. (u) Charters and infestments, both in Scotstarvet's hands and in the Chancery, where her liferent is reserved. (v) Charta penes Scotstarvet, and Nisbet's Heraldry, where he has inserted the arms of this branch of the family as a younger son of the Scotts of Knight-spotty, which was the first Director's stile and title. (w) Charta penes David Scott de Scotstarvet. (x) Retour, in the archives of the family of Scotstarvet, of John Scott to Mr Robert Scott, his father, in the lands of Knightspotty, in the shire of Perth, and regality of Abernethy. (y) The Heralds' Books at Edinburgh. (z) Sir James Balfour of Kinnaird's Annals, in the Advocates' Library at Edinburgh. MSS. (a) Sir John Scott of Scotstarvet's own account of the matter in MSS. in his State of the Scots Statesmen. (b) Charta penes David Scott de Scotstarvet, ad annum 1592.

but also of the municipal law of the kingdom. This led him to look far into our history and records, by which he came to understand our whole constitution as fully, if not more so than any man of his time. He quickly attained a great reputation for learning, and was, through his whole life, a man of strict and exemplary virtue, equalled by few, and excelled by none of his contemporaries in any of those qualities that enter into the composition of a great and good character. He was a bountiful patron to men of learning, and they came to him from all quarters; so that his house was a kind of college. Such a character could not long be concealed, the fame of it reached the Court, and induced the government to employ him as a man that would add strength and lustre to the administration. His title to the Director's place being well known, Sir William Scott was wrought upon to resign in his favour; thus he came to be possessed of that office his father and grandfather had so long enjoyed. With all the passion he had for learning, he was not inattentive to the interests of his family, but managed them always with the greatest regard, both to justice and humanity. When a gentleman of his relation, Inglis of Tarvet, was by the necessity of his affairs obliged to sell his estate, Sir John bought it, but he would not leave him without house or home; and therefore very generously gave him, for a consideration far below the value, the lands of Knight-spotty, that he might have a place of retreat in his declining age.

Having finished this transaction, he expedited a deed under the Great Seal, erecting and incorporating the lands and estates of Inglis-Tarvet and Wemyss-Tarvet into a new barony, to be in all time thereafter called the barony of Scotstarvet. The charter of erection is of date the 11th of September 1611 (c). When King James VI. was in Scotland in the year 1617, he had the honour to be presented to his majesty, who had much discourse with him upon some parts of our constitution, in which he gave the king great satisfaction, and showed himself well versed in that study. It was at this time he was knighted, and the king ordered him immediately to be added to the Privy Council; in which station he continued till the end of that reign. King Charles I. upon his accession, was graciously pleased to renew his commission as Director of the Chancery, which, the narrative bears, his royal father had before given him for life (d). He was soon after named one of his Majesty's Privy Council; and, in consideration of the great and faithful services done to the crown by his father, grandfather, and others of his predecessors, for many years past, in the office of Directors of the Chancery, as the narrative bears, his Majesty gave the directorship again to Sir John himself, and to James Scott, his son, for their joint lives, by a commission under the Great Seal, dated at Whitehall the 5th of April 1628 (e). I have not been able to learn the precise time of Sir John's promotion to be one of the Senators of the College of Justice; nor whether it was before the troubles began, though I have reason, I think, to believe it was: But it is a thing much for his honour, that when the Session was new modelled by the king, with consent of Parliament in the 1641, he was one of the judges who were then continued in their offices, which they were to hold *ad vitam aut culpam* (f). He discharged the duties of that station with gravity, learning, and great ability, till the year 1651, that Cromwell dissolved the courts of justice, and overturned the whole constitution: upon this Sir John not only lost his place in the Session, but was also turned out of the Chancery on pretence that the office depended on the College of Justice (g): but this was a mere pretence. Deprived thus illegally of all his offices, in which he had served his country with universal approbation, he was more at leisure to employ himself in the advancement of learning, and the doing honour to his country in that way. He made a collection of all the Latin poems that had been lately composed by his countrymen, which, at his own expence, he caused publish at Amsterdam in anno 1632, in two *decimosexto* volumes, on a fine type, under the title of, *Deliciæ Poetarum Scotorum bujus ævi illustrium*. The learned Dr Arthur Johnston dedicates them to Sir John thus:

(c) Charter under the Great Seal in the archives of the family of Scotstarvet. (d) *Charta penes Scotstarvet*, dated the 6th of May 1625. (e) *Charta penes Scotstarvet*; in the gift the king designs Sir John, *Prædilectus Consiliarius noster*. (f) Rescinded acts of Parliament. (g) Sir John Scott says this himself in the account he gives of the Directors of the Chancery, in the State of the Scots Statesmen, from the 1550 till the 1650.

*Nobili musarum Mæcenati, Domino Joanni Scoto Scototarvatio, Equiti, Directori Cancellariæ, et Regio apud Scotos Consiliario.* The printing the Scots Poems was not the only service Sir John did his country in the way of learning, for that general body of the Geography of Scotland, the *Theatrum Scotiæ* in Bleau's Atlas, may not improperly be called his work. He projected this great undertaking, and it was carried on at his expence (a). He encouraged the ingenious and industrious Timothy Pont in his Survey of the whole Kingdom, took draughts himself upon the spot, and added such observations on the Monuments of Antiquity, and other curiosities, as were proper to render the descriptions more complete and useful: But Mr Pont was unhappily surprised by death, to the inexpressible loss of his country, when he had well nigh finished this work. His valuable collections falling into the hands of his relations, run a great risque of being lost, if they had not been seasonably inquired after by his patron, Sir John, who happily recovered and got possession of them.

And that so useful a design might not be defeated by this accident, he put Mr Pont's papers into the hands of the learned Robert Gordon of Straloch, who, together with Mr James Gordon, his son, surveyed other parts of the kingdom that either had been neglected by Mr Pont, or of which the draughts were lost. Thus were those gentlemen furnished with materials for the admirable descriptions, which are now printed, with the forty-six maps of that noble work. Many, if not all the illustrations, especially those that relate to families, were, to my certain knowledge, given by Sir John, who was not only the projector, as we have observed, of this Atlas, but had himself a great share in the work, and was solely at the charge of the publication; which that it might be done with the greater exactness, he went over to Holland, and staid some time at Amsterdam (b): Both Sir John and his friend, indeed, were ill used by the publisher, who, in the edition 1655, prefixed a dedication to Oliver Cromwell, instead of one to King Charles II. that Sir John had prepared, though the king was then in exile (c); and Bleau, the printer, prefaced the whole, with Buchanan's Dialogue, *De jure Regni apud Scotos*. This was hard on men of their loyal principles; for his, Sir John had suffered; Cromwell, not content to strip him of all his employments, had laid a fine upon him of L.1000 Sterling, when he gave what he called his Act of Grace; which fine Sir John paid in the year 1654.

During the Usurpation he lived in retreat, with that caution that became a wise man in such perilous times. His studies, his correspondence with learned men, both at home and abroad, and conversation with such of them as he had opportunity to see, were the agreeable employments of his retirement: and there are still preserved in the Advocates' Library marks of those correspondencies in a collection of his letters in Latin, that show a distinguishing taste. His intimate friends were chiefly, that fine gentleman Sir Robert Kerr, afterwards Earl of Ancrum, the polite historiographer Mr Drummond of Hawthornden, his own brother-in-law, the two Johnstons, the great antiquary Sir James Balfour of Denmiln, Lord Lyon, his neighbour in the country, and the members of the University of St Andrews, in which he had had his education, in and to which he gave great marks of his beneficence. He procured from the king an addition of L.10 a-year to the masters' salaries, that were before that time very small; he gave himself a handsome collection of books to the library of St Leonard's College, and prevailed with his cousin and chief, Francis Earl of Buccleugh, to give them many of the best, in all sciences, finely bound and gilt, with his coat of arms on the cover, and they are still preserved there very carefully. Observing that St Leonard's College wanted a Profession of Humanity, he founded one, of which he reserved to himself and his heirs the sole right of presentation; a noble monument of him, and worthy of such a man! Nor did his bounty run only in that channel; for, from a regard to the city of Glasgow, the chief trading town in the west, from which country he reckoned himself to have derived his original, as being descended of the Scotts of Murdiston, he mortified

(a) As the reverend and learned Dr William Nicolson, Bishop of Carlisle, observes in his Scots Historical Library, p. 17. and says he was a complete mathematician, both by nature and education. (b) This he tells us himself in his state of the Scots Statesmen. (c) Act of indemnity by Cromwell to Scotland in 1654, printed in the Appendix to the Lives of the officers of State in Scotland.

the lands of Pickie and Pickiemill, for breeding four apprentices there. The presentation of three he reserved to himself and his heirs-male; in default of which, as a mark of regard to his chief, it goes to the family of Buccleugh; the other he gave to the magistrates and town-council (*a*). As Sir John outlived the Usurpation, it was reasonable to expect, that, upon the king's return, he should be restored to his former offices; and it is just matter of wonder that he was not.

The only account that can be given of it seems to be this, that almost every man then lay at mercy, for what might be construed compliance with the Usurpation, by which the ministers had great room left them for partiality and private views; a dangerous mistake in the government at that time. In the account he gives of it himself, he complains of ill usage, especially that the offices taken from him, and which he held for life, should have been given to the son of a man noted for his compliance; but he thought not fit to dispute the matter.

The rest of his days were spent at his country seat, where he lived free from all business, but the necessary affairs of his own family, retaining his vivacity and vigour of mind to the age of 84, at which he died in 1670.

Sir JOHN married three wives, the first was Anne, daughter to Sir John Drummond of Hawthornden, son to Sir Robert Drummond of Carnock, by Dame Anne, his wife, daughter to Robert Lord Elphinstone; by whom he had two sons, Sir James, the eldest, who was joined with himself in the Director's place, and was knighted by King Charles I. at Newcastle in 1646; but died in the lifetime of his father *anno* 1650, leaving issue by the Lady Marjory Carnegie, his wife, daughter to John Earl of Ethie, sister to David Earl of Northesk, two sons, James, his grandfather's successor, and David who succeeded his brother in his estate (of whom afterwards). Sir John Scott had by his first lady a second son, John Scott of Gibleston, of whom the Scotts of that race are descended. He had also several daughters.

JEAN, who was married to John Gordon of Buckie, and again to Henry Elphinstone of Calderhall, had no issue.

—————, the second, to ————— Spittal of Leuchat in Fife, but had no issue.

ANNE, the third, to Colonel Robert Cunningham, brother to William Earl of Glencairn, who was Lord Chancellor at the Restoration, and had one daughter, who was married to William Macilvane of Grimet, in the county of Ayr, and had issue.

REBECCA, the fourth, was married to Mr John Ellis of Elliston, Advocate, and had issue.

MARGARET, the fifth, to John Trotter of Charterhall, and again to John Murray of Philiphaugh, and had issue.

JANET, the sixth.

The seventh died unmarried. She was a young lady of great beauty; but more remarkable still for the fineness of her parts: she had a great genius for learning, which her father much encouraged. She attained to a good degree of knowledge, both in the Latin and Greek tongues, and composed a poem in Latin on King Charles II. when he was in Scotland, which she presented to his majesty, and had the honour thereupon to receive from him a ring of considerable value.

Sir JOHN'S second lady was Margaret, daughter of Sir James Melville of Halhill, who wrote the Memoirs of the Reign of Queen Mary and King James VI.; by whom he had a son, George Scott of Pitlochrie, who, being a rigid presbyterian, when that party was under restraint in the exercise of their religion, he, and his lady, who was a daughter of Rigg of Ethernie, resolved to go over, with others of their countrymen, to settle a colony in Carolina; but they both died in their voyage in 1683 (*b*).

Sir JOHN'S third and last marriage was with Margaret, daughter to ————— Monypenny of Pitmillie, widow of ————— Rigg of Ethernie, by whom he had

(*a*) The original mortification is in the hands of Mr Scott of Scotstarvet. (*b*) Mr Wodrow's History of the Persecutions of the Presbyterians.

a son, Walter Scott of Edinshead, whose daughter and heir-female is married to Mr Charles Erskine, brother to the Earl of Buchan.

JAMES succeeded his grandfather; but he dying unmarried the estate fell to his brother David.

This gentleman, with a happy talent for economy, had a remarkable benevolence, of both which he gave lasting proofs; by the one he greatly improved his own family estate, and by the other he preserved some families in his neighbourhood. The estate came to him indeed much impaired; Sir John had in effect divided it amongst the children of his several marriages; but he, by his good husbandry, without the help of any public employment, and with a most unblemished reputation, raised it higher than it ever had been before, living at the same time agreeably, and doing kind offices to his friends: Frugality, which, in some men, is the tyranny of a predominant passion, was, in him, a real virtue, the effect of prudence, and of that moderation which is natural to a well ordered mind, always easy and cheerful; he needed not those amusements that are vainly sought from expence, nor was tempted to pursue pleasure, as the relief or cure of disquiet; thus it increased his fortune, without diminishing his satisfactions, and accompanied with an hearty good-will to his neighbours, rendered him more respected by them, and not less beloved. As his character united in it several virtues rarely found together, it showed how much strength and beauty they receive from such an union; a regular and exact economy enabled him to do those good offices, to which his benevolence prompted him, and his prudence rendered them so highly beneficial as they were; by that, they were not only well meant, but well understood, seasonably employed, and to the best purpose. Blessed with these happy qualities, he naturally, and with ease, attained what a wise man might passionately wish for, to live with quiet and satisfaction, and leave in his family the fruit of his labours and a fair example. He died 5th June 1718, in the 73d year of his age.

His first marriage was with Nicolas, eldest daughter of Sir John Grierson of Lag, by Isabel, his wife, daughter of Robert Lord Boyd, by whom he had one only daughter, Marjory, who was married to David, the fourth Viscount of Stormont, to whom she bore many children of both sexes; and to this marriage the nation owes that great ornament of his profession, and of his country, the Honourable William Murray of Lincoln's-Inn.

His second wife was a very near relation of his own, Elizabeth, the eldest daughter of Mr John Ellis of Elliston, advocate, a great lawyer, and a fine gentleman; by whom he had an only son, DAVID SCOTT, now of Scotstarvet, who married Lucy, daughter of Sir Robert Gordon of Gordonston, Premier Baronet of Scotland, by whom he has issue, two sons and two daughters: He had also two daughters, Marjory, who was married to Peter Ogilvie, younger of Balfour, and had issue; and Elizabeth, to Alexander, the fourth Earl of Balcarras, and is now Countess Dowager of Balcarras.

From this deduction of the pedigree of the family of Scotstarvet, it is plain that they are descended of ROBERT SCOTT, a third son of Buccleugh, and are the only heirs-male now remaining of any younger brother, (the two families of Allanhaugh and Haining, likewise descended of the same Robert, being extinct) and of consequence the heirs-male of that most noble family, whose arms they carry, with the cognizance and distinction of a younger son, and are thus blazoned by Mr Nisbet, in his Treatise of Heraldry (*a*), viz. SCOTT of Scotstarvet carries the same arms as Buccleugh, *or*, on a bend *azure*, a star betwixt two crescents of the field, within a bordure engrailed *gules*; crest, a right hand holding an annulet, and therein a carbuncle, proper; with the motto, *In tenebris lux*.

The author has also blazoned several other armorial bearings of gentlemen of the surname of Scott, that are branched off, and descended of the family of Scotstarvet: As

JAMES SCOTT of Vogrie, son of Mr Robert Scott, one of the Clerks of the Chan-

(a) Page 97.

cery, a younger son of Scotstarvet, *or*, on a bend *azure*, a star between two crescents of the field, all within a bordure parted per pale, *gules* and *azure*, the dexter side ingrailed, and the sinister indented; crest, a dexter hand holding a ring, proper: motto, *Nescit amor fines*.

Mr GEORGE SCOTT of Gibliston, sometime Steward of Orkney, another cadet of Scotstarvet, carries the arms of that family, quartered with *azure*, three boars' heads coupéd *or*, holding in his mouth four arrows *gules*, feathered and headed *argent*: motto, *Do well, and let them say*.

GEORGE SCOTT of Pitlochrie carries the full arms of Scotstarvet, with a mullet for difference, with the same crest and motto the family of Scotstarvet carries.

Mr JAMES SCOTT, Sheriff-Clerk of Edinburgh, descended of the family of Knight-spotty, *or*, on a bend *azure*, a star betwixt two crescents of the first, all within a bordure ingrailed *gules*, charged with eight besants; crest, an arm and hand holding a book half opened, proper: motto, *Fidelitas*.

SCOTT of Letham, a younger son of the family of Scotstarvet, carries the same arms, with a mullet for his brotherly difference (*a*).

SCOTT of Ely and Ardross, being of the same blood and stem with the Scotts of Scotstarvet (*b*), carried *or*, on a bend *azure*, a star betwixt two crescents of the first, within a bordure *gules*, charged with eight besants *or*. Sir William Scott of Ely and Ardross was one of the Senators of the College of Justice, and sometime Director of the Chancery in the reign of King James VI. His blood is mixed with very many of the prime nobility of Scotland; for he had one daughter married to the Lord Blantyre, and another who was married to Sir William Cochran of Cowden, thereafter Lord Cochran and Earl of Dundonald, with whose family a great many of the nobility of Scotland are allied in marriage. By this we see the arms and family of Scott of Ardross a very frequent branch on escutcheons at the funerals of people of the first rank in the kingdom.

OF THE ANCIENT FAMILY OF SCOTT OF ESKDALE, WHO HAD HIS RESIDENCE BETWIXT WHITE-ESK AND BLACK-ESK, CALLED CASTLELOUR.

THE first of this family was ARTHUR SCOTT of Eskdale, who married a daughter of Maxwell of Terreagles, thereafter Lord Herries, now Earl of Nithsdale, and was succeeded by his son,

ROBERT SCOTT of Houpayslay, Warden of the Middle Border between Scotland and England, who married a daughter of the Lord Somerville's; by whom he had issue

Sir WILLIAM SCOTT of Houpayslay, who married a daughter of Gladstones of Cocklaw; by whom he had issue

Sir WILLIAM SCOTT of Houpayslay, who married a daughter of Douglas of Cavers, by whom he had several sons, the eldest whereof was Abbot of Melrose; the second, who succeeded him, was David, who, by the favour of his eldest brother, the Abbot, got the lands of Thirlestane, from which the family has ever since taken its designation; and was succeeded by his son

ROBERT SCOTT, who married a daughter of ——— Johnstone of that Ilk, now Marquis of Annandale, by whom he had five sons; the first, John, who succeeded; the second, Scott of Hundleshope; the third, Scott of Dryhope, the fourth, Scott of Mountbenger, the fifth, Scott of Bowhill.

JOHN SCOTT of Thirlestane succeeded his father, and had many honours conferred upon him for his loyalty and firm adherence to King James V. more fully noticed in the First Volume of this System, page 97. He married a daughter of

(*a*) Nisbet's Heraldry, p. 98. aforesaid. (*b*) Captain Walter Scott, in his Treatise of the Name of Scott, says, That of William Scott of Deloraine are descended Scotstarvet and Ardross.

Scott of Allanhaugh, by whom he had four sons and two daughters; first, Robert, who succeeded him; second, Simon, called *Longspear*, who was tutor of Thirlestane, of whom came Scott of Newburgh, from whom are descended the Scotts of Ranaldburn; third, Andrew, who died without issue; the fourth, Adam, of whom are descended the Scotts of Gilmersleugh; the eldest daughter, Margaret, was married to Johnstone of that ilk; the youngest daughter, Jean, was married to Johnstone of Wamphray.

ROBERT SCOTT of Thirlestane was Warden-Depute of the West-Borders, and married Lady Margaret Scott, sister to the Lord Buccleugh, by whom he had three sons; the first, Sir Robert, his heir; the second, William, of whom are descended the Scotts of Merrylaw; the third, Walter, who was killed by John Scott of Tushilaw, in a duel at Deucharswyre, leaving issue two sons, Simon, the eldest, and Patrick of Tanlawhill, great-grandfather to the present Francis Lord Napier.

Sir ROBERT SCOTT of Thirlestane, his eldest son, who married a daughter of Cranston of that ilk, by whom he had issue Sir Robert Scott of Cruxton, who married Lady Mary Lion, daughter to the Earl of Strathmore, but died without issue. Secondly, Sir Robert married Dame Katharine Jardine, daughter to Sir Alexander Jardine of Applegirth, by whom he had issue Sir John Scott of Thirlestane, and several daughters.

Sir JOHN SCOTT of Thirlestane married Dame Euphame Young, relict to Sir David Ogilvie of Clova, by whom he had issue, Francis and Katharine;

And, in the year 1641, intrusted Patrick Scott of Tanlawhill, his cousin, formerly mentioned, with the whole management of his estate and affairs, in order to join the noble Marquis of Montrose in his unfortunate wars; and being under cloud till the 1660, by which time he being infirm, and unable to go about his affairs, and dying in the 1666, left his son, Francis, in infancy, and but a small part of his estate in possession.

FRANCIS married a daughter of Robert Douglas of Auchintully, by whom he had issue six sons, viz. first, John, second, Robert, third, William, fourth, Francis, fifth, James, sixth, David, and two daughters, Anne and Mary.

JOHN, the eldest son of the said Francis Scott, died unmarried, and was succeeded by Robert, his second brother, who is now called Davington, who is heir-male and of line to the foresaid ancient family of Scott of Houpayslay and Thirlestane, and, as such, with the assistance of his other brothers, is presently insisting for the said estate, which was carried off from the family, by a deed of trust granted to the said Patrick Scott of Tanlawhill, which is now under reduction before the Lords of Session.

The ancient armorial bearing of this family, described upon a very old plate of lead, still extant in their possession, is, on a bend, a mullet betwixt two crescents, betwixt a bow full bent, discharging an arrow in chief, and a hunting-horn, garnished and stringed in base; which last figures have probably been added on account of some brave actions performed by the family.

This appears to have been the ancient bearing of this family, till his Majesty King James V. for the good services performed to him by the above-mentioned John Scott of Thirlestane at Soutra-edge, granted to him a bordure of flower-de-luces about his coat of arms, sicklike as on his royal banner, and a bundle of lances above his helmet; with this motto, *Ready, ay ready*, as described in the First Volume of this System, page 96. And these arms have ever since been carried by the family, with supporters, &c. as there blazoned.

THE FAMILIES OF CUNNINGHAM OF POLMAISE AND DRUMQUHASSELL, NOW REPRESENTED BY WILLIAM CUNNINGHAM OF BANDALLOCH.

THE original of the surname of CUNNINGHAM, and of the family of Kilmaurs, or Glencairn, the chief family of the name, having been fully treated of in the First Volume of this System, page 193, and the 40th, and following pages of this Appendix, without resuming any thing of what is there said, we shall directly proceed to the branch of that noble family we are now to treat of.

The families of Polmaise and Drumquhassell are lineally descended from *Sir Robert de Cuninghame*, Lord of Kilmaurs, the tenth in the course of succession of that noble family, who was cotemporary with King Robert Bruce, and a strenuous asserter of his right; and, in consideration of his services, in *anno* 1319, he got a charter from that prince of the lands of Lambrughton in the shire of Ayr (*a*). He left behind him two sons, Sir William, who succeeded him in his honours and estate, and Sir Andrew Cunningham.

I. This Sir ANDREW CUNNINGHAM of Polmaise and Auchinbowie was cotemporary with King David II. and shared in the favours of that prince, from whom he got a grant of the lands of Pitkelendy, &c. and was founder of the foresaid families of Polmaise and Drumquhassell, in the shire of Stirling (*b*).

II. ALEXANDER CUNNINGHAM of Drumquhassell married \_\_\_\_\_ Home, daughter of John Home of Ersilton and Cowdenknows, ancestor to the present Earl of Home, by whom he had a son, Andrew.

III. ANDREW CUNNINGHAM of Drumquhassell married a daughter of Sir Walter Stewart of Morphy, sister to Alexander Lord Evandale, ancestor to the Lords of Ochiltree, now extinct, and to the present Earl of Murray, by whom he had issue Alexander, his heir, and a daughter, Egidia, or Giles, married to Thomas Buchanan of Gartincaber, brother-german to Walter Buchanan of that Ilk.

IV. ALEXANDER CUNNINGHAM of Drumquhassell married Margaret, one of the three daughters and co-heirs of William Park of that Ilk, an ancient family in the shire of Renfrew, by Margaret his wife, daughter and heir of Sir Walter Stewart of Arthurly (*c*); by which marriage he very much enlarged his estate; for, besides that share of it which fell to him in right of his wife, by transacting with her sisters and their husbands, he became proprietor of all, or far the greatest part of the estate of Park (*d*), and by the lady he had issue,

V. ANDREW who succeeded him in his estate, which at the time having become very opulent, procured him a noble alliance by his marriage with Mary, daughter to Robert Lord Erskine, ancestor to the present Earl of Marr (*e*), and Elizabeth his wife, daughter of Sir George Campbell of Loudon, by whom he had issue, John, his successor, and Janet, married to Walter Buchanan of Drumakill, ancestor of Mr William Buchanan late of Craigievairn, from whom several families of that name are descended.

VI. JOHN CUNNINGHAM of Drumquhassell appeared early in the interest of the Reformation, and of those who espoused the interest of King James VI. in his minority, in opposition to his mother Queen Mary, which ingratiated him so far with the Earl of Lennox, when Regent, that he did nothing of importance without his advice; and this confidence reposed in him by the regent procured him to be called his *Right hand*, and advanced him to the honour of being Master of the Household to the young king when at Stirling, under the regency of the Earl of Marr: But, upon the king's assuming the government in his own hands, being offended at the conduct of the Earl of Arran his favourite, he joined those who at-

(*a*) Charta in Rotulis Robert I. Appendix, p. 40. (*b*) Rotula Britannie. (*c*) This is instructed by several writings in Bandalloch's custody, relating to the Parks of that Ilk. (*d*) Charter Elizabeth Park and her husband to Drumquhassell, of her part of the lands of Park, and procuratory of resignation by Margaret Park, for resigning her part of the said lands in favour of Drumquhassell. (*e*) Charter in the register of the Privy Seal, in the year 1549.

tempted the *Raid* at Ruthven, in the 1582 (*f*), with design to seize the king's person, and procure the return of the banished lords; and upon trial, being convicted, he and Malcolm Douglas of Mains, his son-in-law, suffered death on that account, at the market-cross of Edinburgh, in the year 1584 (*g*). He married Janet, eldest daughter, and one of the co-heirs of James Cunningham of Polmaise, from which family he was descended, and by that marriage became the representative of, as he was before the heir-male, and had issue, John, who succeeded him, and Robert Cunningham of Trimbeg, ancestor to Bandalloch, and two daughters, Janet, married to Malcolm Douglas of Mains, of whom descended the Douglasses of Blackerston in the Merse, and Sir Robert Douglas of Spot, created Viscount of Belhaven 1633, who has a stately monument of marble erected over him in the abbey-church of Holyroodhouse. Mary, the second daughter, was married to Peter Napier of Kilmahew, of whom several families in Dumbartonshire are descended.

VII. JOHN CUNNINGHAM of Drumquhassell was reponed against his father's forfeiture, and restored to his estate upon the general act of indemnity 1585. He married Margaret Elphinstone, daughter of Robert Lord Elphinstone, and sister to Alexander Lord Elphinstone, Lord High Treasurer of Scotland, in the reign of King James VI. and James Lord Balmerino, Secretary of State, and President of the Session in the same reign, by whom he had John, his heir, and Mr James Cunningham, writer to the signet, who was writer to King Charles II., a Latin poet and antiquary, the verses prefixed to our acts of Parliament were composed by him, and author of the inscription upon Macduff's cross in the shire of Fife.

JOHN CUNNINGHAM of Drumquhassell died without any surviving heirs, and the heirs of Mr James Cunningham, his uncle, being also extinct, the representation of the family devolved upon the heir-male, descended of Robert Cunningham of Trimbeg before mentioned.

Which ROBERT CUNNINGHAM of Trimbeg purchased these lands from Sir John Haldane of Gleneagles in the year 1616 (*b*), and married Elspeth, daughter of William Buchanan of Portnellan and Ross (*i*), by whom he had John, his eldest son, and William.

JOHN CUNNINGHAM of Trimbeg was served heir to his father before the Sheriff of Stirling, 31st July 1630; but dying without issue, was succeeded by his brother (*k*),

WILLIAM, who was served heir to him in the 1644. He married Alice, daughter of John Buchanan of Arnprior, heir of line of the family of Buchanan, by whom he had

JOHN CUNNINGHAM, Writer to the Signet, who was a gentleman of great knowledge and capacity in his business, which he prosecuted with success. He acquired the estate of Bandalloch, and married Jean, daughter of William Weir, descended of the ancient family of Weir of Blackwood in Lanarkshire, by whom he had William, his successor, now of Bandalloch; John Cunningham, writer to the signet, who purchased the lands of Balbugy in Fife; Robert Cunningham, merchant in Edinburgh, who purchased the lands of Banton; George Cunningham, surgeon in Edinburgh, sometime Deacon of that Incorporation, and Convener of the Trades in Edinburgh; James Cunningham, merchant in Amsterdam; and David, now of Seabegs, Major in Stirling Castle.

WILLIAM CUNNINGHAM, now of Bandalloch, married Martha, daughter of Sir George Suttie of Balgone, baronet, in the shire of Haddington, by whom he has George his only son, apparent heir, now in life.

WILLIAM CUNNINGHAM of Bandalloch, for his achievement and ensign-armorial, bears *argent*, a shake-fork *sable*, betwixt three roses *gules*, above the shield his helmet befitting his degree; for his crest, issuing out of the torse of wreath of his

(*f*) Melville's Memoirs: (*g*) Bishop Spottiswood's History. (*b*) Charter in Bandalloch's custody. (*i*) *Ibidem*. (*k*) *Retour*, *ibid*.

colours, a trunk of an oak tree, with a sprig *vert* : The motto, on an escrol above, *Tandem*.

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*Addition to the Memorial of the family of DUNTREATH, in this Appendix, page 155.*

THE family ever still, and at all times since the Reformation, zealous for the Protestant religion, and the presbyterian discipline and government in the church. In the minority of King James VI. Sir James Edmonstone of Duntreath was a zealous man of the party of the lords who seized the young king at Ruthven in 1582, and who removed those they called evil counsellors from the throne, who were raising the prerogative of the crown higher than the legal constitution could bear, and bringing in bishops into the church, an office they declared strongly against, as inconsistent with the purity of reformation, and the parity among the clergy they had reformed upon.

ARCHIBALD EDMONSTONE of Duntreath, because of his known principles, being a zealous presbyterian, was chosen Commissioner to the Parliament 1633, for the shire of Stirling, wherein he opposed with great zeal the act anent the prerogative, the king's appointing the apparel of churchmen, as that which might introduce into the church every thing according to the English pattern; a model and uniformity in divine worship, King Charles I. had his heart so much set to be the same in all his dominions. The king was so zealous to have the act carried, that he marked with his own pen those who voted for or against the act.

ARCHIBALD EDMONSTONE, the last Duntreath, was also of his father's principles as a presbyterian, and for the liberty of his country, which, generally speaking, go together. He was a great and a constant supporter and countenancer of those of the presbyterian clergy, who came over to the north of Ireland, after the setting up of episcopacy in the 1661, that they were turned out of their churches, for not submitting to the new bishops, and receiving institution and collation from them, who, for twenty years before, had been preaching against the unlawfulness of episcopacy, or any superiority in the office-bearers in the church, whom the other party could not look on, otherwise than as time-servers, and men of no principles. Under all the discouragements and hardships the presbyterians were exposed to, the Laird of Duntreath stuck firm to his party, though, as a prudent wise man, he took care to live with that caution and circumspection, that no advantage, nor handle, could be taken against him: But, for all that, his known principles were crime enough with those who had the chief direction of affairs in Scotland, and they wanted but the slightest occasion to harass and persecute him, so as they could find a prosecution upon, and bring him on the stage as a confessor, for adhering to his principles as a presbyterian. For a long while all their arts failed; and though they had their little mercenary tools at work, to see if they could prove that he had been at conventicles, as preaching by the presbyterian outed ministers in the field was termed, or that any had been held on his estate, or on his ground: But all failed, till a meeting of that kind was, without his knowledge, held in an old gallery at his house of Duntreath. He could not think on dispersing them, or informing those, whose work it was to scatter those meetings, which came, in the eye of the law, to be called *rendevouzes* of rebellion; so now they thought they had matter enough against him, if not to take away his life, yet to fine him deeply, which was what his enemies had always mostly in view. The great trouble and the vexatious prosecution this worthy gentleman met with upon this incident, of no great consequence in itself, one would think, cannot be so well expressed, or more copiously set forth, than in a relation of it transmitted to me by Archibald Edmonstone of Duntreath, the gentleman's own son, and the heir of

the family at this time. So without altering any thing in the stile, or adding to or diminishing from it, the relation here follows.

That, in the year 1677, the late ARCHIBALD EDMONSTONE of Duntreath, being then at Duntreath on his private affairs, the minister, called Mr Forrester, formerly in the parish of Killearn, came to Duntreath, without Duntreath's knowledge, and had a private lecture in the gallery there, probably by the invitation of some private Christians, which, when Duntreath heard of, he thought it no great crime to be a hearer; on this egregious fault, only esteemed so by the prevailing party of the time, he was informed against by one Craig of Ledrogrean, to my Lord Ross, who then commanded a troop of dragoons: On this the said troop was sent to apprehend Duntreath, not suspecting any such treatment, and, apprehending him, took him straight to Glasgow, where he lay a night in the court of guard, afterwards three nights in the tolbooth, and gave in his bond of a L. 1000 Sterling to General Dalyell, to appear at Edinburgh a month after that; which accordingly he did, and continued six months in the tolbooth, in which time he was called three times before the council, but was not allowed any advocate or lawyer to appear or plead for him; only Sir George Lockhart came into the tolbooth and advised Duntreath what to say before the council, who put some questions to him, relating to the king's lawful title to the crown, and the Archbishop of St Andrews' murder; his answers were pretty general, and desired to be excused on that subject, seeing he did not think himself obliged to declare in his private capacity: Then they asked him about the lecture in Duntreath's house for which he was apprehended, how he came to be present at it; his answer was, that meeting was without his knowledge or invitation; in short, they could lay so little to his charge, that they could not be so cruel as to take his life, but fined him in L. 500 Sterling, the one-half to the informer, and the other half to the crown. This, though a brief account of that tragical affair, yet, as it is really matter of fact, so deserves some room in the particular history of the late Duntreath, and genealogy of the family. There is further to be added of the same gentleman, that when he was not long at rest from the troubles above mentioned, the Irish rebellion broke out in Ireland in the year 1688, Duntreath appeared very early to show his zeal for the Protestant interests and liberties of the people; he first raised an independent company of his tenants and neighbours, and, as far as was in his power, defended the country from the insults of the Irish, particularly those that were in garrison in Carrickfergus; he was afterwards commanded by General Gustavus Hamilton to march his company towards Coleraine, where he met with a regiment formerly raised by Sir Robert Adair, (who went to Scotland after raising said regiment) on which vacancy Duntreath got the command of that regiment; he continued some time in garrison in Coleraine, and he and his men were among the first who fired at the Irish that were near the town: On that the Irish retreated; after that he was commanded to cut the wooden bridge of Portglenoon, and cast up a trench to prevent the Irish coming down the Bann water. In the defending of that trench to the knees in water, in a rainy season, he contracted a most violent cold, which was afterwards the occasion of his death. He was commanded to march his regiment to Derry, that was besieged by the Irish; but they being so scarce of provisions, could not admit of his men, and he could not leave them; on which he marched four miles below Derry, to a fort called Culmore. When he died, he desired his corps might be taken over to the ancient burial-place of his family in Strathblane-church in Scotland, which was accordingly done.

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#### OF THE FAMILY OF GARTHSHORE OF THAT ILK, IN DUMBARTONSHIRE.

THIS family, as other ancient families in Scotland, have taken their surname from their estate, and the lands they have long enjoyed.

That this family of Garthshore of that Ilk is very ancient, is well instructed ; they have, amongst the writs of the family, charters of their lands and estate of Garthshore, as far back as the reign of King Alexander II. who came to the throne in the year 1214.

This family has intermarried with several of the best families in the west, such as Houston of that Ilk, Muirhead of Lauchop, &c. and did enjoy their ancient estate of Garthshore from the above period, downward in a lineal order of succession, to about the end of the reign of King Charles I. when, on the death of Captain Patrick Garthshore of that Ilk (who was reckoned a gentleman of honour and a brave soldier) without issue, the succession devolved on his immediate younger brother, Dr James Garthshore, Doctor of Divinity, and Parson of Cardross.

The Doctor, as heir of his brother, possessed the estate for some years : But, as it was affected by a liferent to his brother's lady, and incumbered with debts contracted by his brother while in the army, he, for payment of those debts, made over the estate to his youngest brother, Alexander Garthshore, who was bred a merchant, and whose heirs still enjoy the estate.

DOCTOR GARTHSHORE, the undoubted representative of this family, died, leaving three sons, Lieutenant William, Mr James, and George Garthshores.

Lieutenant WILLIAM, the eldest, died leaving one son, William, who was bred a chirurgeon, and died some years ago in the West Indies, and was never married : So that, since his demise, the Doctor's second son,

Mr JAMES GARTHSHORE, Minister at Carmichael, is the undoubted representative of this family.

The above Mr James Garthshore has one son,

JAMES GARTHSHORE, Writer to the Signet, who married Mrs Jean Scott, daughter of Sir Patrick Scott of Ancrum, by whom he has one son, James. The arms or coat-armorial of the family is *argent*, a saltier betwixt four holly leaves *vert* ; crest, an eagle proper : motto, *I renew my age*.

#### OF THE SHAWS OF HAYLEY AND SORNBEG.

THE original of the surname of SHAW is commonly attributed to one Shaw, second son to Duncan Earl of Fife, who was cup-bearer to one of our kings, Alexander II. or Alexander III. as others assert, and whose descendants assumed their surname from his proper name, and their armorial bearings from the badge of his office. But without nicely inquiring to which of these princes the forenamed Shaw was Cup-bearer, it is certain, that soon after the period of time condescended on, there appeared several families of that surname in the west first, then in the north, and afterwards in England and Ireland.

Those in the west took their first designation from their lands of Hayley, in the shire of Ayr, which they held of the Great Stewards of Scotland ; and the first of them we find upon record is WILLIAM SHAW, who is witness to a charter granted by *Jacobus Senescallus Scotiae*, to the monastery of Paisley, in the 1291 ; and the said James, Great Steward of Scotland, likewise granted a charter, (which is still extant in the custody of Alexander Shaw, writer in Edinburgh, second son to Sornbeg) *Willielmo dicto del Shaw, pro homagio & servitio suo*, of the lands of Hayley, Wardlaw, and Drumchaber, in the shire of Ayr. The date of this charter cannot be ascertained, but it must have been before the 1309, in which year the granter died.

The next of this family we meet with on record is JOHN of SHAW, Lord of the Hayley, who, in *anno* 1407, entered into an indenture with Sir Allan of Cathcart,

Lord of that ilk, anent the wadset of some lands, which was afterwards confirmed under the Great Seal (*a*).

JOHN SHAW of Hayley, in the year 1469, was joined in a commission of embassy to Denmark, with the Lord Evandale, Lord Chancellor, the Earls of Arran and Orkney, and several other persons of rank and distinction, to treat of a marriage betwixt King James III. and Margaret, daughter of Christiern III. King of Denmark; and their negotiation had the desired success (*b*).

ANDREW SHAW of Sornbeg, son to Hayley, was infest, under the Great Seal, in the lands of Sornbeg, Polkemmet, Whitburn, and other lands in the shires of Ayr and Linlithgow, &c. 21st May 1447, and was succeeded by his son

ALEXANDER SHAW of Sornbeg and Polkemmet, who resigned the lands of Polkemmet in favour of Sir Robert Hamilton of Preston; upon which resignation a charter under the Great Seal was granted in anno 1486 (*c*), and was succeeded by his son

WILLIAM, the other heirs-male of the family of Hayley failing, the family of Sornbeg or Polkemmet remained the only heirs-male and representatives of the family of Hayley; and the aforesaid William Shaw of Sornbeg and Polkemmet, son to the foresaid Alexander, was infest, under the Great Seal, in the lands of Polkemmet and Sornbeg, &c. in the said shires, 14th March 1486, and in the lands of Flock and Flockside, in the shire of Renfrew, 20th April 1487, and was succeeded by his son

JOHN SHAW of Sornbeg, who was infest, under the Great Seal, in the said lands of Flock, &c. 28th May 1529. He was succeeded by his son

ANDREW SHAW of Sornbeg, who was served and retoured heir, in special, to William Shaw of Sornbeg and Polkemmet, his grandfather, in the five-pound land, of old extent, of Helington; five-pound land, of old extent, of Knockindale; fifty-shilling land, of old extent, of Goldring; the lauds, barony, and fortalice of Sornbeg, and others, in the shire of Ayr, 10th December 1547.—In anno 1544 he and John Shaw, his son and apparent heir, granted a charter of the lands of Helington *Willielmo Wallace, nepoti et heredi quondam Willielmi Wallace de Ellersly (d)*, in anno 1545.—David Hamilton of Preston obtained a gift of non-entry of the lands of Polkemmet, Sornbeg, and Foulshiels, &c. in the shires of Ayr and Linlithgow, from Queen Mary, which had fallen into her hands by reason of non-entry from the decease of the above William Shaw of Polkemmet; whereupon he obtained decret of declarator before the Lords of Session, in the 1549, against the said Andrew Shaw of Sornbeg; but the said gift being, as it would appear, only a trust for the behoof of the said Andrew, the nearest heir, he previously made over the same to him, with a decret of apprising for the bygone non-entry duties; upon which the said Andrew obtained a charter under the Great Seal in favour of himself, and the said John Shaw his son, 4th March 1550 (*e*); whereupon they were infest, and the lands of Polkemmet, &c. thereby were united to the estate of Sornbeg.—Upon the 19th June 1589 (*f*), the said Andrew Shaw was infest in the foresaid lands of Flockside, upon a precept forth of the Chancellery, as heir to his father John; and, upon the 2d March 1590 (*g*) he obtained a charter from Queen Mary in favour of himself and his said son, of the lands of Sornbeg, and others: and 28th April 1550, the said John was married to Helen Wallace, daughter to Carnel, as appears by the original contract of marriage of that date; in all which lands the said Andrew was succeeded by the said

JOHN SHAW of Sornbeg or Polkemmet, his son, who was succeeded by

JOHN SHAW of Sornbeg, his son, in the 1592; he is infest upon a precept forth of the Chancellery, as heir to Andrew Shaw, his grandfather, in the foresaid land of Sornbeg, Helington, Knockindale, Goldring, &c. (*h*). And, upon the 28th October 1608, he was infest in the lands of Polkemmet, &c. upon another precept issued out of the Chancellery in his favour as heir to John Shaw of Polkemmet, his father (*i*); and, in anno 1615, upon his own resignation, he obtained a charter from King James VI. erecting the hail lands into the barony of Sornbeg,

(*a*) Charta in publicis archivis. (*b*) Buchanan, and Torfœus's History of Denmark, p. 191. (*c*) Charta in publicis archivis. (*d*) Charta ibidem. (*e*) Charta penes Comitum de Dundonald. (*f*) Charta in publicis archivis. (*g*) Ibidem. (*h*) Ibidem. (*i*) Charta in publicis archivis.

whereupon he was infeft (*l*); and, in 1620, he granted a charter to his son Patrick at his marriage, of the foresaid lands of Polkemmet.

And the said PATRICK SHAW of Sornbeg, as heir served in special to the foresaid John Shaw his father, 25th August 1631, was also infeft in the foresaid lands of Sornbeg, Chapleton, Duncannrigs, Goldring, &c. which he resigned in favour of John his son, and John his grandson, who were infeft under the Great Seal *anno* 1699 (*l*). He, the said Patrick, married \_\_\_\_\_ Durham, daughter of Durham of Duntervie, by whom he had the said

JOHN SHAW of Sornbeg, his son, who, *anno* 1651, married Isabel Boswell, second and one of the four daughters of David Boswell of Auchinleck, by whom he had

JOHN SHAW of Sornbeg, who married Marion Kennedy, daughter to Kennedy of Kilbenzie, by whom he had

Captain JOHN SHAW of the Scots Royal Regiment of Foot, his eldest son and heir, now with that corps in the expedition in America, serving his country, who was served heir in special to his said father and grandfather in the foresaid lands, *anno* 1720.—Alexander Shaw, writer in Edinburgh; two daughters, Anne, married to Graham of Drynie; and Catharine, married to Mackenzie of Suddie, both which gentlemen reside in the shire of Ross.

The armorial achievement of the family of Shaw of Sornbeg is, *azure*, three mullets in fesse, betwixt as many covered cups *argent*; crest, a dexter hand proper, holding a covered cup, *argent*: motto, *I mean well*. N. R.

It may not be improper here to observe, that the author of the Historical Remarks on Ragman's Roll has committed a mistake, in supposing the family of Sauchie to succeed as heirs to that of Hayley, with whom they had no manner of connection; and he had no reason to form this supposition: The only information he had concerning the family of Hayley, being from that of Sornbeg, who communicated to him the original charter granted by James, Great Steward of Scotland, to that family, as himself ingenuously acknowledges.

*Memorial of the ancient Family of RIDDELL of that Ilk, Baronet; showing their Antiquity, Descent, and Alliances, from the Reign of King David I. to the present time.*

IT is the received opinion among the modern antiquaries, that the surname and family of RIDDELL or RYDAL is derived from one of those Normans that came over to England with William the Conqueror (*m*); and, by the gift of that prince, got many great and considerable estates and lordships in that realm. The surname seems to be local to Riddell, which denotes its antiquity.

GEOFFREY RIDDLE, in the seventh of King Henry I. of England, being, says a great and learned antiquary and historian (*n*), an eminent and learned person, upon that great controversy then happening betwixt Osbert, at that time sheriff of Yorkshire, and the church of St Wilfred at Rippon, touching the privilege of sanctuary there, whereof the sheriff would not allow, was, by special commission, employed together with Robert Bishop of Lincoln, Ralph Basset, *Roger de Meschines*, and *Peter de Valoines*, to hear and determine therein, who gave judgment for the church; and, not long after this, growing famous for his knowledge in the laws,

(*l*) Charta in publicis archivis. (*l*) Ibidem. (*m*) Inquiry into the Origin of Surnames. (*n*) Sir William Dugdale's Baronage of England, tom. 1, page 555.

was soon thereafter constituted Great Justice of England. But, in the 20th of that reign, upon the return of King Henry out of Normandy, where Prince William, his eldest son, had, says my learned author, "in testimony of the people's obedience, received their homage and fealty by his father's appointment, being "in the ship with the prince, and other of the king's children, and diverse of the nobility, they were cast away at sea and perished (*p*), anno 1120 (*q*)." He left issue by Geva his wife, daughter of Hugh the first Earl of Chester (*r*), one sole daughter his heir, named Maud, married to Richard Basset, son of Ralph Basset, Justice of England; which Richard, being also Justice of England, had by her, two sons, Geoffrey, who assumed the surname of Rydal, of whom the English barons Rydal descended, who are traced down, in the baronage of England, by Sir William Dugdale, to which I must refer.

But though the first of the name came over to England with the Duke of Normandy, yet it was not long after that the Riddells came to Scotland; for, in the reign of our King Alexander I. when David, that king's brother, was *Princeps Cumbriæ*, he caused an *inquisitio*, an inquiry, to be made "de possessionibus ecclesiæ Glasguensis auxilio et investigatione seniorum hominum et sapientiorum totius Cumbriæ." To this deed of inquisition there are many great witnesses; and, among others, *Gervasius Riddell*, *Hugo de Morville*, *Walterus de Lindeseyia*, &c. &c. (*v*). I am of opinion, that this Prince David, in the lifetime of his brother, and while he was prince, or *Comes Cumbriæ*, as he is sometimes called, having got acquaintance with the sons of some of the Norman gentlemen, who had shared in the conquest of England, gave them possessions, and settled them in estates in Cumberland; and when he came to the crown of Scotland, by the name of David I. anno 1122, he conferred other estates, and offices on them: For we find the same *Gervasius Riddell* is witness to several charters by this King David; particularly to one granted to the Prior of Coldingham, wherein he is designed *Gervasius Vicecomes de Roxburgh* (*t*). It cannot be a question, but that *Walterus de Riddell* is the son and successor of *Gervasius de Riddell*, who is, for a great while, an ordinary witness in King David's charters (*u*). There is a charter by that king to himself, "Waltero Riddel de terris de Lilisclve & dimidium de Escheco & Wittune (*x*), per suas rectas divisas tenend. & habend. sibi & hæredibus suis de me & hæredibus meis, in feoda & hæreditate, per servitium unius militis, sicut unus baronum meorum, vicinorum suorum. Testibus, Andrea Episcopo de Cataneis, Walte'o filio Allani, Ricardo de Morevila, Alexandro de Seton, Alexandro de Sancto Martino, Waltero de Lindeseyia, David de Vuet, et Nicolao Clerico, apud Scoon." The transcript of this charter I have seen taken before "Andreas Dominus Gray Justitarius supremi Domini nostri Regis ex parte australi aquæ de Forth. Apud Jedburgh quarto die Novembris 1506" (*y*). But this *Walterus de Riddell* having no issue, was succeeded in his estate by his brother *Dominus Anskittle de Riddell*. This is vouched, and nobly instructed by a bull of Pope Adrian IV. (*z*), which I have seen, and runs: "Adrianus Episcopus, servus servorum Dei, Anskittle Riddell militi, salutem & Apostolicam Benedictionem, sub Beati Petri & nostri protectione. Suscepimus specialiter ea quæ Walterus de Riddell testamentum suum ante obitum suum faciens tibi noscitur reliquisse, viz. Villas de Wittuness, Lilisclve, Brachabe, & cetera bona a quibuscunque tibi juste colata. nos autoritate sedis Apostolicæ integre confirmamus. Datum Beneventi septimo Idus Aprilis." The precise year our of Lord is seldom in ancient bulls: But this must be betwixt the year 1154, that he came to the papacy, and the 1159 that he died.

There is another bull of Pope Alexander III. who succeeded Pope Adrian, I have

(*p*) Ibidem, I mean Dugdale's Baronage of England. (*q*) Sir James Dalrymple's Appendix to his Historical Collections. (*r*) Dugdale. (*s*) This inquiry into the possessions of the See of Glasgow is in the Register of the bishopric, and the excerpt published by Sir James Dalrymple. (*t*) Sir James Dalrymple's Collections from the original writs of the priory of Coldingham, belonging to the Chapter of Durham. (*u*) Ibidem, his Collections, p. 348. (*x*) Penes Sir Walter Riddell, baronet, and these lands are now the barony of Riddell. It is the only one of King David's I have seen granted to a laic. (*y*) This transcript I have seen in the custody of Sir Walter Riddell of that ilk, baronet. (*z*) Penes eundem Dominum Walterum Riddel de eodem.

seen, to this same *Sir Anskitille de Riddell*, of all that his brother had left him by testament, and confirming an agreement betwixt him & *Huchtreduum Sacerdotem*, anent the tithes of the lands of Liliscelve, by the mediation of King Malcolm IV. (a). This *Sir Anskitille de Riddell* was succeeded by *Walter de Riddell* his son, the next in the line of succession of this most ancient family. *Hugo de Riddell*, who is contemporary with him, must be a younger brother. He, *Hugo de Riddell*, is witness in a charter of confirmation by King Malcolm, to the abbacy of Kelso, anno 1159 (b). The same *Hugo de Riddell* is *Dominus de Cranston*, who is to be found in the registers of Kelso, as a donator to that abbacy of the fourth part of Cranston, afterwards called Little-Preston, now Prestonhall (c). From this *Hugo de Riddell* the lands were called Cranston-Riddell, and he is to be found in the charters of King Malcolm, and King William his brother, and successor, in the registers of Kelso, Scone, and the extract from the registers of Glasgow (d). He is the founder of the Riddells of Cranston, which ended in an heiress, who was married to a son of the House of Crichton, of whom came the Crichtons of Cranston-Riddell. Nothing can be clearer or more evident, than that in these early times we are upon, the family of the Riddells must have been considered in the rank and quality of the *Magnates* and the *Proceres Regni Scotiae*, since we see that *Hugo de Rydal*, who is but a branch of the House of Riddell, is sent up to England as one of the hostages for the ransom of King William, who had been taken prisoner at the battle of Alnwick, anno 1174 (e): They were all persons of the first rank and condition, the *Comites* and the *Barones Regni*; the list of them, taken from an author of the greatest credit (f), here follows:

*David Comes*, as he is designed, the king's own brother, who was Earl of Huntingdon in England, and Earl of Garioch in Scotland.

*Duncanus Comes*, Earl Duncan, was the great and powerful Earl of Fife.

*Waldevus Comes* was the Earl of Dunbar.

*Gilbertus Comes* was the Earl of Strathern.

*Comes de Angus*, that was Gilchrist Earl of Angus.

Then follow the *Barones Scotiae*.

*Ricardus de Morville, Constabularius Scotiae*.

*Ricardus Cumine*, the ancestor of the House of the Earls of Buchan.

*Walterus Corbet*.

*Walterus Oliphard*, that is the ancestor of Aberdalgy and Lord Oliphant.

*Joannes de Valz*.

*Willielmus de Lindsay*, the progenitor of the Earls of Crawford and Lindsay.

*Pbilip de Colville*, the progenitor of the Lords Colvil of Ochiltree, and the Lord Colvil of Culross.

*Pbilip de Valoines*.

*Robertus Frebert*.

*Robertus de Burnevile*.

*Hugo Giffurd*.

*Hugo Riddell*.

*Walterus Barclay*

*Willielmus de la Haye*.

*Willielmus de Mortuomari*.

But to return to the stem and principal family of the Riddells, the House of Riddell itself, we must observe, that, from the ancient writings belonging to Sir Walter Riddell of that ilk, and the other authentic vouchers we have mentioned to support the authority of this memorial, it is evident, that *Walter de Riddell* was the son and heir of *Sir Anskitille de Riddell*; for there is a bull by Pope Alexander III. *Waltero Riddell, filio domini Anskitille de Riddell*, relative to the lands of Wittuness, Liliscelve. There are remarks upon this bull by a very learned antiquary Mr Thomas Crawford, who was a professor of philosophy in the University of Edin-

(a) Charta penes Dom. Walt. Riddell de eodem. (b) Charter cited by the learned Sir James Dalrymple in his Collections, p. 349, to be penes Comitum de Roxburgh. (c) Ibidem. (d) All these vouchers are in the Bibliothecque belonging to the Advocates' Library at Edinburgh. (e) Rymer's *Fœdera Angliæ*. (f) Ibid.

burgh, at the Restoration of King Charles II. and he expressly says, that *Walter de Riddell*, to whom the bull is directed, was the son of Sir Anskitille Riddell: for when Sir James Dalrymple saw this bull, that worthy learned author ingeniously tells us, that the name of the son of Sir Anskitille was worn out: But he supposes it to be *Walter*, there remaining, adds he, "Above the hole in the parchment, some strokes of a double *W*, as the initial letter for *Walterus*, which no doubt it is; and when Mr Crawford saw it, fifty years, or more, before Sir James perused it, the name *Walterus* might be clearer, and more perceptible and legible than afterwards: But this by the bye.

To *Walterus de Riddell*, the proprietor of the estate of Riddell, in the reign of King William, succeeded *Patricius*, designed *de Riddell*, which I think implies that he was the head of the family. He, *Patricius de Riddell*, gives to the monks of Melrose, "Partem terræ in territorio de Wittune, pro salute animæ Domini Wilhelmi Regis Scotiæ (a). He gives moreover to the convent of Melrose, and to the monks serving God there, another part of Wittune, "Usque ad terram quam *Willielmus de Riddell dedit Matildæ Corbet uxori suæ in Wittune.*" The deed is expressed to be made, *Pro salute Domini mei Alexandri Regis Scotiæ (b)*, which must be after the 1214, that our King Alexander II. came to the throne. One of the witnesses to the charter is *Walterus de Riddell filius meus (c)*. He had also another son named *Willielmus de Riddell*. To Sir *Patrick de Riddell* succeeded *Walter de Riddell* his son. There is a donation and mortification by *Robertus de Buecleugh, pro anima Anskitille de Riddell, mei, Domini & pro animabus Patricii de Riddell, & Walteri de Riddell Dominorum meorum*, of lands held of them in Wittune (d). There is another donation by *Walterus de Riddell, filius & heres Patricii de Riddell*, whereby *ad petitionem*, says he, *filii mei & heredis, & Isabel uxoris suæ*, he ratifies to the monks of Melrose, *illum bovatum terræ*, which *Willielmus Parsona de Hunam* purchased a *Willielmo Cocke, testibus Dom. Patricio de Riddell patre meo*, that was his father-in-law. *Willielmo filio meo & herede, Patricio filio meo, Willielmo nepote meo (e)*. Moreover a subsequent deed and charter to this abbacy confirms that to *Walterus de Riddell*, William, his eldest son, succeeded; for there is a donation to the abbot and convent of Melrose, by *Isabella*, "uxor Willielmi de Riddell de alia bovata terræ in territorio de Wittune, quam pater meus, Willielmus Parsona de Hunam emit a *Gaufredo Coco.*" He expresses her deed to be made "Pro salute animæ Domini Patricii de Riddell, & Walteri filii ejus, & Willielmi sponsi mei." To which there are witnesses *Dominus Patricius de Riddell, Walterus de Riddell filius meus, Willielmus de Riddell sponsus meus, Willielmus filius noster, Patricius filius Walteri de Riddell (f)*. So we see this last writ instructs four successive descents in the family, which is much in an extrinsic voucher, and a great deal in *re tam antiqua*, for supporting the antiquity of the family. This *Willielmus de Riddell*, the head of the family of Riddell, is the same person who, in the register of Melrose, is witness in a charter granted by *Joannes de Vesci Willielmo de Sprouston de nova terra de Mow (g)*. *Willielmus de Riddell*, the son of the former *William de Riddell*, in the reign of David II. as I conjecture, is in the quality and rank of a knight, *miles*, when he ratifies and confirms certain lands that *Adam Dunelm*, that is *Durham*, his vassal, held of him, which he then sold to the monastery of Melrose, in *Wester-Liliscelve (h)*.

The next in the line of succession in the principal family of Riddell, Riddell of that ilk, is *Quintin de Riddell de Wittune*, who is the first that the charters of the family that are now extant begin with, in the custody of Sir *Walter Riddell* of that ilk, baronet; though I think he can scarcely be the immediate son of the last-mentioned Sir *William*; he may, indeed, without any stretch in chronology, be his grandson; but he is very plainly and clearly the successor and lineal heir to all those ancient barons of Riddell who had the lands and estate of Wittune, Brachabe, and Liliscelve, from King David I. And this gentleman, *Quintin Rid-*

(a) Chartulary of Melrose, of which there are two, one belonging to the Earl of Haddington, and a lesser one to the Lawyers at Edinburgh. (b) Ibidem. (c) Ibidem. (d) Ibidem. (e) Ibidem. (f) Mr Nisbet in his Treatise of Heraldry, from the chartulary of Melrose, p. 375. (g) Chartulary of Melrose. (h) Charta penes Dom. Walt. Riddell de eodem.

dell, being found vested in that very estate, it cannot remain a question but that he is heir to them, and their lineal legal successor: For George Rutherford, bailie to the said Quintin Riddell of Wittuness, by an inquisition, finds him duly vested in the estate of Riddell, in his court at Wittuness, the 4th of July 1421 (*a*), which was the 14th year of the reign of King James I. I could not vouch, from the writs of the family of Riddell, to whom this Quintin was allied in marriage: But he is in a particular friendship and confidence with the Rutherfords; so perhaps he was allied with them; but this I offer no otherwise than as a conjecture, for it will bear no more.

He, QUINTIN RIDDELL of Wittuness, the Laird of Riddell of that Ilk, was succeeded by James Riddell of Wittuness, his grandson: This is vouched from his service in the charter-chest of the family of Riddell (*b*), whereby, on the 4th of May 1471, at Jedburgh, an inquest of very honourable gentlemen find, "Quod Jacobus Riddell de eodem, & legitimus & propinquior hæres quondam Quintini Riddell, sui avi;" it is in the lands of Roxburgh, as well as in the other estates he died vested in. This gentleman, *Jacobus Riddell de eodem*, directs a precept to his bailiff, for infefting William Davidson, his vassal, in the lands of Heathlands. He was succeeded by

JOHN RIDDELL of that Ilk, his son: There is a precept directed from James, Archbishop of Glasgow, for infefting John Riddell of that Ilk in the lands of Lilisclve, which he held of that See in 1510; and another precept from the next succeeding archbishop to the same effect (*c*), anno 1518. This is the Laird of Riddell, who knowing the value of his original charter from King David I. of the estate of Riddell, which is indeed so ancient, as I have never seen any other from this king to a laic but itself; and by its high antiquity, even then, likely to deface, and the writing to wear out, so, to preserve so valuable a monument and record of his family, he applied by petition to the Lord Gray, Justice-General be-south Forth, to have the original charter transumed, and which was accordingly done in a justice-air held at Jedburgh, as has been formerly observed in the preceding part of this memorial, anno 1506. This same *Joannes Riddell de eodem* grants a precept for infefting Patrick Earl of Bothwell, as heir to Patrick Earl of Bothwell, his father, in a part of the lands of Lilisclve, anno 1534, which he held of the Laird of Riddell (*d*). He left behind him several sons,

WALTER, his heir and successor.

JOHN RIDDELL designed of Robbine (*e*).

WILLIAM RIDDELL, a third son (*f*).

WALTER RIDDELL of that Ilk succeeded his father, to whom he is served heir anno 1588 (*g*). He married \_\_\_\_\_, daughter of Sir George Ramsay of Dalhousie, ancestor to the Earl of Dalhousie (*b*), and had a son, his heir, viz.

ANDREW RIDDELL of that Ilk, who has a charter of his estate under the Great Seal, *filio et hæredi Walteri Riddell de eodem*, dated the 4th March 1591 (*i*). This gentleman married, first, \_\_\_\_\_, daughter of Sir James Pringle of Galashiels (*k*); and had issue, Sir John, his eldest son, the first baronet of this most ancient family (*l*). William, of whom are the Riddells of Newhouse, and James Riddell of Mayboll (*m*). He married to his second wife, Viola, daughter of William Douglas of Pompherston, a very ancient family of that name in Linlithgowshire (*n*); by whom he had a son, Walter Riddell, the progenitor of the Riddells of Haining in Teviotdale, which, in our own time, ended in an heir-female, Mrs Magdalen Riddell, who was married to Mr David Erskine of Dun, one of the Senators of the College of Justice, and had issue; he had also several daughters, Margaret, who was married to Robert Rutherford of Edgerstone, ancestor to Sir John Rutherford of that Ilk (*o*); another to Sir James Scott of Goldielands; and a third daughter, Isabel, who was married to Robert Kerr of Cavers (*p*), of whom that family is descended; and the youngest to John Baillie of St John's-Kirk in the shire of Lanark, of whom Somerville of Corhouse is the lineal heir.

(*a*) Charta penes Dom. Walt. Riddell de eodem. (*b*) Charta penes Dom. Walt. Riddell de eodem, I saw the writs from the originals. (*c*) Ibidem. (*d*) Ibidem. (*e*) Ibidem. (*f*) Ibidem. (*g*) Ibidem. (*h*) Ibidem. (*i*) Ibidem. (*k*) Memorial of the family of Riddell, from the writs of the family transmitted to me. (*l*) Ibidem. (*m*) Ibidem. (*n*) Ibidem, and the Registers of the Heralds. (*o*) Ibidem. (*p*) Memorial of the House of Riddell, and other authentic vouchers confirming it.

Sir JOHN RIDDELL, the first baronet in the family, created the 20th of March 1628, was married to Agnes, daughter of Sir John Murray of Blackbarony, by Dame Margaret, his wife, daughter of Sir Alexander Hamilton of Innerwick, the first and most ancient branch of the illustrious House of Hamilton. This alliance brought a great many relations to the house of Riddell; for the lady had a sister, Dame Elizabeth Murray, who was married to Sir Robert Kerr of Ancrum, created Earl of Ancrum in the 1633; she was his first lady, and was mother to William Earl of Lothian, who was Secretary in the time of King Charles I.; Dame Margaret Murray, another sister, was married to Sir Robert Halket of Pitferran, and had issue. Mary, married to Patrick Murray of Philiphaugh, and had issue; and Isabel, married to Sir Patrick Scott of Thirlestane, and had issue; ———, married to Sir James Douglas of Colphople; and ———, married to Veitch of Dawick.

Sir JOHN RIDDELL had issue by his lady, Dame Agnes Murray, Sir Walter, his heir and successor, Sir William Riddell, Governor of Du-burgh in Holland, John and Thomas who were Captains in the service of the States of the United Provinces; he had also a daughter, ———, who was married to Sir Thomas Kerr of Cavers, and had issue.

He married to his second wife, Dame Anne Anstruther, daughter of Sir William Anstruther of that Ilk, by whom he had only one daughter, who was married to David Barclay of Cullerny, one of the ancientest families in all the county of Fife (*a*).

Sir WALTER RIDDELL of that Ilk, the next baronet in the family, married Dame Janet Rigg, a lady highly extolled for piety and all the graces that could adorn the sex. She was the daughter of a very worthy man, William Rigg of Aitherny, who had a great estate both in the shire of Fife and near Edinburgh: but he was richer in good works (*b*), as from a manuscript of his life (*c*). He was a great supporter of the presbyterian clergy, especially in the city of Edinburgh, in the opposition they made to the violent efforts the court and the bishops made in pressing conformity to the five articles of Perth assembly, ratified by act of Parliament 1621. By this pious lady, Sir Walter Riddell of that Ilk had issue, Sir John Riddell of that Ilk, his heir and successor, who married Helen, daughter of Sir Alexander Morrison of Prestongrange, by Dame Jean Boyd, daughter of Robert Lord Boyd; by her he had Sir Walter Riddell of that Ilk, Bart. the present representative of this ancient family, who married Mrs Margaret Watt, daughter to John Watt of Rosehill, Esq. and have issue five sons and three daughters, and a daughter married to Hary Nisbet, son and heir apparent to Sir Patrick Nisbet of Dean, Bart. and had issue.

The second son of Sir WALTER RIDDELL of that Ilk, and Dame Janet Rigg, was Mr William Riddell, who was bred to the profession of the law, and was an Advocate before the Court of Session, where he served long with reputation and integrity; he acquired first the estate of Friershaw, and is the ancestor of that branch of the family, designed Riddell of Glenriddell in Drumfries-shire. He married Elizabeth Wauchope, eldest daughter of Captain Francis Wauchope, only brother of John Wauchope of Niddy, a family of higher antiquity than many others in the county of Edinburgh where they reside.

The lady was sister to Major-General John, and Major-General Francis Wauchopes, two officers of great name and high reputation for conduct, courage, and valour, as any two officers of their profession that belonged to the foreign service: Upon the Revolution both of the brothers went over to France to follow the fortunes of their master King James VII.; they had high commands in the French and Spanish service, which they still maintained with great honour and reputation (*d*). There was one thing very remarkable of the two General Wauchopes, viz. That the eldest brother, though he was in as many public and more private engagements as an officer of distinction, he never received a wound, nor had his blood so much as once drawn, till he was killed in the war in Catalonia, where he commanded the foot. And of his younger brother General Wauchope, he was almost wounded in every battle he

(*a*) Memorial of the family of Glenriddell. (*b*) Mr David Calderwood gives him in his story, toward the end, a high character. (*c*) Memoirs of Bailie William Rigg, an Attorney. (*d*) Memorial of Riddell of Glenriddell.

was engaged in; yet died in his bed, Governor of Cagliari in Sardinia, in the Spanish service. By Mrs Elizabeth Wauchope, Mr William Riddell, Advocate, had issue, Walter Riddell of Glenriddell, his son and heir, who married Catharine, eldest daughter of Sir Robert Lauric of Maxwellton, by whom he has two sons, Robert Riddell, apparent heir of Glenriddell, who is married to Jean, daughter of Alexander Fergusson of Craigdarroch, and has issue one son, Walter, and three daughters.

JOHN RIDDELL, the second son, who is of Grange in Fife. He married Helen, daughter of Sir Michael Balfour of Denmiln, and has issue, two sons and two daughters.

Mr ARCHIBALD RIDDELL (the third and youngest son of Sir Walter Riddell of that ilk, and Dame Janet Rigg) was one of the Ministers of the Gospel at Edinburgh, who had issue, Walter Riddell of Granton, captain of a man of war, who died without issue, and Doctor John Riddell, Physician at Edinburgh; his son is John Riddell, Writer to the Signet, who married Mrs Christian Nisbet, daughter of Sir John Nisbet of Dean, Bart. and has issue.

F I N I S.

HISTORICAL AND CRITICAL REMARKS

ON

PRYNNE'S HISTORY,

SO FAR AS CONCERNS-

THE SUBMISSION AND FEALTY SWORN BY THE GENERALITY OF  
THE SCOTS NATION TO KING EDWARD I. OF ENGLAND,  
IN 1292, 1296, 1297, &c.

COMMONLY CALLED

*THE RAGMAN-ROLL.*

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THE submission and fealty of the Scots nation was very universal, and taken through different places of the kingdom; the first I take notice of is on the 7th of July 1292 (*a*), those who swore to King Edward of England, viz. *Fergus Macdowald*, *Dougal Macdowyl*, *Del Count de Wigtoun*: These two gentlemen are of the family of the *Macdowals*, or *Macdouals*, or *Macdowyles*. There are four families of the surname of M'Dowall, who all claim and set up for independency on one another; they all agree they are descended of the most ancient princes or barons, & *Domini Galluidie*, or *de Galveyia*; the name is a patronymic, called after the proper name of *Doual*, or *Dougal*, their common progenitor, which must be as old as the reign of King David I. since there is none of the old family of Galloway of that name, since that Ulgerick and Dovenald, the two prime leaders of the Galwegians, were killed at the battle of Allerton in the 1138. Some modern critics are of opinion, though it is but conjectural at best, that the race of the M'Dowalls are sprung from Thomas, called *Macduallan*, son to Allan Lord of Galloway, in the reign of King Alexander II. and from him they are denominated *Macduallans*, that is the offspring and descendants of Thomas, the son of *Black*, or *Du Allan*: None of all the families of the M'Dowalls have any very ancient writs. Makerston has a charter of the ba-

(*a*) Prynne's History, page 649.

rony of Makerston, Yetham, &c. to Fergus M'Dougall, or M'Dowall, on the resignation of Margaret Fraser, his mother, in the rolls of King Robert II. *anno* 1373. Garthland's first charter is in 1413, by Archibald Earl of Douglas, *Dominus Galuidie & Annandalie, Thome Macdowal*, of the lands of Garthland. Logan produces a charter in 1453, to Andrew M'Dowall, of several lands which Uthred M'Dowall of Garthland held of him. And Freugh has a charter of the lands of Ravenston, to Fergus M'Dowall of Freugh, who had married the heiress of Gilbert Maclelland of Ravenston, and to Fergus M'Dowall, his son and heir apparent, in the 1445. These documents are all the M'Dowalls can produce, to vouch their respective antiquity; for the two gentlemen here in the Ragman-Roll, all the three families in the shire of Wigton claim them to be their ancestors.

*William de Murriff de Drumsargard*; whose son, *Dominus Joannes de Moravia, Dominus de Drumsargard*, obtained the lands of Ogilvie, Abercairny, and Glen-sherap, by the marriage of Mary, daughter of Malise Earl of Strathern, and is the well known ancestor to the most ancient and honourable family of Abercairny, in the county of Perth, where they had long flourished, and still continue in lustre; who, as an heir of line of the ancient Earls of Strathern, carries, quarterly, first and fourth Murray; second and third a cheveron, surmounted of another, for Strathern, and is the coat-armorial of James Murray of Abercairny, who is the lineal heir of this *Willielmus de Moravia, de Drumsargard*.

*Roger de Methven*; this gentleman had the estate of Methven, and is a frequent witness to charters granted in the time of King Robert I. to several of the antientest families in the county of Perth, and is designed *Rogerus de Methven, miles (a)*. There was a small family designed of Methven, of whom was Dr John Methven, who was Vicar of Edinburgh, and Register in the reign of King James II. Of the same race of people was Paul Methuen, Esq. once Secretary of State, who owns his extraction from Scotland, and from the Methvens.

*Gilchrist More* is the same gentleman that was son to Reginald More, designed of Craig, *i. e.* the Craig of Rowallan, and brother to Sir Adam Mure of Rowallan.

*Hew de Ralstoun*; this is the ancestor of Ralston of that ilk, a family of antiquity in the county of Renfrew, as far up as the reign of Alexander III. and give out as the tradition that they are descended of a son of the Earls of Fife. But how the tradition is vouched I cannot say; but their arms do not favour that, for they do not wear the lion rampant, the arms of the Earl of Fife, but three acorns on a bend, intimating, that they are of the same race and stock with those of the surname of Muirhead.

*John Senescal de Jedwith*; he, in the opinion of a very great antiquary (*b*), was the same John Stewart who is, in other places of this fealty, designed *frater germanus Jacobi Senescalli Scotiae*, grandfather to King Robert II. and was the root of the Stewarts of Bonkill, and the same brave gallant man that was slain in the service of his country at the battle of Falkirk *anno* 1298. He had many sons, of whom sprang a great many illustrious branches of the serene race of the Stewarts. Sir Alexander Stewart, his eldest son, designed of Bonkill (*c*), was, upon the forfeiture of the English family of the Unfravilles, created Earl of Angus in the 1327. Sir Allan, another son, was the stem of the noble family of the Stewarts of Larnly, from whom flowed the Earls and Dukes of Lennox, which failed in the 1672; to whom his Majesty King Charles II. succeeded as his nearest and lawful heir-male (*d*). Sir Walter Stewart, the third son, of whom the Stewarts of Dal-swinton, of whom are the House of Garlies, the Earls of Galloway, by an heir of line, and at law. Sir James Stewart of Peirston, in Cunningham, of whom Innermeth, Lorn, both Lords of Parliament, Rosyth and Craigiehall, Grandtully, and several of the illustrious families of the Stewarts are branched. John Stewart of Jedwith was the youngest son that I have seen any authentic voucher for: He is designed *Johannes Senescallus de Jedwith*, and is bailie to the Abbot of Kelso, in the 1325 (*e*). William Stewart of Jedwith, and sheriff of Teviotdale, his son or

(a) In the Writs of the House of Abercairny. (b) Mr David Simpson Historiographer of Scotland. (c) Dr John Barbour's Life of King Robert I. (d) The King's Retour in the Chancery. (e) Chancery of Kelso.

successor, in the reign of King Robert III. married his eldest son and heir apparent to Mariotta Stewart, only daughter and heir of Sir Walter Stewart of Dalswinton, *anno* 1397; of this double race of the Stewarts is the Earl of Galloway, as he is also of an heir-female of another brother, as we have observed in this criticism.

*William de Murreff de Tholybardine*; this is the ancestor of the most noble and illustrious family of Tullibardin, in the county of Perth, that were an early branch of the Murrays of the House of Duffus, the root of all the Murrays. The family was first raised to the honour of the peerage in the 1624, created Earls of Tullibardin in 1626, Marquis of Athol *anno* 1676, and Duke of Athol in 1723.

*John de Montgomery* is designed *del Conte de Lanerk*, and the same gentleman that comes to be designed *de Eglisbame* in the barony of Renfrew; but at that time, and long afterwards, in the county of Lanark, till the reign of Robert III. he is designed *del Count de Lanerk*, to distinguish him from *Murthak de Montgomery del Conte de Air*, who was the progenitor of the Montgomeries of Stair. Alexander Montgomery, chevalier, was his son and heir in the 1357, and is *Dominus de Eglisbame*, as *Sir John de Montgomery de Eglisbame*, his son, in the 1388, who obtained the great barony of Ardrrossan and Eglinton, by the marriage of Elizabeth, the daughter and sole heir of Sir Hugh Eglinton of that ilk, one of the two great Justiciaries of Scotland, in the reign of King David II. *anno* 1361, by Giles, or Egidia, his wife, daughter of Walter, Great Steward of Scotland, and sister to King Robert II. These facts are all vouched from the original writs of the lands and estate of Bonnyton in Edinburghshire, which this lady gives to Alexander Montgomery, her second son, in the 1387, with consent of John Montgomery of Ardrrossan, her eldest son, whose son and heir, Alexander Montgomery, is intitled *Dominus de Ardrrossan*, in the 1453, when he gives the lands of Lochlebo, &c. in the barony of Renfrew, to George Montgomery his son, to be held of him and his heirs *Dominus de Ardrrossan*: Which is confirmed by a charter under the Great Seal, I have seen thus (*f*). This *Alexander de Montgomery Dominus de Ardrrossan* was the first Lord of Parliament of the House of Montgomery nominated and invested in that newly introduced honour, by King James I. in the 1427 (*g*). Hugh Lord Montgomery was raised to the honour of Earl of Eglinton by King James IV. *anno* 1506, whose heir and successor is Alexander Earl of Eglinton.

*Reginald More de Craig*, that is of the Craig of Rowallan, who had Sir Adam, of whom the ancient and honourable family of Rowallan. Reginald was his second son, who, in the 1329, was Chamberlain of Scotland; of whom the Muirs of Abercorn, by the marriage of the heir of the great family of the Grahams. The direct male line of this house of the Muirs ended in an heir-female, Ellen, who married Sir William Lindsay of Byres, in the reign of King Robert II. *anno* 1371. He was the direct ancestor of the Lord Lindsay of the Byres, and the present Earl of Crawford; who, till they came to enjoy the title of Earl of Crawford, by the attainder of Lodowick Earl of Crawford, *anno* 1644 (*b*), carried in their coat-armour the three stars in chief of the fesse *chequé*, as the composed coat of Lindsay and Muir.

*Thomas de Montgomery*, and *Murebau de Montgomery del Count de Air*, I take to be the other great family of the Montgomeries of Stair in King's-Kyle, of whom, through a series of heirs of the Montgomeries, that barony came to be heritably transferred to the Dalrymples, the ancestors of the present John Earl of Stair.

*Walter fitz Gilbert de Hamildon*; most of our modern antiquaries, following the sentiments and opinions of a very learned antiquary, and a very worthy ingenious gentleman, Mr Hamilton of Wishaw, think that this great man, designed patronymically, was the ancestor of his Grace the Duke of Hamilton. I have some difficulty about it myself, how he came to take or assume the surname of Hamilton, or where that place lay: for it is not the barony now, and for many centuries bypast, called Hamilton; for at this time, *anno* 1292, it was then called *Baronia*

(*f*) In the hands of Sir Hugh Montgomery of Skelmorlie, the same George being his ancestor  
(*g*) He is inter *Domnos Parlamenti* 1429 in the records. (*b*) Resolved acts of Parliament.

*de Cadiow*, and was crown lands, and where our kings in these ancient times had a seat; as is clear from the many charters that are dated *apud Cadiow*. That that barony was in the crown in the time of King Robert I. is evident from a charter granted by that monarch, "Fratribus Prædicatoribus de Glasgow, de annuo reddito viginti mercarum Sterlingorum, debito et exeunte de Baronia nostra de Cadiow." It is true that King Robert, after this, gives *Waltero filio Gilberti Baroniam de Cadiow*; but no otherwise designed them patronymically, *Walterus filius Gilberti*, who is the sure and certain ancestor of the most noble and illustrious family of Hamilton; but whether he be the same individual great man with the former *Walter fitz Gilbert de Hamildon* is more than I can say, since the son of Sir Walter, the son of Sir Gilbert, does not use any surname, but is called *Dominus David filius Walteri filii Gilberti militis*, when he mortifies to the Chapter of the See of Glasgow a certain annuity out of his barony of Kinniel, anno 1361. His son David, *Dominus David, filius Davidis, filii Walteri, filii Gilberti*, in the 1375, in a charter in the rolls, designs himself *de Hamylton*. There has been something extraordinary in their resuming the surname of Hamildon, if they be descended of *Walter fitz Gilbert de Hamildon*, that I cannot account for; and I am sure, that at the same time the second Sir David Hamilton of Cadyow assumes or resumes the surname of Hamilton, *Johannes filius Walteri*, as he calls himself, his uncle, takes the surname of Hamilton, and the designation of Fingletton and Rosaven; and his brother, Sir Alexander Hamilton, in the 1387, has a charter from the crown of a part of the lands of Innerwick, and to the heirs to be procreated betwixt him and a noble lady his wife, Elizabeth, daughter and co-heir of Thomas Stewart Earl of Angus, of whom Alexander Hamilton of Innerwick, Esq. is the lineal descendant, who carries the composed coats of Hamilton and Stewart, to perpetuate the memory of that illustrious alliance, the three cinquefoils betwixt the fesse chequé of the Stewarts.

*Robert Cruck de Fingaldston* was at that time the head of an ancient family of the Crucks, who had the lands of Crucksfie, *i. e.* Cruxston, Nielston, and Fingletton, all in the barony of Renfrew; which lands came in the reign of King David II. by marriage to the Stewarts of Darnly, and to the Hamiltons of Fingletton and Preston, esteemed the first and most ancient cadet of the House of Hamilton, which failed in the person of Sir William Hamilton, who died at Exeter in November 1688, soon after the Prince of Orange's expedition to Great Britain, where he had a considerable command in the prince's army.

June 1. 1292 (i), The Lords of the Regency of Scotland then swore fealty, and made their respective submissions to King Edward I. as direct superior lord of the kingdom of Scotland, or the Guardians of the Realm, as they were called, viz.

*William Fraser*, Bishop of St Andrews; he was Chancellor of Scotland, of whom a full account may be seen in the Lives of the Chancellors of Scotland, published by Mr Crawford.

*Robert Wishart*, Bishop of Glasgow; this is the noble celebrated prelate that did so many glorious acts of patriotism for retrieving the liberties and independency of his country, when they were very near swallowed up, and on the very brink of ruin, by the encroachments the King of England, the mighty Edward I. had made, so very unjustly, upon a free people, to which the domestic divisions and animosities of contending parties had not a little contributed, and gave him the handle to form his project of subjecting the whole kingdom to him, as their Sovereign and Liege Lord, as he so frequently called and stiled himself.

*Duncan* Earl of Fife; this was Duncan the eleventh Earl of Fife, who was slain in 1298, at the battle of Falkirk.

*Alexander Cumine* Earl of Buchan, the same who was Great Justiciary of Scotland, in the reign of King Alexander III. but he died in the 1289, which weakened, in a great measure, the concord that was formerly among the great men, the Guardians.

*James*, the Great Steward of Scotland, lived through these times of disorder and confusion that ensued; his conduct was much liker the willow than the oak; and died in the 1309. His son, *Walterus Senescallus*, or Steward of Scotland, was the father of Robert II. the first of our kings of the most serene race of the Stewarts.

Sir *John Cumine* of Badenoch, senior, was the last in the commission of the regency; he was the next to the rank of the *Comites*, one of the great *barones*. His family was the root and stem of all the great, numerous, and powerful families of the Cumins. Upon the death of the young Queen Margaret of Scotland, *anno* 1290, he set up a claim for the crown; his competition was founded and derived from a very remote source, from Bethock, daughter of King Donald, whose daughter, Hexilde, was married to Sir William Cummin, Chamberlain to King William: but the claim was really so idle that he soon dropt his title, and laid aside his pretension in favour of John Baliol, who, to say the truth, had the hereditary right to the crown been as fully established by law as it has been since, no question he had the better title of any other of the claimants. He left issue by Marjory, his wife, daughter of John Baliol of Harcourt, sister to John King of Scotland, John Cummin of Badenoch, who was slain for his perfidy and treachery by King Robert the Bruce, in the church of the Minorites at Dumfries, on the 10th of February 1306. In him ended the great family of the Cumins in the male succession. He left a daughter, who was married to *David de Strathbolgy*, Earl of Athol, who, if there be any that can lay a well-founded claim to be descended of this lady, they are the heirs of line of the royal race of the Baliols, and the heirs in blood to Margaret, the eldest daughter of David Earl of Huntingdon, the root of the royal family of Scotland, that failed in the masculine line of King Alexander III. The ingenious Mr David Hume of Godscroft, and a learned polite writer in every thing but in that of history, which does not at all seem to have been his talent, has, in his History of the House of Douglas, a dissertation on the right of the family of Douglas, as being heirs to the old Baliol family, of which I may venture to say there is scarce one true word.

Our author, Mr Prynne, remarks, that along with the Guardians, the *Custodes Scotiæ*, that gave their oath of fealty to King Edward of England was *Brianus filius Allani*, if any be descended of him I can say nothing. Then *Marcus Saborensis Episcopus*, that is the Bishop of the Isles, whom my author says was “*ipsius Regni Cancellarius*,” meaning of Scotland. “*Ac nobilis vir Robertus de Brus, Dominus vallis Annandie* :” This is the noble person who competed with Baliol for the crown, in right of his mother Isabel, the second daughter of David Earl of Huntingdon, grandfather to King Robert I. *Johannes de Baliol, Dominus Galuidie*, This is that John Baliol who competed for the crown, and actually obtained it by the determination of King Edward of England, *anno* 1292, of whom our histories are so full that I cannot think it necessary to add any thing more in these critical observations.

*Patricius Dunbar Comes Marchie*; He was the first earl of the old noble family of the Earls of Dunbar, who take the title of *Comes Marchie*: He, at this time, was one of the claimants for the crown: but his title was not well founded; for he was only come of a natural daughter of King William, and was more for show than any reality that could be in his claim. From him the great and noble Earls of March descended, till they were attainted in Parliament, in the reign of King James I. *anno* 1434 (k).

*Dovenaldus Comes de Mar* is that Earl of the House of Marr that was called Grattan or Gratney, the import of which I do not know. Donald Earl of Marr, his son, was one of the Guardians of Scotland in the nonage of King David II. and was slain at the battle of Duplin *anno* 1332. In Thomas Earl of Marr the male line of the family failed, and it came to Margaret Countess of Douglas and Marr, his sister, and to James Earl of Douglas, her son, and upon his demise to Isabel Douglas, his sister, whose husband, on her resignation, was invested in the earldom of Marr,

(k) Acts of Parliament.

“cinctus gladio comitas,” as the ancient custom was; but he having no lawful issue, he surrendered the fee of the earldom to Sir Thomas Stewart, Comes, Earl of Garioch his son; and failing his heirs male, to which it is limited, it is to fall to the crown (a), which actually happened; for Thomas Earl of Garioch, the earl of the earldom, died before his own father, without any issue, so that upon the Earl's death, in the 1436, according to the settlement of the estate, it came to the king; not in virtue of any right, as is pretended by some of our historians, as being descended in blood from the ancient Earls of Marr, whose daughter King Robert the Bruce married, but because the descent of the estate in the limitation of the charter carried it so. I believe that Robert Lord Erskine and Robert Lyle of Duchall were heirs of blood and line to Lady Isabel Douglas, Countess of Marr: But she had given her estate to her husband, Sir Alexander Stewart, and he had provided it to the crown in failure of the issue male of the Earl of Garioch his son, which happened, as we have said, in the year 1436, so that King James I. came very lawfully and legally to the possession of the earldom of Marr, contrary to what is asserted by some of our historians: But I will carry this remark no further.

*Johannes Comes de Buchan*: This was the next great family of the Cumins of the House of Badenoch, he was Constable of Scotland, and *Justiciarius Galuidie*. He was inflexibly attached to the English interest in the time of King Robert the Bruce, and strenuously opposed all the struggles he made for recovering the liberties of his country; for which he lost his estate in Scotland, and brought ruin on his family, and died a banished man in England.

*Johannes Comes Atholie* is the next in the list. This noble Earl, though he had been in the English interest, yet he was one of the few of the nobility who joined King Robert the Bruce, when he set the crown on his head in the 1306. But in the course of the war, falling into the hands of the enemy, he was by order of the king of England sent prisoner to England; and though, it is remarkable, he was of the blood royal, and allied to the English Monarch himself, yet so inexorably was he set on rage, to revenge any attempt a Scotsman, of whatsoever quality, that durst attempt any thing to controul his conquest over Scotland, that he ordered him to be executed with the rest of the prisoners. All the favour he had, if it was a favour at all, was, he was preferred to a higher gallows than any of his countrymen; so it may be well said he died a martyr for his country and the liberties thereof. His son, *David de Strathbolgy* Earl of Athol, was once in high favour with King Robert, who made him High Constable of Scotland; but after that, in the 1312, he revolted to the English, and was a strenuous and indefatigable worker of all the mischief to his country that ever fell in his way, or was in his power: so his family was forfeited, and the earldom of Athol was given to Sir William Douglas Lord of Liddisdale.

After the Earl of Athol, the next in the roll is *Gilbertus Comes de Angus*; he was an Englishman of the surname of Umfraville; he was forfeited and lost his estate in Scotland by an article of the peace concluded with England *anno* 1327. It was agreed that no Englishman should henceforth possess any lands in Scotland, but such as should reside in that kingdom, and renounce their allegiance to the crown of England; by which all the Scots in the English interest were for ever exiled: and then king Robert, to reward the merit of one of his own loyal and well-deserving subjects. Sir Alexander Stewart of Bonkill, gave to him the earldom and honour of Earl of Angus.

*Malcolmes Comes de Levenax* or *Lenax*. The first ancestor of the family of Lennox I find from any voucher of authority that I could well depend on was, Aykfrith or Egrfrith, an English Saxon Lord, cotemporary with King Canute and Edward the Confessor, was Lord of Dent Sadbergh. &c. in Yorkshire (b), he was also seigneur of the baronies of Askrig, Holtby, Marrick, Burgh, Ilkton, Newton, Tanfield, Wath, Melmerby, Normanby, &c. all in the same county (c). He died pro-

(a) Charter in the register of King James I. (b) Thoresby Ducatus Leodiensis, page 71. (c) Extra. ex. libro vulgo vocat. Domesday Book. in Registro Honoris de Richmond, Appendix page 57.

bably in the latter end of Edward the Confessor, anno 1065, and was succeeded by his eldest son

*Arkyll* or *Arkil* (*c*). Chevalier, as he is called in old records (*d*), he was possessor not only of the above baronies, but also of the lands of Hackforth, Hornby, Laybrun, Brumpton, Cathorp, &c. (*e*). He had also a very great estate in Northumberland, being called by *Ordericus Vitalis*, a cotemporary writer, the most powerful man in Northumberland, &c. "Arkyllus Nordanhymbrorum potentissimus cum rege concordiam fecit, eique filium suum obsidem tradidit (*f*)."  
He married Sigrida, daughter to a powerful baron in Yorkshire, *Kilvert filius Lixulfi*, by Ecfrida his wife, daughter to Aldwinus, Bishop of Durham; for the celibacy of the clergy had not then obtained either in England or among us (*g*). By her he had, first, Cospatrick, who married the daughter of *Dolphinus filius Torfini*, by whom he had a son, Cospatrick, who was cotemporary with *Simeon Danelmensis*. His posterity probably ended in an heir-female, to whom Monsieur *Adam de Stavelay* was heir (*h*). Arkyll, after he had fought stoutly for two years for the honour, liberties, and independency of his country against William the Conqueror, was constrained at last, in the beginning of the year 1068, to submit to that victorious prince, and gave up his son, Cospatrick, as an hostage for his fidelity, who being young, was not concerned in the rebellion of his father, by which means he kept a good deal of his father's estate (*i*), who was forfeited and banished the latter end of that year upon the suppression of the Yorkshire In-urrection, in which he bore a considerable share, as is mentioned by the above cited *Ordericus Vitalis*. "Eodem tamen anno, Arkyllus inter rebelles fuit Eboracenses, quibus profligatis, a conquestore in exilium actus est (*k*)."  
Upon his defeat in England, he, with many other great men who had opposed the conquest, fled to Scotland to King Malcolm III. who that very year having married Margaret, sister to Edgar Atheling, the true and lineal heir of the English crown, received all the Saxon exiles with open arms, gave them estates in Scotland, and other rewards suitable to their birth and merit, of which our Arkyll had his share. It is uncertain at what time this great man died; but it is very clear and evident he was succeeded in his Scots estate by his son *Alwynus*, or as he is designed in our most ancient and earliest vouchers, *Alwynus Macarkyll*, or, *Alwynus filius Arkyll* (*l*): he appears soon in the reign of King David, being witness with *Constantinus Comes de Fyfe*, in a confirmation by King David to the monastery of Dunfermline, which behaved to be before the 1128, that his son Earl Gilemichael is that year witness to the foundation of the abbey of Holyroodhouse, *Abbatia Sancte Crucis de Edinburc* (*m*). He is also witness to very many of the royal charters by King Malcolm IV. and was seemingly in the same high degree of favour he had been with this king's grandfather. He seems to be in a good degree of confidence with King William the Lyon; but the truth is, I cannot precisely determine whether it was by King Malcolm IV. or his brother King William, that he had the large and far extended territory of the Levenax or Lennox erected into a comital dignity; yet sure we are, that if it was not by King Malcolm, it was very early in the reign of King William, who came to the throne in 1165: it is as uncertain the time of his demise; but it has been soon after his creation to be *Comes de Levenax*. He left behind him two sons, *Alwine*, his successor in the earldom, and *Eth*, or *Ethus*, as it is rendered in English *Hugh*, who is witness in a charter of the lands of *Meybotbel* in Carrick, granted by *Duncanus filius Gilbertii filii Fergusii*, who himself was afterwards *Comes de Carrick*, to the Monks of Melrose (*n*); although this charter has no precise date, yet, by the *Chronicon de Melross*, it appears to be in the 1193 (*o*). As to the posterity of this *Eth*, I have found nothing certain, unless *Dovenald le fitz Michael More de Levenax*, afterwards mentioned in this roll, be come of him; but this we offer as a conjecture, and no more.

(*c*) Extra. ex libro vulgo vocat. Domesday book. in Registro Honoris de Richmond, appendix page 57. (*d*) Ibidem. (*e*) Ex libro Domesday. (*f*) Ordericus Vitalis ad annum 1068, Historie Normann. Scriptores page 511. (*g*) Simeon Danelmensis, page 82. (*h*) Registrum honoris de Richmond, appendix, page 61. (*i*) Extra. ex libro Domesday. (*k*) Ordericus Vitalis ubi supra, page 513, ac Simeon Danelmensis, ut supra, page 82. (*l*) Chartul. of Dunfermline, and the most of the other chartularies, and royal deeds and grants of King David I. (*m*) Chronicon Sancte Crucis de Edin. in Wharton's Angla Sacra. (*n*) Autographum penes Comitem de Merton. (*o*) Chron. de Melross, page 179.

*Alluine*, the son and heir of the former *Allwine Comes de Levenax* (*a*), must have been very young at the death of his father, for his ward was in the crown, and given by King William to his brother David Earl of Huntingdon and Garioch; for, in a deed of inquisition concerning the lands of *Monach-Kenneran, super amnem de Clyde*, dated 1233, the monks of Paisley prove, by several witnesses, that their monastery was in possession of these lands, “eo tempore, quo David Comes, frater regis Wilhelmi, habuit et possedit comitatum de Levenax (*b*);” which can be constructed no other than that by the feudal law he had the ward of the young earl at the time, till he came to full age. This noble ancient Earl *Alluine*, designed *filius Alluini Comitis de Levenax*, left a most numerous progeny of sons; but his lady’s name I have not been able to trace out, of whom I shall treat in order of their primogeniture, as far at least as can be guessed by their precedency in witnessing charters, and other probable conjectures: but we are sure his eldest son, and the heir of the family of Lennox, was

I. *Malduin*; of whom and his posterity more hereafter.

II. *Duffgallus*, or *Dugallus*, who was Rector of the church of Kilpatrick (*c*); but being a churchman he left no issue.

III. *Malcolm*, who got of the family the lands of Campsie, a part of the earldom of Lennox in patrimony (*d*). He had only one son, *Finlay*, commonly designed *Finlayus de Campsie*, and *Finlaus filius Malcolmmi* (*e*). This *Finlay* had only three daughters who were co-heirs to him, as well as they are found heirs to their great uncle the above *Dugall*, Rector of *Kilpatrick* (*f*); first, *Mary*, who was married to *Johannes de Warderoba*; second, *Elena* to *Bernardus de Erth*; third, *Förveleth* to *Norinus de Monorgund* (*g*).

IV. *Amelick*, who is, in old writs, called *Havel*, *Hamelin*, or *Amelick* (*h*), who got from the family as a portion, the lands of Rosneath, in the earldom of Lennox, and gave the church thereof in “*liberam, puram, et perpetuam elemosynam*,” to the abbacy of Paisley (*i*). He left two sons, *Duncan* and *Amelick*, *filius Amelick*, *niles*, and, in old deeds, designed *Amelick, junior*, to distinguish him from his father (*k*): but we cannot trace their posterity; for the lands of Rosneath, not long after this, came to the Earls of Monteith, “*et Maria Comitissa de Monteith*” is in possession of them in the beginning of the reign of King David Bruce.

V. *Gilchrist*, who obtained in patrimony from *Malduin* Earl of Lennox, his brother, the lands of Arroquhar in the upper part of the earldom of Lennox (*l*), and was the ancestor to the Laird of Macfarlane; of him more will be said hereafter, as also of his posterity, who are now, for ought that yet appears, the only remaining branch of this once great and flourishing family.

VI. *Duncanus*, whom I have found witness in a charter granted by his brother, “*Maldoneus Comes de Levenax, Umphredo de Kilpatrick, de tota terra de Colquhoun* (*m*).”

VII. *Henricus*, who is witness in a charter, whereby his brother, Earl *Malduin*, gave to “*Gilmore filio Maldonei, illam terram quæ dicitur Luss* (*n*).”

VIII. *Christinus*, who is a frequent witness to his brother Earl *Malduin*’s charters, particularly of one granted by him, “*Mauritio filio Galbreth, de tota Carru-cata terræ de Cartonvenach* (*o*).” These three last brothers had no posterity that we read of. Earl *Alluin*’s only daughter, *Eva*, was married to *Malcolm*, the son of *Duncan*, Thane of Callendar, with whom he got from her brother the barony of *Kilinsyth*, in the earldom of Lennox, now the estate of *Kilsyth*, in the shire of Stirling (*p*).

To this Earl succeeded his eldest son

*Malduin*, or *Maldoneus*, or *Malduine Comes de Lennox*, the third earl of the line, about the end of the reign of King William. He was a great benefactor to the

(*a*) Chartulary of Glasgow, in the custody of the Faculty of the University of Glasgow. (*b*) Chart. of Paisley. (*c*) Chartulary of Paisley inquisition, ad annum 1271. (*d*) Ibidem. (*e*) Ibidem, and the chartulary of Lennox. (*f*) Chart. of Paisley. (*g*) Ibidem, as appears from different charters there. (*h*) Ibidem, and the chartulary of Lennox. (*i*) Ibidem, ad annum 1226. (*k*) Ibidem. (*l*) Charta penes Walterum Macfarlane, de eodem, ac etiam charta in publicis archivis. (*m*) Chartulary of Lennox, page 22, and 92. (*n*) Ibidem, page 25. (*o*) Ibidem, page 65. (*p*) The original was in the custody of the late Viscount of Kilsyth.

See of Glasgow, and abbeys of Paisley, Arbroath, and Kelso (*a*). The last mention that I have found of him is in the 1250. He married Elizabeth, daughter of Walter Lord High Steward of Scotland, ancestor to the royal family of Stewart (*b*); by whom he had only one son, Malcolm, *filius Maldrwini Comitis*, Lord of the Lennox, who died before his father *anno* 1248 (*c*); and so was never *Comes de Lennox*, but was father to Malcolm II. of that name, and the fourth Earl of Lennox. He obtained a charter from King Alexander III. erecting to him and his heirs a large tract of ground in *liberam Wavennam*, a free forestry, dated “*apud Kynstore, anno* 1272, *sexto die Julii* (*d*).” He is frequently mentioned in the second volume of the *Fœdera*, *anno* 1284 (*e*). He died probably in or about 1280, and was succeeded by his only son

*Malcolm*, the third of that name, and the fifth Earl of Lennox, who was the faithful Achilles of King Robert I. and had the honour to stick firm to his master in all the adverse fortunes that befel him, when all his other subjects deserted him, Sir Gilbert Hay and Sir James Douglas only excepted. He was one of the Scots earls who invaded England in 1297 (*f*); and, after a great many dangers he had undergone in defence of his country, he was at last slain fighting gloriously in the defence of the liberties thereof, at the battle of Halidonhill, near Berwick, July 19. 1333 (*g*). He was succeeded by his son

*Donaldus, Comes de Lennox*, who is one of the *Comites et Magnates Scotia*, who grant a commission to divers plenipotentiaries to treat anent the ransom of King David II. *anno* 1357 (*h*). He died in 1372.

This Donald Earl of Lennox was the first instance that I have ever observed that broke in upon the old feudal constitution, and altered the succession, if it was never so remote, from an heir-male to an heir of line and at law; for he altered the ancient investitures of his estate, that from the beginning of our law had been uniformly limited to heirs-male of him that first received the feu; and, instead of suffering his estate and the honour, for these at that time were inseparable, to go in the ancient channel to his cousin and nearest heir-male, Malcolm Macfarlane of Arroquhar, the ancestor of the Laird of Macfarlane, he settled it on his daughter, Margaret, and Walter, the son of Allan of Foscelyne, her husband, and their heirs; which accordingly Duncan Earl of Lennox enjoyed, who was their son, till he was attainted, and suffered, as in cases of treason, for being accessory to the treason of the Duke of Albany, his son-in-law, in 1427: so the heir-male of the most ancient race of the Earls of Lennox is Walter Macfarlane of that ilk; and, as such, wears the principal arms of the family, the cross ingrailed betwixt the four roses.

The next great man that made his submission in the Ragman-Roll, is *Walterus Comes de Monteith*, who was a Stewart by blood, and brother to the Great Steward of Scotland, and came to be *Comes de Monteith*, in right of a lady the heiress, his wife. He left the surname of Stewart, and his sons assumed the name of Monteith, and were spread into several noble branches as the Monteiths of Rusky, and the Monteiths Lords of Arran, *Dominus de Arran & Knapdale* (*i*), as we see them designed. The race of those Earls ended in an heir-female, who married Sir John Graham, who thereby became Earl of Monteith. He was executed in England after the battle of Durham, by a special commission from the crown of England for that effect (*k*), *anno* 1346. By his heir-female the earldom came to Robert Stewart, the second son of King Robert II. who, upon that, was *Comes de Monteith*, after that Earl of Fife, and then Duke of Albany. He was regent during the captivity of King James I. from the 1406, till his own death 1419.

Of *Johannes Camine, Dominus de Badenoch*, and *Jacobus Senescallus Scotia*, we have already treated.

(*a*) Chartularies of Glasgow, Paisley, and Arbroath. (*b*) Chartulary of Paisley. (*c*) Autographum penes Ducem de Montrose. (*d*) Chartulary of Lennox. (*e*) Rymer, ut supra. (*f*) Walsingham, Matthew Westminster and Henry Knighton. (*g*) Henricus de Knighton, inter decem scriptores Angliæ. (*h*) Rymer, tom. 6. p. 43. (*i*) In the Registers. (*k*) *Fœdera Angliæ*.

Next to them is recorded *Willielmus de Soulis*, and *Johannes de Soulis*. I take them to be brothers; the eldest, William, is *Dominus de Lydisdale*; they were great men in the south; but inflexibly all attached to the English side, for which they lost their estate, that, by gift and donation of the crown, came to Sir William Douglas, son to Sir *James Douglas de Laudonia*, of whom our histories are full, by the designation of *Dominus Vallis de Lydal*; and, for his bravery, distinguished by the title of the Flower of Chivalry.

*Willielmus de Sancto Claro*; I take this gentleman to be a branch of the Sinclairs; but neither the families of Roslin nor Hermiston.

*Radulphus de Hauden, i. e. Haldane*, or Haden, of that ilk, was a very ancient family in Teviotdale, now extinct. The heir of line was married to John Haldane of Lanrick. Gleneagles is very justly reputed an ancient family; they have a charter from King William, "Roger de Hauden, de tota terra de Frandie in Glene-dovan, per rectas divisas suas, in feodo & hæreditate. Testibus Mattheo Episcopo Aberdonen. Comite Duncano, Comite Gilberto, Ricardo de Prebenda, Philippo de Valoniis Camerario meo, Willielmo Cumine, Johanne de Hasting, Malisio fratre Comitis Gilberti, Malcolmo filio Comitis Duncani, Willielmo de Valens, David de Hayia, Alexandro filio Thori, apud Clacmanan." The family rose gradually to be one of the most considerable in the kingdom, chiefly by marriage. Sir Simon, one of the heads of the family, got an estate in Perthshire, by the marriage of a lady, who was named *Matilda de Arnotts, i. e. Arnot*. In little more than a century after that, John Haldane, son and heir apparent of Sir Bernard Haldane of Gleneagles, got the fourth part of the earldom of Lennox, by the marriage of Agnes Monteith, daughter and co-heir of Robert Monteith of Rusky, and of Elizabeth, one of the daughters of Duncan, the last of the race of the Earls of Lennox. He was in high favour with James III, who gave him charters of a part of the earldom of Lennox, with some specialties, intimating, that his lady, Dame Agnes Monteith, was a co-heir to her grandfather, as I apprehend. He was sent ambassador to the crown of Denmark; he was sheriff-principal of the shire of Edinburgh; and, in the 1482, with George Lord Seaton, Alexander Ramsay of Dalhousie, and Robert Logan of Restalrig, are made joint captains, chieftains, keepers, and governors of the town of Berwick, and to defend it against the invasion of our old enemies of England. James Haldane of Gleneagles, his son, in the 18th of King James IV. is made Keeper of the King's Castle of Dunbar, and is allowed to take out briefes from the Chancery, for serving him as one of the heirs of Duncan Earl of Lennox, 1473. He had a long and tedious suit at law with the Lord Darnly anent the superiority of the Earldom of Lennox; and when these disputes came to be settled and adjusted, then he assumed the quartered coat of the House of Lennox and Monteith, in the second and third quarter of his achievement, which is still borne by his lineal heir Mungo Haldane of Gleneagles without any variation.

In the same deed of submission there is *Patricius Graham*, who is the head of the Kincardine family, the illustrious ancestor of his Grace the Duke of Montrose, who were raised to be Earls of Montrose by King James IV. in 1505, Marquis by King Charles I. in the 1644, and Duke by Queen Anne in the 1706.

After *Patricius de Graham* there is *Thomas Radulphi*; this is that great patriot Sir Thomas Randolph, nephew to King Robert I. by whom he was afterwards meritoriously raised to the dignity of Earl of Murray, Lord of Annandale, and of the Isle of Man, whom all Scots historians, ancient and modern, extol above all others, for warlike honour and glory, next to King Robert himself. He died Governor of Scotland in the minority of King David II. anno 1331. The historians seem to have an emulation, and vie with one another who can do most honour to the valiant and ever renowned Earl of Murray, and transmit his fame to posterity, with the praise and merit he so highly deserved. His son, John Earl of Murray, a hero like himself, was slain at the battle of Durham, anno 1346, with this circumstance of regret, that he left no issue to inherit the virtues of their noble progenitors, from whom they derived so much honour along with their blood.

*Alexander de Baliollo Camerarius Scotiae*, in the same roll of fealty. He was Baron of the barony of Cavers in Teviotdale. He was a son of the Baliol family,

and is designed Baron of Cavers in many authentic vouchers in Rymer and the chartularie, as may be seen by more vouchers in the Life of Alexander Baliol of Cavers, Chamberlain of Scotland, in the Lives of the Officers of State, p. 266.

*Johannes Senescalli*; this is John Stewart of Bonkill, and in other places of this record, where he made his submission to the King of England, *frater germanus Jacobi Senescalli Scotiæ*.

*Willielmus Cumine*, who is of Kilbride, in Lanarkshire, whose son, John Cumin, was forfeited for adhering to the English, and the barony of Kilbride was given by King Robert I. to his grandson Robert, Steward of Scotland, afterwards King Robert II. Robert III. in the 1404, gave the barony of Kilbride, *Jacobi Senescalli filio suo notariali*, who is designed *Dominus de Kilbride*, in several charters and other deeds I have seen, to which his seal is set, the lion of Scotland, within the tressure, as in the royal bearing, within a bordure chequé of the Stewarts (a). His issue failing, the lands fell back to the crown, and became a part of the principality.

*Ingelramus de Umfraville* was a branch of the Umfraville family that were Englishmen, but possessed of a great estate in Angus, and elsewhere, which they lost, because they would not renounce their allegiance to England, and turn honest Scotsmen. In the rolls of King Robert I. there are charters of land granted by that prince, upon the narrative, that the lands had formerly belonged, and forfeited to the crown, by the attainder of *Ingelramus de Umfraville*.

*Willielmus de Moravia de Tollybardine*; this is the ancestor of the House of Tullibardin, now arrived to the dignity of the dukedom of Athol; of whom already in these remarks.

*Radulphus de Crawforde*; this is the same gentleman whom we find in another place of this record intitled, *Reginaldus de Crawford, del Comte de Air*, and who is *Vicecomes de Air*. He was the head of the great and ancient family of the Crawfords of Loudon, whose ancestor, *Reginaldus de Crawford Vicecomes de Air, anno 1220*, was the first of the name who was baton of the barony of Loudon, which he procured by the heiress of *Jacobus de Loudon*, in the reign of Alexander II. or may be sooner.

*Hugh de Crawford*, his eldest son, is designed *Hugo filius Reginaldi de Crawford*, who, with his father and other great persons, is witness to the charter by "Wal-terus Senescallus Scotiæ, Deo & Beate Mariæ de Dalmullin, de terris & pastura de Drumelly." He had also, by the grant of "Allanus filius Rollandi de Galloweia, pro homagio et servitio suo terras de Monoch per divisas suas," which is ratified by a charter of King Alexander II. "apud Cadichow, ultimo die Maii anno regni nostri duodecimo," i. e. 1226 (b). The same *Hugo de Crawford* is one of the *Magnates et Barones Scotiæ* who put themselves into the protection of the King of England, in the commotions that then happened, 1255. He had another charter from the great Constable his superior, "de tota terra de Crosby," which is still enjoyed by his descendants the Crawfords of Auchinames (c).

To this first *Hugo de Crawford* succeeded his son the next *Baro de Loudon*, who is designed *Hugo de Crawford, filius Hugonis de Crawford*, when he gives by his charter, "Reginaldo fratri suo certas terras, quas ille tenuit de Domino Rogero Comite Wintoniæ." He, *Hugo de Crawford*, settled a contest with the Abbot of Kelso, "cum consensu Alicie sponsæ suæ," to which he, *Dominus Hugo*, appends his seal; and because Reginald, his son, had not a seal of his own, he uses the seal *Domini Simonis Fraser, anno 1271* (d). He, *Reginaldus de Crawford*, was *Vicecomes de Air*, in the competition for the crown betwixt the Bruce and the Baliol; and when matters came to a crisis, in the event of that contest, no Scotsman ever acted the part more of a firm and inflexible patriot than Sir Reginald Crawford, or was more firm in asserting, with zeal and intrepid courage, the liberties of his country; so that he was an eye-sore to the English, and all that were in their interest through the west. True it is, that at the first breaking out of the war, he was carried down with the stream of complying with England, and gave his

(a) In the hands of the Laird of Earnock. (b) Penes Comitem de Loudon. (c) Ibidem. (d) Chartulariy of Kelso.

oath of fidelity, as most others did, to the victorious King Edward; but honestly apprehending that obligation to be of no force, he joined with the very first of those worthy patriots who set up to recover and redeem their sinking liberties. The general of the English forces pretending and suing for a truce, it was intimated to Sir Reginald Crawford; he and his friends, suspecting no treachery, since they had all the assurances the faith of man could give for their security. The Barns at Ayr was the place of meeting; but he was no sooner entered into the place, than, without so much as the form of justice, he and Sir Allan Montgomery were presently put to death, and executed as traitors to the King of England; this was in the year 1297. He left a son and heir, named Sir Ronald, or Reginald, called Sir Ronald the younger, who was just such another patriot for the defence of the liberties of his distressed country as his father had been. He was among the first of his countrymen who joined Sir William Wallace, and was with him in all the dangers he was exposed to, till he laid down his commission. Sir Ronald Crawford was among the first who resorted to King Robert, when he set to recover the lost liberties of his country, as well as to maintain his own right; but being quickly after that detached with a party into Galloway, with two of the king's brothers, Thomas and Alexander Bruces, they were attacked by a strong party of the enemy, under the command of one Duncan M'Dowall, who defeated Sir Ronald and the two Bruces, and were all three sent to London prisoners, where they were condemned to death and executed in the 1306 (a), without respect either to their merit or quality, which lays a great load on the memory of that king, who could destroy and cut off such men, whose only crime was, they were strenuous supporters of the liberty and independency of their country. This gallant man left only one daughter, his sole heir, Dame Susan Crawford, who married Sir Duncan Campbell, son to Sir Donald Campbell of Red-Castle, whereupon they have an investiture under the Great Seal of the great estate of Loudon to them and their heirs; which failing, to the lady and her heirs, though part of the charter (b) runs thus, "Robertus, Dei gratia, &c. Sciatis nos dedisse, & concessisse  
 "Duncano Campbel, militi, omnes terras de Loudon & de Stenston cum pertinentiis, in Cuningham, prædictis, Duncano & Susannæ sponsæ suæ hæreditarie  
 "contingentes ratione dictæ sponsæ tenen. & haben. eidem Duncano & Susannæ  
 "sponsæ suæ & eorum hæredibus inter ipsos legitime procreatis, in unam integram liberam baroniam, &c. Si vero contingat prædictum Duncanum in fatis  
 "decedere, nullo hærede relicto superstitute inter ipsum & præfatam Susannam legitime procreato, volumus quod prædictæ terræ cum pertinentiis ad præfatam  
 "Susannam & propinquiores hæredes suas sine aliqua contradictione revertantur;  
 "apud Penycook quarto die Januarii anno regni nostri duodecimo." The next after Sir Reginald Crawford is

*Henricus de Sancto Claro:* This was the heir of the great family of the Sinclairs of Roslin, who not only overtopped the other families of the Sinclairs who were equal to them in antiquity, but most of the noble families in the kingdom, for they were Earls of Orkney and then of Caithness: The last great man of the family broke his estate, in a great measure, by passing by his eldest son in the succession, and giving the fee of the earldom of Caithness to one of his sons by a second marriage, and the rest of his estate to another son of the same marriage: But, after the father's death, the brother, who got the earldom of Caithness, kept the estate he had got; but the other brother, Sir Oliver Sinclair of Roslin, having, it seems, a thorough conviction in his own conscience of the injustice his father had done to the eldest brother, generously gave him back the estate of the family in Fife; after which Sir Henry Sinclair, son of Sir William Sinclair, the eldest son, became, as the act of creation bears, and which is an act of Parliament, chief of the blood, and heir to his grandfather, and is created and nominated in all time coming to be Lord Sinclair, *anno 1458*. Of this noble lord the Sinclairs' family are the lineal heirs, and consequently chief of the illustrious family of the Earls of Orkney and Caithness. The records, after Sir Henry Sinclair, *miles*, add *Caterique Barones Regni Scotia*.

(a) He left a daughter. This passage is from Dr Mackenzie. (b) Charta Comitum de Loudon.

On the 5th of July *anno* 1291, the author remarks that "Nobilis vir Willielmus de Douglas in capella manerii Domini Walteri de Lindsay apud Thurston, venit & fidelitatem fecit Domino Regi Angliæ, ac superiori & directo Domino Regni Scotiæ," before and in presence of Anthony, Bishop of Durham, and Allan, Bishop of Caithness, who was then Chancellor. This is the famous Sir William Douglas of that ilk, *Dominus ejusdem*, as I see him designed. It is true this brave gallant man fell off from the English again; but the truth is, he was forced to make a second form of submission to the King of England, though it was much against the grain with him; suspecting he was never true to them, they imprisoned him in Berwick, where he died, *anno* 1303. He was happy in two noble sons, Sir James, Lord, or *Dominus de Douglas*, and Sir Archibald, another hero, who was Guardian of Scotland in the minority of King David the Bruce, and lost his life at the battle of Halidonhill in the 1333. It is a common mistake that he was ever *Dominus Galuidie*, or had any pretence of a title to it, it was another Sir Archibald Douglas that got the *Dominium Galuidie* from King David, in the 1371. The gentleman, in whose chapel at Thurston Sir William Douglas gave his oath of fealty and submission, was Sir Walter Lindsay of Thurston and Craigie, a very ancient family of the Lindsays, which, in the days of King Robert II. by the heir-female of John Lindsay of Craigie, came to Sir Hugh Wallace of Riccarton, of whom flowed the Wallaces of Craigie, who carry the coat of Lindsay in the first and fourth quarter of their achievement.

On the 8th of July the King of England being in *Castro puellarum*, that is the castle of Edinburgh, there swore allegiance to him *Adam*, Abbot of the Monastery of Holyroodhouse, near Edinburgh, & *Dominus Ricardus Frisel*; who this gentleman is I cannot say, the noble surname of Fraser were then so numerous, if he be not the proprietor of Makerston, which came to the Frasers by marriage of the heir of the Corbets; but as to this I dare not be positive.

At the castle of Strivelyn, (Stirling), July 12. swore *William*, Bishop of Dunblane, and *Malise* Earl of Strathern. He was a very loyal patriot, and had a son, Malise, who was his successor in the honour, and was that Earl that was forfeited by Edward Baliol, as the pretender to the throne of Scotland, in 1332, and the earldom of Strathern, as far as his gift and donation could go, was bestowed on the Earl of Warren, an English lord, who thereupon is designed *Comes de Strathern* & *Comes de Surry* (a). But it is certain he never was forfeited, I mean the Earl of Strathern, by any legal king of Scotland: However, though he left several daughters by his lady, who was heir of the earldom of Caithness, yet none of them succeeded him in his dignity of *Comes de Strathern*; it came to his nephew Sir Maurice Murray of Drumsargard, who, in sundry deeds, authentic vouchers, and records, is designed *Mauritius de Moravia*, *Comes de Strathern*; but he being slain at the battle of Durham, the honour went no farther in that race.

*Galfride de Mowbray*, or *Godofride Mowbray*, was Baron of the baronies of Dalmeny, Barnbogle, and Inverkeithing; he, and his friends the Mowbrays, in those times, were sometimes in the interest of their country, and sometimes on the English side; sometimes forfeited for their disloyalty, sometimes restored again, through all the reign of King Robert I. and a part of his son's David II.; at last they turned loyal and got back their estate, and were great barons, by the title of Barnbogle, and *Domini de Innerkeithing*. The direct male of this great family of the Mowbrays of Barnbogle subsisted till King James V.'s time, that Sir John Mowbray of Barnbogle left a daughter, his heir, who married Robert Burton, son to Sir Robert Barton of Over-Barnton, by Dame Elizabeth Crawford his wife, who, by act of Parliament, changed the surname to Mowbray. In this line the House of Barnbogle lasted till after the restoration of King Charles II. The heir-male, and the true representative of the great Lords of Barnbogle, and *Domini Baronicæ de Innerkeithing*, is the branch of the Mowbrays of Culcairn in Fife, in the barony of Inverkeithing; their ancestor, from the original charter of the lands, I have seen, is granted by Sir John Mowbray of Barnbogle, to William Mowbray

(a) Rymer and Dugdale.

*patruo suo*, his father's brother, in the 1511, from whom, in a very distinct and accurate progress, is lineally come Robert Mowbray, now of Culcairn.

*Willielmus de Rotbein*; that is plainly the name of Ruthven, who were a great family, and an ancient house, and had long continued in Perthshire: Their ancestor was a great man, *Suanus filius Tbori*, who had a patronymic name before they took the name of Ruthven; they rose to be peers in the 1487, and to be Earls of Gowrie in 1581, and fell by that execrable attempt the two brothers made to have bereaved King James of his life, at the Earl of Gowrie's own lodging in the town of Perth, the 5th of August 1601; for which, by act of Parliament, the surname was discharged, and the 5th of August appointed for ever to be a day of thanksgiving for his Majesty's merciful deliverance.

On the 17th June at Dunfermline, then severals gave their oath of allegiance and submission to King Edward I. *Rudolphus* abbot of Dunfermline, & *Nobilis Vir Dominus Andreas Fraser*. This was another branch of the great and splendid House of the Frasers of Oliver-Castle, and Sheriffs of Tweeddale: This Sir Andrew was Sheriff of Stirling, and *Dominus de Touch*, which afterwards came to the Hays of Tullibody, and by marriage of Egidia, daughter and heir of John Hay of Tullibody, that estate came to Alexander Seaton of Gordon, the first who was, in the reign of King James II., invested in the honour of the Earl of Huntly, 1449: By this lady he had a son, Alexander Seaton, who in many deeds extant is designed "filius et haeres apparens Alexandri Seaton de Gordon;" he gave to his eldest son the estate of Tullibody, Touch, and the barony of Gordon in the south. He kept the surname of Seaton, and quartered the arms of Hay with those of Seaton, of whom, in a lineal course of succession, is the present Seaton of Touch. The first Earl of Huntly took the fancy to change his name from Seaton to Gordon, and got the estate and the honour of the earldom of Huntly limited to him, and the heirs-male of his second marriage, with a lady of the House of Crichton. His lineal heir, flowing from the second marriage, is his Grace the Duke of Gordon.

*Willielmus de Hayia*, I have very probable grounds of conjecture, is the ancient family of the Hays of Naughton in Fife, which came afterwards to the Crichtons by marriage, from whose heirs the estate was purchased by Mr Peter Hay of the Hays of Megginch in Perthshire.

*Andreas de Moravia*; There are so many great men of the name of Murray at this time that it is hard now to distinguish them. Who this gentleman precisely is, I cannot say.

Next to him is *Constantinus de Lochore, Vicecomes de Fife*; a very learned author says, he was *Vicecomes de Fife* in 1290, and had his residence in that county; the estate of the Lochores of that ilk, in the reign of King Robert I., went by marriage to *Adam de Valoniis*, whose heritage, in the succeeding reign, came to heirs-female. The eldest was married to Henry Wardlaw of Torry, and that way got the estate of Wester-Lochore; the second to Roger Boswell, the ancestor of the Boswells of Balmuto, and got that way the estate of Auchterderran, Glassmont, and Muircambus: the third daughter, and heir of Lochore, was married to Sir Andrew Livingston of Drumray and Easter-Wemyss, and got that way the half of Auchterderen.

19th July, *In capella de Kinghorn, Dominus Johannes de Moravia*, who is Murray of Drumsargard, of whom is come the Murrays of Abercairnny.

*Michael Scott*. This is the ancestor of the once great House of the Scotts of Balwylie in Fife, who were surpassed by few families there, either for antiquity or grandeur. They were come of Sir Michael Scott, in the reign of King Alexander II. who is witness to the charter by that prince to the abbey of Kinloss (a). He got the estate of Balwylie by the marriage of the heir of *Richard de Balweiry*, and had that famous knight Sir Michael Scott of Balwylie, who, with Sir Michael Wemyss, was sent to bring over from Norway the young Queen Margaret, the grandchild of King Alexander III. He, or his son, another Sir Michael Scott of Balwylie,

(a) Dalrymple's Appendix.

was sent ambassador from King Robert I. to demand the arrears from the King of Norway; another of them, Sir Michael Scott of Balwyrie, was sent to England in place of another of the hostages of King James I. Sir William Scott of Balwyrie was slain at Flodden. Sir William, his son, was conjunct Justiciary with the Earl of Murray and the Lord Erskine, before it came to be hereditarily vested in the House of Argyle. Mr Thomas Scott of Pitgorno and Abbotshall was a brother of the family, he was Justice-Clerk in King James V's time. The family, though they be long out of the estate, are still represented by Scott of Ancrum, baronet, in Teviotdale (b).

*Ivone de Kinross* is after Sir Michael Scott; The estate of Kinross was at this time, and afterwards, possessed by those of the same surname, and those of the surname had lately the lands of Kippenross.

*Thomas Kier*. Who this is I cannot say; but he has been a man of rank and condition, for, being the last in that roll, *militibus* is added to them, which imports they were knights.

*Apud Sanctum Andream*. There swore to the King of England the usual oath of submission, "Johannes Prior Sancti Andree, una cum nobilibus viris, Domino "Adam de Ratrief:" This is the head of the ancient family of Rattray of that Ilk, in Perthshire, which subsisted till King James V's time, that the heiress was married to the Earl of Athol, and Rattray of Craighall is the heir-male.

*Willielmus de Maulia* is the head of the family of the noble Earls of Panmure, who have been a family subsisting from King Malcolm's time, though they did not attain to the peerage till the 1646. Patrick Maule of Panmure was created Earl of Panmure. See the Peerage of Scotland, and Lives of the Great Chamberlains, where a full account is given of this noble family, to which I can add nothing, save that this *Willielmus de Maulia de Panmure*, had a discharge for a part of his relief from the King of England, *apud Bornie, ximo die Julii*.

*Alexander de Abernethy*; this is the knight of Banbriga who, in the reign of King Robert I. gave his estate to his three daughters, co-heirs, the Countess of Angus, the Lady Crawford, and the Lady Rothes.

*Hugo de la Hay*; the surname of Hay is at this time so very numerous, that it is hard to distinguish them, but where their local titles are added, as Errol, Lochquharret, Naughton, &c.

*Henricus de Anstruther*; this is the predecessor of the most ancient family of Anstruther of that Ilk, in the county of Fife, where they have been seated for many centuries past; they seem to be the original possessors; and when surnames turned common, they have taken a name from their own estate.

*Willielmus de Candela Dominus de Anstruther* is a donator to the abbacy of Balmerino, in the reign of William, founded by his brother David, *comes*, who was Earl of Huntingdon in England, and Carioch in Scotland. Henry, his son, is designed *filius Willielmi de Candela, Dominus de Anstruther*, when he confirms his father's gift to Balmerino, 1221.

*Henry de Anstruther* was his son, who gives his oath here of fealty to King Edward of England, 1292. From this Henry the family of Anstruther of that Ilk have a succession, and a series of their House, down to the present worthy representative of the family, Sir John Anstruther of that Ilk, baronet, with their alliances, and the several honourable offices they have executed for a great while ago.

*Johannes de la Hay*; neither do I know who this Hay is, *et Robertus de Bethune militibus*. This is the ancestor of the Bethunes of Balfour. This is the same *Robertus de Bethune* whom the learned Mr Rymer mentions as doing homage to the King of England, for lands he held of the crown in the 1296; they are said to be of French extraction.

The first I have found is *Robertus de Bethune*, in the reign of Alexander III. witness to a charter by *Rogerus de Quincy, Comes de Wincestre*, to *Seyer de Seaton*, of an annuity out of the mill of *Travernent*. They got the lands of Balfour by

marriage of the heiress of the same surname, and a family of high antiquity, daughter of *Sir John de Balfour de eodem*. There is a charter in the rolls by King Robert II. ratifying and confirming a deed and grant, "Quos Duncanus Comes de Fife dedit et concessit Johanni Beaton, de totis et integris terris de Balfour et de Newton, et de Calile, in vicecomitatu de Fife jacentibus. Apud Edinburgh, decimo octavo die mensis Maii, anno regni nostri septimo." The Laird of Balfour is the lineal heir-male of the family: The character of the family was highly raised by the many great churchmen it produced; some of them bishops, archbishops, cardinals, and abbots of monasteries, &c. More of them may be seen in the Lives of the Officers of State, to which I must refer.

July 23. at the monastery of Lindores, there came and swore allegiance to the King of England, *John*, abbot of Lindores, the head of the convent; but who he is I cannot say, & *nobiles viri*.

*Willielmus de Fenton et Simon Fresbele*; these two gentlemen are from the north, and were, as I take them, two of the heirs-portioners of the House of Lovat, of the race of the Bissets; we find in the chartulary of Murray, in 1222, *nobilis vir Johannes Bisseth, Dominus de Loveth*. The family came to be divided into three parts, and the estate along with it, by three daughters, viz. Mary, who married Sir David Graham, knight, a brother of the Kincardine family, who is on that designed *Dominus de Loveth (c)*. The second, *Cecilia de Bisseth*, was married to *Sir William de Fenton*, and is designed *Dominus de Beufort (d)*, and is the same person that swears the fealty to King Edward. Elizabeth, the third daughter of Sir John Bisset, was the wife of *Sir Andrew de Boscho, Dominus de Redcastle*; and had a daughter, *Maria de Boscho*, as she is called, who is designed *Domina de Kilravock*; which lands and estate she brought to her husband, *Hugh de Ross*, from the south country, as from his armorial bearing, the water-budgets; of whom is come Hugh Rose of Kilravock (*e*).

*Simon Fresbele*, i. e. *Fraser*, for what I know, may be one of the noble ancestors of the Lord Fraser of Lovat. They seem to have had right to a part of the estate that was the Bissets', and after them the Grahams', though I have found no Fraser expressly designed of Lovat till the 1367, that *Hugo Fraser, Dominus de Loveth*, does homage to the Bishop of Murray, for lands and fishings he held of the See on the water of Forn. I cannot see when precisely this noble family came to the peerage; they might be promoted to the honour by King James I. after the 1430; yet we have no positive voucher, that I have seen, that this great family are in the quality of peers, till the time of King James III. anno 1472. The lineal heir-male of this noble family, to this day, inherits the estate and honour of his illustrious ancestors; and may they enjoy them, by an uninterrupted race and line in the ancient channel, to latest posterity.

On the 24th of July, the whole community of the burgh of Perth made their submission; and the same day in *ecclesia fratrum predicatorum*, the convent of the Gray-Friars, *Andreas Abbas de Cupro, Maria Regina de Man, et comitissa de Strathern*. This lady was the daughter of *Alexander de Ergadia, Dominus de Lorn*, and widow of Reginald, King of Man. Her relations were all deeply engaged in the English interest; she was the second wife of Malise Earl of Strathern: This is the same lady, as I conjecture, who, long after this, in the 1320, entered into a conspiracy against King Robert the Bruce; for which this lady, and several of her accomplices, were attainted. This I take to be the story, ill vouched, of a daughter of the Earl of Strathern, that was married to the Earl of Warren, an English lord, for which she was forfeited. Of this part of the traditional story there is not one true word; for the Earl of Strathern, at this time, was never forfeited by any lawful authority; for no man whatsoever was a more dutiful loyal subject to king David; and for his being forfeited by the usurper Edward Baliol, and the earldom given by him to the Earl of Warren, had no effect, and he continued in the full and peaceable possession of his estate and dignity till the end of his life.

(c) Chartulary of Murray, and Kilravock's writs. (d) Ibidem. (e) Ibidem.

*Johannes Cambrun*, who in other deeds is designed *Dominus de Balygrenoch*; but what connection there is betwixt him and the Camerons of Lochiel I cannot say, and shall not offer my own conjecture.

*Thomas Abbas de Scoon, et præsentè Døvenalde Comite de Mar*; this is the Earl of Marr, as we observed, who was slain afterwards at the battle of Duplin.

*Malise Comes de Strathern*; this was Earl Malise, called the elder, who died in 1300, and left the loyal Earl Malise, the last of the race: The earl that we remarked was forfeited by Edward Baliol, but never by King David, as some through mistake have asserted. He died without issue-male; and though he had several daughters, Isabel, who was married to the great family of the Sinclairs, yet upon his death the title of honour did not descend to heirs of line, but was given by the crown to a nephew of his, by his sister, Sir Maurice Murray of Drumsargard, who is *Comes de Strathern*, from the 1343 (a), till his death at the battle of Durham, three years after. I can assign no reason why his heirs of line and at law did not succeed upon the total failure of the males of the first of the family, who received the feu: but it can be no otherwise accounted for, than that the dignity of Strathern, being a very ancient feudal honour, it was limited only to males; and, in failure of these, as has been the case here, the *feudum*, the feu, the hereditary honour, reverted to the crown; and, being in the disposal of the sovereign, it was disposed of to the nearest relation of the family that was a male, though he was not the heir-male.

The 23d of July those gave their oath of fealty, *John de Ergadia, filius nobilis viri Alexandri de Ergadia*; this was the great Lord of Lorn, who was deeply engaged in the English interest, being of the kindred and alliance of the Cumins of Badenoch: However, afterwards they turned better and more loyal subjects to the Brucian kings, and came to enjoy their estate peaceably.

*Eugene, or Erwen*, of Lorn, left an heir-female, who, in the time of King Robert III. was married to John Stewart of Innermeth, knight, son and heir of Sir Robert Stewart of Shanbothie and Innermeth, who, upon this, we find in authentic vouchers, is designed *Johannes Senescallus de Innermeath, Dominus de Lorn, anno 1407 (b)*.

July 29th, the King of England being in the castle of Edinburgh, there did homage to him *John*, Abbot of Newbottle, *Walter Magister Domus de Ballinreif*; what was the nature of this House, I cannot say. *Ralph*, master of the House of Soutra, or "Magister Domus de Soutray, & eodem die & loco." *Alexander*, Prior of the Hospital of St John of Jerusalem; of which I can give no more than the common account of the order, which is not necessary here; "*Brian præceptor militiæ Templi in eodem regno.*" The account of the Templars is so well known that I need say nothing of them here.

On the 1st of August, at Berwick, there did homage to King Edward *Henry Episcopus Aberdeen*. His name was Cheyne, of the House of Inverugie, and nephew to the great Cumin of Badenoch: In the heat of the war he fled to England, but afterwards made his peace with King Robert, who allowed him to return to the exercise of his function, which he exerted to his death in 1328.

*Robertus Episcopus de Ross*; he is not insert regularly in Archbishop Spottiswood's list; I think the learned reverend author has not placed him in the succession right; for he, *Robertus Episcopus de Ross*, in 1290, who, with others of the clergy, address the King of England for a marriage to be contracted betwixt the prince his son and Margaret the maid of Norway, the young Queen of Scotland, anno 1290; and, with him, there did homage, *nobilis vir Willielmus Comes de Ross*. This Earl made a considerable figure after this, in the struggles we had with the English, for the liberty and independent rights of the crown and kingdom of Scotland. His family allied with the Bruces the Earls of Carrick; his lady was sister to the king, which made the Earl of Ross a firm and faithful friend to King Robert.

*Willielmus de Moravia, miles*; this I take to be the same great and illustrious person who, in the same record, in another place, is designed *Dominus de Bothwel*;

(a) Charter of the Earl of Sutherlands. (b) Rymer's *Fœdera Angliæ*.

for that family still retained, after they came to settle in the south, a great estate of land in the north, in the shire of Murray; for the same persons, in many instances, swore in different counties where their estates lay.

*David de Graham*; this is for certain the *Sir David de Graham*, designed *Dominus de Loveth*, who is brother of Sir Patrick Graham of Kincardine, and that got Lovat by his wife Mary, one of the co-heiresses of Sir John Bisset of Lovat; both he and Patrick his son, in the 1297, are mentioned in the chartulary of Murray: But how Lovat came from them to the Frasers, who are proprietors of it in King David Bruce's time, I cannot say.

The 4th of August, then did homage to the King of England *Henry Abbot of Arbroath*, & *Dominus David de Torborald, miles*; this was a south-country family of note, which came to the Carlyles by marriage, who rose to be lords of Parliament in 1473, in King James III. his time. This peerage of Carlyle is represented by William Carlyle of Locharthor, who is lately served heir to his predecessor Michael Lord Carlyle, who died in the 1579; I believe the service was carried on in view to claim the peerage: But the gentleman has not as yet lodged any petition with the king, setting forth his claim and title to the dignity, to which he is the undoubted heir-male in a lineal course of succession.

The 13th of May 1296, in a renunciation of all the former confederacies of the nation with the crown of France, is *Patrick de Dunbar Comes Marchie*: This earl is the first of his noble family that left the title of *Comes de Dunbar*, and took that of *Comes Marchie*. In this ticklish time the earl was not much fixed to any side, sometimes appearing for his country and her liberties, and sometimes serving the interest of the King of England very strenuously.

*Gilbertus Comes de Angus*, of whom we remarked before. He was an Englishman of the name of Umfraville, that was forfeited, because he would not become a true honest Scotsman.

*Jacobus dictus Senescallus Scotiae*. This was the Great Steward of Scotland, who died in the 1309, and was the grandfather of King Robert II. See it from a French copy page 649.

On the 15th of May 1296, *Dominus Johannes Senescallus, prædicti Domini Jacobi Germanus*. This was Sir John Stewart of Bonkill, of whom I have given some account already, and of his illustrious descendants.

*Thomas de Somerville, Chevalier*. This is the same gentleman that we find from authentic documents designed *Dominus de Linton*, making donations out of that barony to the abbacy of Melrose. He is one of these glorious patriots that stood so firm to the interest, and for the honour of Scotland, when so many others made very wide steps of defection. He was in high favour with King Robert the Bruce, when he came to the crown, which he well deserved. This is a Norman family that came to England with the Conqueror, and from thence they came to Scotland with King David I.; and Carnwath was their first estate, out of which *Willielmus de Sommerville* makes donations to the See of Glasgow. Sir Thomas Somerville of Carnwath was Justice-General in the 1431, in King James I.'s time, and is one of the *Domini Parlamenti*, first introduced into our constitution of the peerage by that prince anno 1427; for before his reign we had no other set of nobles but the *comites* and the *barones*, which included all that held of the crown by tenure *in libera baronia*. James, the present Lord Somerville, is the heir of this noble family, who got the honour revived in his person, by a decree of the House of Peers of Great Britain in 1721, after the honour had lain dormant and been waved for the space of an hundred and three years, from the 1618.

*Die decimo apud Edinburgum, venit Dominus Willielmus Douglas, miles*. This is the brave patriot Sir William Douglas of that ilk, who had stood long at a distance from complying with the English, at last submitted; but I am apt to believe, he and many others never meant to keep these forced oaths, by which they did not think they were bound; for he soon after showed he had the same inclinations to redeem and relieve his country from thralldom and slavery as he had done before. I have some further remark upon him in these critical observations. Along with Sir William Douglas there was Sir Walter Logan, who is said to be the ancestor of the once great House of the Logans of Restalrig near Edinburgh. Our historians mention

a descendant of his, that went over to the Holy Land with King Robert the Bruce's earl, for which they wore a man's heart in their arms. They turned out to be a great family, and allied with a daughter of King Robert II. I have seen a charter by King Robert III. *Roberto Logan, militi, dilecto fratri suo*, of the lands and barony of Grugar, which continued long in their family: Robert Logan of Restalrig was forfeited in the 1629, five years after his death, upon the confession of one Sprot, a notary at Eyemouth, who produced a train of letters that had past betwixt Restalrig and the two brothers of the House of Gowrie, in relation to the conspiracy for seizing on the King: This odd process is in every body's hand; this prosecution was said to be drawn on chiefly by a great man in high favour, and in a great office, who was promised Logan's estate when it should be confiscated.

July 12. *Robertus Muscham*. I take this to be Muschamp, a name found both in our history and the English.

*Johannes de Callentar, miles*. This is the head of the ancient family of the Callenders of that ilk, in Stirlingshire, of whom I have seen many vouchers: The first deed that I have seen is a charter by "Malduinus Comes de Levenax, Malcolmo filio Duncani de terris de Glaswel cum Eva sorore sua, & Carrucata & dimidium Carrucatae terrae in Kilysyth, cum jure patronatus Ecclesiae de Monyabroch," dated on St Laurence-day 1217, confirmed by King Alexander II. the second year of his reign (a). There is a charter by Alexander II. the 26th of August, the 25th year of his reign, "Malcolmo filio Duncani de terris de Glentarvin, Monyabroch, Kilsyth, Glasswell," which he had by the grant of the Earl of Lennox, " & terras de Calynter," he had from the king "in liberam warenam," in a free forestry. To this deed *Walterus filius Allani Senescallus ac Justiciarius Scotiae* is a witness in the 1246. This Malcolm was succeeded by *Aluin de Callenter* his son, who has taken his name, as was usual, from his own estate; for there is a renunciation by *Johannes de Kinross, miles, Aluino de Calenter*, of any right he had to the lands which his father, *Malcolmus Thanus*, i. e. *Dominus de Calenter*, had been infeft in, dated in 1257; to which deed *David de Graham* is a witness: *Patrick de Callendar* of that ilk was forfeited for being of the party of Edward Baliol, by King David II. upon which Sir William Livingston got the estate of Callender by a charter the 10th July 1347; but to fortify his title in case of any after game, he married Christian Callender, the gentleman's daughter who had been forfeited; for there is a charter by King David, "Domingo Willhelmo de Livingston & Christianae de Callendar sponsae suae," of the lands of Kilsyth, narrating, that it was at the desire of Sir Robert Erskine, in regard that Patrick of Callender, father to the said Christian, had the best right thereto, and which had come to the king's hands, by decease of Margaret, daughter of *Robert De la Val*, an Englishman, he having got them from Malcolm Earl of Wigton. I see this *Robert De la Val* that he had also the lands of Dalziel, and that he forfeited them; for there is a charter by King David II. "Roberto Senescallo de Shandbothy de terris de Dalziel & de Modervile nos contingentes, eo quod haeredes quondam Roberti De la Val, contra fidem & pacem nostram in Anglia commorantur," 20th March, 33d of the king's reign.

*Dominus Willielmus de Rutvben*. This is the Ruthvens of that ilk, of whom already.

*Dominus Willielmus de Gordino, miles*. I take this to be Gordon latinized, a branch of the House of Gordon in the South.

13th July, *Malisius Comes de Strathern*. Of whom already.

*Walterus de Corry, miles*. This was the family of Corry of that ilk in Annandale, which continued a family till King James V.'s time, that it came to the Johnston's, a son of the House of Johnston by marriage, for there is a charter by King James V. *Johanni Johnston de eodem*. The succession is limited to the heirs-male of his body; and failing, to Robert Johnston his brother-german; and failing his heirs-male, to Adam Johnston of Corry his brother-german, 1542. Of this Adam is come the Johnstons of Girthhead in Annandale (b).

(a) Writs of the House of Kilsyth I have seen. (b) Charter in the Register of the Great Seal.

*Dominus Michael de Weems, miles.* This is Sir Michael Wemyss of that Ilk, through mistake by our historians called David, who, with his neighbour Sir Michael Scott of Balwylie, "equites Fifani illustres, & summæ prudentiæ apud suos illis "temporibus habiti," were sent by the states of the kingdom to bring over from Norway Margaret the young Queen of Scotland, who died in her way at the Orkneys, which gave rise to the competition for the crown by the Bruce and the Baliol. In testimony of this honourable embassy, there is still preserved in the House of Wemyss a silver bason of an antique fashion, which Sir Michael Wemyss got from Eric King of Norway at the time; and that it was Sir Michael, and not Sir David Wemyss, that had the honour to be employed, there is an indenture at the monastery of Lindores, in 1292, "inter Dominum Michaelæm Weems de eodem, militem, "ex una parte, & Dominum Michaelæm Scot de Balweary, militem, ab altera, in "præsentia Johannis Dei Gratia Regis Scotorum."

22d July *Apud Sanctum Johannem de Perth.* *Robertus de Camburn, Dominus de Balegrenach, miles.* Who this gentleman, the Laird of Balegrenach, is, I dare not say; but I conjecture his heires came to be married to some of the Murrays of Touchadam, and there is the tradition of it.

*Johannes de Hayia.* The truth is the name of Hay is now so very frequent, I cannot tell what this gentleman is.

*Hugo de Urre.* This seems to be the same name with that of Hurry, or Urie, of which there was a family entitled Pitfichy in Aberdeenshire, which has lasted a long while there, and had been very well allied to the best families in the North. General Hurry that had been so long against the king in the Parliament service, and afterwards turned so eminently for the king, and suffered the next day after the execution of the great Marquis of Montrose, was the last heir of the family. He had two daughters, his heirs, the one married to Archibald Lamont of that Ilk, and the other to Dr John Hamilton, Parson of Leith, and Bishop of Dunkeld, at the Revolution. *Ibidem*, says the author, 25th July.

*Johannes de Moncrief, Chevalier.* This is the family that were the Moncriefs of that Ilk, a family of good antiquity. There is a charter of confirmation yet extant of the lands of Moncrief, *Johanni de Moncrief*, by King Alexander III. The House of Moncrief continued in the possession of the estate till King Charles II.'s time, that Sir John Moncrief of that Ilk sold the estate of Moncrief to a gentleman of his name, Sir Thomas Moncrief one of the Clerks of Exchequer, though the blood and chieftainry is in Moncrief of Tippermalloch, who is the heir-male of the family of Moncrief, whose grandfather was Mr Hugh Moncrief of Tippermalloch, the famous physician, and he was the second son of Sir William Moncrief of that Ilk by his lady, who was a daughter of the ancient family of Abercairny.

*Robertus Camburn de Balnely.* This is another Camburn; but what the surname afterwards turned out to be, or if it is the same with Cameron, I cannot say; I leave that to those who are better acquainted with the etymology of the Irish language, who can best judge of those matters.

*Alexander de Abernethy.* This I take to be the same Sir Alexander Abernethy of Balinbrigh, of whom we have said already.

*Apud Cluniacenses, 17th July.* *Dominus Archibaldus de Livingston, miles,* no doubt is Livingston of that Ilk, whose ancestors appear as early as the time of King David. This family subsisted till the last Bartholomew Livingston of that Ilk was slain at the battle of Flodden, and his sisters were co-heirs. In the reign of King David II. Sir William Livingston of Callender was a brother of the family, and Sir Andrew Livingston of Drumray was another branch. He got the estate of Easter-Wemyss in Fife, by marriage of one of the co-heirs of the estate of Wemyss of that Ilk. The last Sir Robert Livingston of Easter-Wemyss was slain at Flodden, and left a daughter, Margaret, his sole heir, who married Sir James Hamilton of Fennart. He, with consent of his wife, exchanged the estate of Drumray in Dumbartonshire, with the lands of Crawfordjohn, with Lawrence Crawford of Kilbiny, 27th January 1529.

*Johannes de Strivelyn, miles.* This is the knight of Glenesk, which estate, in King David II.'s time, came to Katharine Stirling, daughter of Sir Alexander Stirling of Glenesk, who was married to Sir Alexander Lindsay, son to Sir David

Lindsay of Crawford, whose son was David the first Earl of Crawford, *anno* 1399. Another of the co-heirs of Glenesk is married to *Duncanus de Atholia*, who I believe is one of the ancestors of the House of Struan Robertson.

6th July, *Hugo de Moravia*: This was the forebearer of the Murrays of Coubin, whose name at that time is Hugh, and a brother of the House of Duffus, as from his original charter I have seen (a).

7th July. *Apud Eernil, Willielmus Fraser, filius quondam Alexandri Fraser*. The name of Fraser, like the Hays at that time, are so numerous and so frequent that you can scarce distinguish them. I cannot, with any sort of probability, place this gentleman to any of all the families of the Frasers, whether Tweeddale, Touch, or the north country Frasers, I cannot say.

7th *Junii*, Witnesses to King John's renunciation of the kingdom of Scotland, *in castro Eriehen coram Antonio Episcopo Dunelm.* that was Bishop Beck of Durham, who is Attorney for the King of England, where he made a solemn, and, as I believe he was forced to call it, a willing surrender and resignation of himself, his whole kingdom of Scotland, his royal dignity, with all heritages, rights, and appurtenances thereto belonging; as also, of all his lands, possessions, and goods, moveable and unmoveable, whatsoever: the Bishop receiving them in the name of King Edward; thereupon poor King John was no more considered as king, was sent with his eldest son to the Tower of London, where he lived at the discretion of his conqueror, forought I can see, till his death; for though he had abandoned and abdicated his kingdom and his subjects, yet they would not desert him, and made many struggles and efforts to regain him his crown; for when Sir William Wallace was chosen guardian of the kingdom, it is *in nomine præclari principis Jobannis Dei Gratia Scotorum Regis*; and this was in 1299, more than three years after he had abdicated the throne, which was vacant, as to him: So inflexibly loyal were the Scots in those days to their abdicated prince, fancying, it seems, that nothing could dissolve their allegiance to him. There are witnesses to the surrender *Jobannes Cumine, Dominus de Badenoch*, who is John the father, who was King John's brother-in-law, and by his after-conduct appears to have been a right good man; happy had it been for his son he had traced the steps of his father, he had not come to so dismal an end as he met with, as the reward of his treachery and perfidy to so great a prince as he had laid a plot to destroy, I mean King Robert I. But God Almighty preserved him to be the great and happy instrument of delivering the nation from slavery, and the yoke of a foreign power.

*Dominus Brianus filius Allani*. This being a patronymical designation, I cannot tell who he is.

*Alexander Kennedy*, Clerk and Chancellor of the kingdom of Scotland, "ad hoc testibus vocatis et specialiter rogatis," as the instrument bears.

*Eodem die, apud Monross, coram serenissimo principe Domino Edwardo Rege Angliæ, nobilis vir Jobannes Cumine Comes de Buchan*: This was the second branch of the great family of the Cumins, and the third earl. He was, as all the rest of his kindred, much in the English interest, though he was Great Justiciary of Scotland. He was forfeited for adhering to England in the reign of King Robert I. He had an heir-female, who was married to Sir Henry Bellamont, an Englishman, who, in that right, called himself *Comes de Buchan*. He came in with Edward Baliol; and, in the Parliament held by him, mention is made of this earl. But the earldom of Buchan remained in the crown of Scotland till King Robert II. gave it to his son Alexander Lord of Badenoch 1387.

*Dovenaldus Comes de Marr*; of whom already.

*Dominus Herbertus de Macuswell, miles*: This is the head of the noble family of Maxwell, whose ancestors had borne great and high offices. The House of Maxwell and Nithsdale are the descendants of this great man; for whom see the Peerage.

(a) In Kilravock's Collections.

*Dominus Johannes de Moravia* is without doubt Sir John Murray of Drumsargard, the ancestor of the House of Abercairny, who was doing his homage for lands he held in different shires.

*Dominus Alexander Kennedy, Canonicus Glasguen.* This is the same gentleman that was Chancellor to King John; of whom before.

*Dominus Nicolaus de Hayia:* This is the head of the illustrious family of the Hays Earls of Errol. He was the first of the House of Errol who added a territorial title to his name; *Nicolaus de Hayia, Dominus de Errol*, when by his charter and deed he confirms "illam bovatom terræ in Carse monachis de Cupro, quam habuerunt ex dono Rogeri filii Bauderici, uno cum annuo reddito, quem dicti monachi mihi reddere solebant, de dicta terra." Sir Gilbert Hay of Errol was his son, who was made High Constable of Scotland by King Robert I. anno 1316, on the attainder of *David de Strathbolgy*, Earl of Athol. The family were nominated and invested in the degree of Lords of Parliament, by King James I. anno 1429, and Earls of Errol 1455 (a).

*Dominus Johannes Sinclair de Herdmanston:* This is a very ancient family of the Sinclairs, who have long possessed these lands, of which I have seen transumpt of the original charters, one granted by "Ricardus de Morville, Constabularius Regis Scotorum, Henrico de Sancto Claro," of the lands of Herdmanston, which, if granted soon after the death of Hugh his father, must be in the 1162. Among the witnesses are *Robertus filius Warnebaldi*, and *Godofredus de Ross*, two of the vassals of the constables within his barony of Cunningham.

The same great man, *Ricardus de Morville, Constabularius Scotiae*, gives to the same *Henricus de Sancto Claro* another charter of the privilege of Edmond and Gilliemichael, *fili bonde*, and of their sons and daughters, and all their descendants, for three merks. There is another charter granted to this very ancient family of the Sinclairs, by "Willielmus de Morville, Constabularius Scotiae, Henrico de Sancto Claro," of the lands of Carfrae, of which I say there is a notorial transumpt taken by John Sinclair of Herdmanston anno 1434.

The next of the line of the family is *Allanus de Sancto Claro*, who is seemingly the son of Henry, who had a charter of confirmation by "Rolandus, filius Uchredi, Allano de Sancto Claro," of his predecessor William Morville's charters; which charters are still preserved in the custody of a noble person, the lineal heir of the family.

The next of the family, and the first that used the territorial designation of *Dominus de Herdmanston*, is the *Joannes de Sancto Claro Dominus de Herdmanston* mentioned in this record, who now swears an oath of allegiance and fealty to the King of England.

The next of this race of the Sinclairs is *Sir William de Sancto Claro, Dominus de Herdmanston*, who was one of those noble and glorious patriots who sided with the immortal deliverer of Scotland, King Robert the Bruce, who, for the merit of his valiant and heroic services at the famous and decisive battle of Bannockburn, got from the king a sword, on the broad side of which these words were engraven in French, *Le Roy me donne, St Clair me porte*; which, I have been told by the gentleman who should have known it best, was preserved as a monument of the valour of this gentleman. So much to the honour of the family till within these hundred years or less (b).

This Sir William Sinclair of Herdmanston allied in marriage with the other ancient but far more powerful family of the St Clairs of Roslin, who in truth exceeded most other families in the kingdom for grandeur and wealth. By this noble lady he had a son the heir of the family, John Sinclair of Herdmanston, who was uterine brother to Margaret, Countess of Marr and Angus; for, in the 1389, I have seen a charter (c) by the Countess, in which there is *Joannes de Sancto Claro de Herdmanston frater noster*, and *Joannes de Haliburton Dominus ejusdem* witnesses. It was

(a) In a charter to Walter Ogilvie of Deskford, 9th October 1455, et Williel. Domino Keith Marescallo, is not Comes Mariscal. (b) Dr Matthew Sinclair of Herdmanston. (c) Penes duces de Douglas.

this John St Clair of Herdmanston that married Elizabeth, the daughter and sole heir of Sir Patrick de Polwarth of Polwarth, and had Sir William St Clair of Herdmanston, whose son and heir-apparent, John Sinclair, by Katharine his wife, daughter of Sir Thomas Hume of that Ilk, had an investiture of the barony of Polwarth, anno 1444. It was this John Sinclair of Herdmanston who, in the 1434, took the notorial transcript of the charter by William de Morvile, constable, to Henry de Sancto Claro, his predecessor, of the lands of Carfrae, formerly mentioned: but he dying without issue-male, there arose a dispute and a question in law, anent the right of succession to the estate, betwixt his two daughters, the heirs of line and at law, and his brother Sir William Sinclair, his heir-male (a). At length, by the mediation of their common friends, the matter was settled and composed, the heir-male got the ancient family estate of Herdmanston, and the heirs-female got the estates of Polwarth and Kimmergham. Marion, the eldest, was married to Sir George Hume of Wedderburn, and Margaret, the other, to Sir Patrick Hume his brother, who got with her the barony of Polwarth, which gave ground to both these families to quarter the coat of Sinclair with their paternal bearings of Hume. From this William Sinclair of Herdmanston, the heir-male, the House of Herdmanston came and continued, in a direct male succession, till it came to be united with the family of St Clair, in the reign of King Charles II. Sir John Sinclair of Herdmanston married John Sinclair, his eldest son, fiar of Herdmanston, to Mrs Katharine Sinclair, only daughter and sole heir of John Lord Sinclair, and had a son, Henry Lord Sinclair, succeeded his grandfather in 1677; and had the honour established to him and his heirs-male.

*Andreas de Charteris* is next to Herdmanston in our record: This was most certainly, and can be authentically vouched, the head of the ancient family of the Charteris of Amisfield, in the south in Dumfries-shire. In ancient charters the family are, in Latin, designed *de Carnoto*, as may be seen in the chartulary of Kelso; but that has been the latinizing the name; for, even in very ancient deeds, when *Carnoto* is Englished, it is called *Charteris*. This *Andreas de Charteris* was Baron of Amisfield even at this time; for after this gentleman had made his forced submission to the king of England he retracted it again, for which he was forfeited by King Edward I.; for Sir William Dugdale, in his Baronage of England, mentions a gift to an English gentleman of the lands of Amisfield in Scotland, which was in his hands by forfeiture of Andrew Charteris 1296.

*William de Charteris* is one of those barons who, in the 1306, did homage to the King of England, for the lands he held in the county of Dumfries, and appears to be the son of the former Andrew, who had submitted as his father had done to the invader of the liberties of his country: But whatever submission he made to the king of England he did not think that binding on him, for he turned eminently to King Robert the Bruce. He seems to be the same *Willielmus de Charteris* who, with *Walter de Perchys*, resigns the "medietatem totius baroniæ de Witon in viccomitatu de Roxburgh, in favorem Henrici de Wardlaw;" upon which he had a charter under the Great Seal, to be seen in the rolls. This does very authentically establish the great antiquity of the House of Amisfield, which, from authentic vouchers, can be deduced from those times to our own days. The representative of the family was Colonel Francis Charteris of Amisfield, whose only daughter is Janet Countess of Wemyss.

*Alexander de Airth*: This was an ancient family in Stirlingshire, that continued long in lustre there; they had the baronies of Airth, Carnock, and Plain, which, in the reign of King James I. came to heirs-female, and, by marriage, to the Bruces, Drummonds, and Somervilles.

*Hugo de Riddell, miles*: This is the ancient House of Riddell of that Ilk, that have been a family, from authentic vouchers, from King Malcolm IV.'s time, or King David I.'s days, from writs I have seen.

*Dominus Nicolaus de Rutherford* is the ancestor of the Rutherfords of that Ilk, who came to be designed *Domini ejusdem* in King Robert II.'s time. They were a family of reputation, and held the most part of their estate of the Earls of Douglas. The family split betwixt an heir-male and heirs of line, in King James IV.'s

(a) Registers of Parliament.

reign. Rutherford of Edgerston was the heir-male, and now represents the principal original family; and the Earl of Traquair is the heir of line, who carries the arms of Rutherford in his achievement.

*Radulphus de Eglinton, miles*, was the ancestor of the House of Eglinton, which ended in an heir-female, Elizabeth, the daughter and the heir of Sir Hugh Eglinton of that Ilk, Justiciary of Lothian, in the reign of King David II., who was married to Sir John Montgomery of Eaglesham, predecessor of the Earls of Eglinton, who on that account quarters the arms of Eglinton with his own name of Montgomery.

*John de Elphingston*: This is the ancestor of the ancient family of Elphinstone of that Ilk. *Alexander de Elphingston*, his son, got the lands of Airthbeg from *Agnetta de Airth matre sua*: Then Alexander Elphinstone, *Dominus ejusdem*, exchanged the lands of Airthbeg with Alexander, son of Sir Adam More, in 1362. He had his successor, Sir William Elphinstone, *Dominus ejusdem*, who gets a charter from Sir William Lindsay, *Dominus de Byres*, of the lands he held of him. The descent is limited to the heirs-male of his body; and, in failure of these, to Alexander, Norman, and James, his brothers, and their heirs-male, anno 1399. His son Alexander, designed *Dominus ejusdem*, was slain at the battle of Piperden in 1437. He left a daughter, Janet: whereupon there arose a great competition about the succession to the estate, betwixt her and Henry Elphinstone, of Pittendreich, which, in the 1477, was settled by solemn arbitration. The heir of line married Sir Gilbert Johnston, a brother of the House of Johnston, who was afterwards slain at Flodden, and he got the estate of Elphinstone in Lothian, and was the root of the Johnstons of Elphinstone. The heir-male, Henry Elphinstone, got all the rest of the estates, Pittendreich, Airthbeg, Strickshaw, &c. all the estate that was held of the Lord Lindsay, of which he had a charter in the 1477, to himself in life, and to John Elphinstone his grandson, and heir of the deceased James Elphinstone, his eldest son; and failing his heirs-male, to Andrew Elphinstone, his own son, who is afterwards designed of Selms. John, the grandson, got a charter under the Great Seal, in the 1508, erecting the lands of Airthbeg into a barony, called *baronia de Elphingston*. Sir Alexander Elphinstone of that Ilk, his son, rose to high favour with King James IV., who raised him to be a peer, viz. Lord Elphinstone, anno 1511. He personated the king at the battle of Flodden, where he was also slain. Charles Lord Elphinstone is lineally come of this first lord.

*Godofredus de Ardrossan*: This was the ancestor of the old House of Ardrossan in Cunningham, who seem to have been the ancient possessors, as far back as surnames began.

*Arburus de Ardrossan* is witness to a charter *Hugoni de Crawford de terris de Monock*, in 1226. Then *Fergusius de Ardrossan*, who I take to be the son of the former, gets a charter erecting his own estate, and the estate of William Ker, and *Richard de Boyle*, which is the lands of Kersland and Rysholme, who were his vassals, "in unam integram & liberam baroniam, baroniam de Ardrossan," as from the charter in the rolls of King Robert the Bruce. His estate came by his heir-female to the Eglintons of that Ilk; both the estates came to centre in Sir John Montgomery of Eaglesham.

13th July *Dominus Johannes de Strivelyn de Moravia*. This I take to be the Stirlings of Glenesk, which came by marriage to the Lindsays.

*Normanus de Lescelyne, i. e. Leslie*; who I take to be the first of the Leslies that settled in Fife, of whom is come the House of Rothes; they got Banbregh by the heiress of an Abernethy, for which they quarter their arms.

*Johannes de Glenesk*. I suppose this is the Glenesks of that Ilk, of whom I cannot say any thing, or how they ended.

*Alexander de Straiton* is without doubt the Straitons of Lauriston, who were a good family in the Merns; but they are now decayed, though some Straitons, particularly Straiton of Kirkside, are standing, and are come of Lauriston.

*Gilbertus de Hayia* is, I apprehend, the same noble person that is at that time head of the family of Lochquharrat. It was this Sir Gilbert Hay of Lochquharrat, who, with Sir Alexander Seaton and Sir Neil Campbell, entered into a solemn association, anno 1308, to defend the liberties of their country, and the right of

King Robert the Bruce, against all mortals, French, English, and Scots. The Marquis of Tweeddale is the lineal heir of this great, noble, and heroic person.

*Jacobus de Maleville.* This is the branch of the Melvilles, as I take it, who came to be intitled Melville of Glenbervie, of whom were come the Melvilles of Cairnie and Dysart, of whom again issued the two learned divines of the name of Melville, Mr Andrew and Mr James Melvilles, of whom our ecclesiastical histories are so full, and were so zealous for the presbyterian scheme of discipline. The House of Glenbervie came to an heiress in the time of King James II. who was married to Sir James Auchinleck of that ilk, in Kyle, by whose grandchild and lineal heir, Elizabeth Auchinleck, the barony of Glenbervie came by marriage to Sir William Douglas, son to the Earl of Angus, of whom is lineally descended the Duke of Douglas.

The 17th July *Duncanus de Frendraught.* This is a great barony in Aberdeenshire, which from the Frendraughts came to the Frasers, a branch of the House of Lovat; *Jacobus Fraser Dominus de Frendraught,* in 1404, mortifies his lands of Cambeston, in *baronia de Lessuden*, to the monastery of Melrose (a); by his heir-female it came to Alexander Dunbar, son to Thomas Earl of Murray, whose son, James Earl of Murray, having no lawful issue-male, his eldest daughter, Janet, brought that barony to Sir James Crichton, son to William Lord Crichton, who was invested in the honour of Earl of Murray, after the forfeiture of Archibald Douglas, his brother-in-law, in 1451. But he gave over the esstate of the earldom, and relinquished the title of earl (b); William Lord Crichton, their son, being forfeited in 1483, the barony of Frendraught came to James Crichton his son, on the resignation of Janet Dunbar the Countess of Murray, his grandmother, 1492.

*Patricius de Berkley.* The surname of Barclay was then so numerous that they are not easily distinguishable; for there are several Barclays in the North, and in Fife, and there is *Hugo de Barclay*, who in 1284 is *Justiciarius Laudoniae*. I take him to be the Barclay who had the half of the barony of Crawfordjohn, and came to be promiscuously designed *Dominus dimidia partis baroniae de Crawford-John*, and *Dominus baronia de Kilbirney & de Lady-Land*, which, in the 1471, came to the Crawfurds by marriage, of whom are the House of Kilbirny, now Viscount of Garnock, who carries the coat of Barclay impaled at first, but now quartered with Crawford.

*Hugo de la Hay.* What Hay this is I cannot say.

*Reginaldus le Chein.* The Cheynes were great men; there is *Reginaldus de Chein*, Chamberlain, and *Reginald le Chein, filius*; their barony of Inverugie came, by a co-heiress of them, to a son of the Keith family, and by another co-heiress came the barony of Duffus to a son of the Earl of Sutherland, of whom sprung the Lord Duffus.

*Johannes filius Herberti de Macuswell.* This is John the son of Sir Herbert Maxwell of Carlaverock, of whom already in the Maxwell family.

*Willielmus de Monte Alto, miles.* This is the surname of Mowat, of which the principal family is reputed to have been Mowat of Balquhollie in Aberdeenshire. There were also two families in the west, Mowat of Stanehouse in Clydesdale, and Mowat of Busbie in Cunningham, both families of good respect, and well allied; but they are now both decayed, the last but about a century ago.

*Robertus de Walybop, i.e. Wauchope.* There was an ancient family of this surname, designed of Coulter, of which lands they had charters from King Alexander II. which came to the Cumins by the marriage of an heiress. I have not seen writs to connect the Wauchope's of Niddry-Marischal with them; but when they came of them I cannot say.

*Robertus le Falconer* is doubtless one of the ancestors of the House of Halkerton, who have charters to vouch the antiquity of their family, as far up as the days of King William; for which see the Peerage of Scotland. They were made lords in 1647.

(a) Chartulary of Melrose. (b) Manuscript out of the Library of Culross.

19th July, *Communitas villæ de Aberdeen, etiam Willielmus de Moravia, miles.* Whether this be the *Willielmus de Moravia de Drumsargard*, or the *Willielmus de Moravia, miles, de Tullibardin*, I dare not venture to say.

*Dominus Johannes de Maleville, miles.* This is thought, upon good presumptions, to be the other family of the Melvilles of Raith, in Fife, of whom a line may be deduced, till they came to be Earls of Melville in 1690, and the dignity is conjoined with that of Earl of Leven, in the person of Alexander, the present Earl of Leven and Melville.

22d July, *Apud Bamff, D. Thomas de Tortborald.* This seemingly is another branch of the Tortborald family, of whom already.

*Apud Elgin in Moravia*, there swore fealty to King Edward *Robertus Episcopus Glasceusis*. This is the celebrated Bishop Wishart, who acted so gloriously the patriot; and though he swore fealty to the conqueror, yet he did not think that oath binding upon him, for no sooner did the Earl of Carrick set the crown on his head but he gave him all possible countenance and support. He mightily animated his countrymen to shake off the English yoke, by his preaching and example; in the course of the war he was taken prisoner in armour, as the King of England represents to the Pope; and if it had not been for disobliging his Holiness, he would certainly have put him to death. He was sent first to the court of Rome, and from thence to England, where he remained a prisoner, till he was released and exchanged for English prisoners, after the battle of Bannockburn. He survived all his disasters, and died in 1316.

*Nobilis vir Alexander Comes de Monteith.* He was the second earl of this line, who were Stewarts by blood, though Monteith by surname, of whom see the Peerage of Scotland. *Johannes de Monteith, Dominus de Knapdale & de Arran*, in King David's time, I apprehend was come of a younger son of his.

*Dominus Thomas de Soulis.* This is for certain a branch of the Soulis of Liddisdale, who were forfeited for treason in King Robert I.'s time, and their estate came to *Sir William de Douglas*, designed in many deeds *Dominus vallis de Lidesdale*.

*Johannes Wishard.* There were two very ancient families of the name, Wishart of Pittarrow, and Wishart of Logie; Pittarrow is said to be the root of the family; yet Logie is so ancient, that they have a charter from *Gilbertus de Umphravile comes de Angus* in 1272. The lands of Conveith were in ancient possession of the Wisharts of Pittarrow. In the chartulary of Arbroath there is a charter by the abbot to Sir John Wishart of the Mill of Conveith, in the 1242, to which *Dominus Hugo de Weyms* is a witness. I have seen a long and well vouched descent of the House of Pittarrow. James Wishart of Pittarrow was Lord Advocate and Clerk of Justiciary to King James IV. Mr George, his second son, was our first martyr for the Protestant religion at the breaking out of the Reformation. Sir John Wishart of Pittarrow was a zealous reformer, and was Comptroller of Scotland under Queen Mary 1567. He was succeeded by his nephew by his brother, in whose line the family ended in King Charles I.'s time.

*Gervasius de Rate* is the ancestor of the Raits of Halgreen, which is reputed an ancient family in the Merns.

*Alexander de Ergyl*, of whom already, and *Nicolaus de Soulis, militibus*. This is the name of the head of the family of Soulis, in the south, and Lords of Liddisdale, long ago worn out. There is a tradition that Kilmarnock in Cunningham belonged to them, and that the Boyds came to it upon their forfeiture, though they were but the vassals. Bahiols are barons of Cunningham.

*Burgenses de Elgin, et Allanus de Murriff*, of whom I can give no account; but Allan ago a name among the Murrays of Coubin, I presume it might be one of them. They ended in an heiress, who was married to a gentleman of the name of Kinnaird, who was the ancestor of these Kinnairds of Coubin, who, little more than a century ago, if so much, lost their estate, by its being blown over with sand from the sea, in one night, as I have heard.

28th of July, *Dominus Johannes de Sancto Michale*: Who this is I know not, if it be not Carmichael, who in some deeds, it is said, are called St Michael.

*Dominus Robertus de Normanville.* This is a very ancient family of the Norman extraction, and were very ancient among us. In time they came to be Barons of

Gargunnoch in the shire of Stirling, the name came to be called Norvel; there is none of them remaining now, but the heir of entail of Mr George Norvel of Boghall, near Bathgate in Linlithgowshire.

*Dominus Adam de Gordon, miles*, one of the ancestors of the illustrious House of Gordon. Of whom there is a particular history, to which I refer.

*Willielmus Dictus Wiseman*. I never heard of any body of the name but mean people, excepting a minister lately at Monkland, who adopted a son of one Cross, and left him his means and estate.

*Alexander de Hately* is no doubt the ancestor of an ancient family in the Merse, styled of Mellerstane, but some time ago extinct.

*Jacobus filius Godofredi de Ross Senior*, and *Jacobus filius Godofredi de Ross Junior*. These are two of the ancestors of the Rosses of Tarbet in Cunningham, the ancestors of the Lord Ross of Halkhead, who made a great figure in the wars that ensued on King John's abdication. Sir Godefride, the son, called *filius*, to distinguish him from his father, who was in action with him, were brave gallant men, and firm friends to King Robert, in whose reign he was a while *Vicecomes de Air*: Sir Godefride, a third of them, made a great figure under King David, whose brother, Sir John Ross, had a charter from Robert Earl of Strathern, his *consanguineus*, of the lands of Hacket, which lie in *baronia de Renfrew*, anno 1367. The elder branch failing in the reign of King James III. the two Houses of Tarbet and Halkhead came to unite and centre in one family; they attained to be Lords in 1500. Their lineal heir-male is George Lord Ross.

*Robertus de Turnbulye*. This may be the surname of Turnbull; but the origin of the name, according to the account that is given, is of a later origin. The tradition is, that one of the name of Rule turned a bull by the head, and wrung off his neck, that was pushing violently at King Robert I. while he was hunting in the forest of Callender, then called the forest of Cumbernauld; for which he was called Turnbull, and got for the merit of that service the lands of Bedrule in Teviotdale. This seems the more probable, because there is a charter granted by King Robert the Bruce, *Willielmo dicto Turnbul*, of several lands, and is extant in the rolls. The Turnbuls came to branch out into two different families, Turnbull of Bedrule and Turnbull of Minto; of the first was Dr William Turnbull, Secretary to King James II. and Bishop of Glasgow. He died in 1452.

29th July, *John Wysbard del Mernis*. This is for certain the Wishart of Pitarrow, of whom already.

*Andreas, filius Godofredi de Ross*. This was, as is conjectured, the ancestor of the Rosses of Henning, and Galston, and Mongreenan.

*Alexander de Hogston*. There was a family designed Hog of Hogston as low down as in the reign of King James III. I have seen a charter of alienation by Alexander Hog of Hogston to Sir Alexander Hume of that Ilk; but I cannot positively say that this gentleman here and these other people are the same: it is only a conjecture.

*Rudolphus de Kinnaird* is the ancestor of the Kinnairds of that Ilk, of whom, on the title of Lord Kinnaird, in the Peerage.

5th August, *Apud Arbroth, Marcus de Glyphan* is no question the predecessor of the family of the Clephans of Carslogie in Fife, reputed a right ancient family. He seems to be the same *Marcus de Clyphan* who is witness to several charters yet extant, granted about that time by *Alexander de Abernethy*, out of Banbrecht. I have seen a copy of a charter by "Duncanus Comes de Fife, Johanni de Clephan et hæredibus suis, de terris de Carslogy tenend. adeo libere sicut David de Clyphan pater ejus et prædecessores tenuerunt. Testibus Dominis Alexandro de Abernethy, Michaelæ de Weems, David de Weems, Hugone de Lochore, Johanne de Ramsay, Willielmo de Ramsay, et Henrico de Ramsay, cum multis aliis." I take this to be Duncan the last Earl of Fife, and before the battle of Durham in 1346. The family is still existing.

*Walterus Abbas de Paslyth*. He succeeded one William in the office, and was succeeded by another Roger *Abbas de Paslyth* in 1312.

*Adam Abbas Sancte Crucis*, who succeeded to *Radulphus* in that place, *Pat. Abbas de Cumbuskenneth, Gilbertus Abbas de Kylinross*, that is Culross, otherwise designed *Abbatia Sancti Servani*, or St Serf its patron saint, *Willielmus Abbas Sancti Ed-*

*wardi de Balmerinoch*, founded by Queen Emergarda, mother to King Alexander II. anno 1229, and planted with monks of the Cistercian order that came from the abbacy of Melrose “ Radulphus Abbas de Dunfermling, Andreas Abbas de Cuthro, Johannes Abbas de Newbottle, Thomas Abbas de Lindoris, Bernard Abbas de Kilwinning, Brianus Abbas de St Colme, Johannes Abbas de Jedworth, Willielmus Abbas de Dryburgh, Patricius Abbas de Melrose, Ricardus Abbas de Kelso, Henricus Abbas de Arbroth. Malyse Conte de Strathern, John Conte de Buchan, Alexander Conte de Montieth, Jacobus Senescal de Escope, Malcolm Conte de Levenax,” of whom we have given some account already in these remarks.

*William Conte de Sutherland*, who seems to be the same *Willielmus filius Willielmi Comitis de Sutherland*, who lived in the reign of Alexander III. of whom the Earl of Sutherland derives his descent. There is a writ by Archibald, Bishop of Murray, narrating an ancient controversy, “ inter venerabiles patres, prædecessores nostros, Gilbertum Willielmum et Walterum bonæ memoriæ, Episcopos Cathaniæ, ex parte una, et nobiles viros Willielmum claræ memoriæ, et Willielmum ejus filium, Comites Sutherlandiæ,” dated x. Cal. Octobris 1275. On this voucher, &c. the Earls of Sutherland found their claim of declarator of precedence against the Earls of Crawford, Errol, and Marischal, all earls ranked before them in the rolls of Parliament. The case was remitted by the Parliament to the Court of Session, to be determined by them, and the action is yet depending. If this debate be revived, it would be managed with great learning and exactness, being the concern of some of the most ancient and honourable families in the kingdom, wherein many curious questions would arise to be debated and determined.

*Johannes de Strivelyn de Muriff*. This is the same gentleman designed formerly *de Moravia*.

*William de Muriff, Signior de Bothwel*. This is the great Lord or Baron *Baro de Bothwel* in the county of Lanark; they were a branch of the original family of the Murrays of Duffus. His father was *Walterus de Moravia*, designed *filius Willielmi de Moravia*, who got first a footing in the west, by the marriage of the heir-female of the Oliphards *Domini de Bothwel*, in the reign of Alexander II. His son was this gentleman mentioned here in our record, and is *Dominus de Bothwel*. He gave “ capitulo Glasguen. patronatum Ecclesiæ de Wolston, ac Rectoriam “ ejusdem terræ.” *Andreas de Moravia, frater suus*, is a witness to the deed, and has been his brother’s successor in the barony of Bothwell, and the noble patriot that was conjunct guardian of Scotland with Sir William Wallace, and was slain at the battle of Stirling in 1297. His son, Sir Andrew Murray of Bothwell, was *Panitarius Scotiae*, and Guardian and Regent of Scotland in the minority of King David, and died in that high office. His son, *Thomas de Moravia*, was *Dominus de Bothwel*, and *Panitarius Scotiae*, who died in England, an hostage for the ransom of King David in 1366, and left a daughter, Jean, who was married to Sir Archibald Douglas, *Dominus Galatiæ*, who came to be Earl of Douglas anno 1388. Murray of Abercairny is the male representative of this ancient great family of the Murrays of Bothwell.

*Nicol Cambel*, or *Neil*, is the head of the family of Lochow, and the same noble person who afterwards fell in so zealously with King Robert Bruce, as did also Sir Colin his son, who is designed *Colinus filius Nigelli Cambel, militis*, who got “ pro homagio et servitio suo totam terram de Lochow et terram de Ardseodinis, “ decimo Februarii, anno regni regis nono, A. D. 1316.” The family have risen ever since to all the steps and degrees of nobility that can be attained; and, to do the family justice, for the most part they have been a race of noble loyal patriots, with few exceptions. They came to be Lords of Parliament by King James I. in 1427, earls in 1458, marquisses in 1641, which was reduced by the attainer of the Marquis of Argyle, restored to the honour of earl in 1663, and raised to the rank of dukes in 1701.

*Johannes de Callentyr* is one of the ancestors of the Callenders of that Ilk; which estate came to the Livingston family, by marriage, in the time of King David II. as we have remarked more fully.

*Alexander Frisele.* This is for certain Sir Alexander Fraser of Cowie, who was a man in the highest favour with King Robert Bruce, was his Great Chamberlain, and his brother by marriage, and one of the greatest heroes about him. See a full account of him in the Lives of the Chamberlains by Mr Crawford.

*Patrick Conte de la March et de Dunbar.* He was the first Earl of the Dunbars who took the title of Earl of March; I take it to have been a new creation to the dignity.

*Aylmer de Hauden.* This was the family of Haldane of that ilk in Teviotdale, for this is not the name of the ancient honourable family of Gleneagles at this time. They subsisted till the last age before this, and ended in an heiress.

*Thomas de Colville,* in ancient charters designed *de Colville*; and, for certain, a Norman family, and came to Scotland in King David I.'s time. They were once English barons, as is evident from Sir William Dugdale's Baronage of England. The family had great possessions, both at Oxnam in Teviotdale, and the great barony of Ochiltree in Ayrshire, in the west. The direct male line failed in an heir of line, much about this time when this submission was made, who was married to Sir Reginald Cheyne of Inverugie. Robert Colvil of Oxnam was the heir-male at the time, and is *baro baronia de Ochiltree* in 1324 (a). They kept the title mostly of Oxnam till King James I.'s time, that they assumed the designation of Ochiltree, and were among the greatest barons below the degree of lords of Parliament in the kingdom. Sir William Colvil of Ochiltree died in 1502, and left two daughters his co-heiresses; Margaret, who had no issue, and Elizabeth, who married Patrick Colquhoun, nephew to the Laird of Luss; and had a daughter, Frances Colquhoun, who was co-heiress of Ochiltree, and was married to Robert Colvil of Cleish, ancestor to the Lord Colvil of Ochiltree, raised to that honour in the 1651. The barony of Ochiltree was acquired from the co-heiresses, by the heir-male, Robert Colvil of Hilton, whose son, Sir James Colvil, exchanged Ochiltree with Sir James Hamilton of Finnart, for the barony of Easter-Wemyss. His grandson, Sir James Colvil, was created Lord Colvil of Culross *anno* 1609; whose grandson, James Lord Colvil of Culross, died without issue after the 1635, and the honour was not after this claimed till the 1721, that James Colvil of Kincardine, the heir-male, to whom the dignity in the first patent was limited, petitioned his Majesty King George I. setting forth his title; and which being referred in course to the House of Peers, his claim was admitted, and an order directed to the Lord Register, to enrol him in the list of the peers, conform to his patent, which was done accordingly.

*Stephen de Kilpatrick* is the ancestor of a very ancient family, the Kirkpatricks of Closeburn in Nithsdale. They have very good vouchers for their antiquity. In the chartulary of Kelso there is to be met with "Stephanus Dominus Villæ de Closeburn, filius & hæres Domini Ade de Kilpatrick," who comes to an agreement with the abbot of Kelso, anent the convent's right to the church of Closeburn; it is dated "die Mercurii, proxima post festum purificationis beatæ Mariæ Virginis, 1278." But the family have older evidences than this, a charter from King Alexander II. *Jvoni de Kilpatrick de terris de Closeburn*, formerly pertaining to his predecessors. *Roger de Kilpatrick*, called by Buchanan *Rogerus de Cella Patricii*, was one of those who attended King Robert I. to Dumfries, when the perfidious Cumin was then slain in the church. Thomas, his son, had a charter from the same king, narrating his father's merit, and his own services, of the lands of Redburgh, in Dumfries-shire, dated at Lochmaben the 4th January, the 14th year of his reign. There is an exact and complete series of the family from this time downward to the present Sir Thomas Kirkpatrick of Closeburn, baronet.

*Thomas de Torthorald.* There are several of the name in this record; they had Torthorald, which came to *Umpbrey de Kilpatrick*, ancestor to Closeburn, in King Robert Bruce's time, and from them, by marriage, to the Carlyles, who kept it long in their family.

*Fergus Macdougall.* This is one of the M'Dowall people, who are of the family of Galloway, but which of them I cannot say.

(a) Great Chartulary of Melrose.

*Dougal Macdougal, del Conte de Wigton;* of whom already.

*Alexander de Bunkill*, the Baron of Bonkill, whose heiress married the ancestor of the Stewarts Earls of Angus. The name is not worn out to this day, though but mean people, which shows it was a surname.

*Richard le Scot de Murtbockston*. This is the ancestor of the great House of Buccleugh, now advanced to the height of honours a subject is capable of: It is generally said this gentleman was son to Sir Michael Scott, and that he married the heiress of *Murtbockston* in Lanark. They were barons of Murdiston till King James II.'s time, that Sir Walter Scott of Murdiston made an excambion of his lands of Murdiston and Hartwood, in the barony of Bothwell, and shire of Lanark, with Thomas Inglis of Manor, for his lands of Branksholm, Branshaugh, Goldylands, Qubitelaw, Qubiterigs, Todshaw-hills, and Todshaw-wood, dated at Edinburgh the 23d July 1446, which I have seen. The family of Buccleugh rose high upon the fall of the House of Douglas, and got several of their lands as the reward of their valour against them at the battle of Arkinholm. Though they were great barons, yet they did not attain to the peerage till the reign of King James VI. in the 1606. In 1619 the family were made earls, and they arrived to the honour of a duke in the 1663.

*Andreas de Livingston*, one of the Livingstons of that Ilk, of whom we have said already.

*William de Murreff de Drumsargard* seems to be of the same race of Murrays with those of Bothwell; for the barony of Drumsargard lies near to Bothwell, on the other side of the river of Clyde. This *William de Moravia de Drumsargard* is made mention of, not only in this record, but frequently in Rymer, about this time. There is no question can be made but that *Sir John de Moravia de Drumsargard* was his son, since he is designed by the same local and territorial title, who, in or about the 1299, or 1300, married the daughter of Malise Earl of Strathern, and got with the lady the lands of Ogilvie, Abercairny, Glensherop, as from the charter I have had the honour to peruse in the possession of James Murray of Abercairny, the lineal heir of this marriage, and the representative of that family.

*Willielmus de Douglas*, the same gentleman that stood long at a distance from the conqueror of his country, and the invader of her liberties, but at length submitted.

*Alisandre de Strivelyn del Conte de Lanerk*. This, from vouchers which cannot be called in question, is the head of the family of the Stirlings of Calder, near Glasgow, which continued in good repute till King James V.'s time, that it came to the House of Keir in 1535, James Stirling of Keir being contracted to Janet, daughter and heir of Andrew Stirling of Calder. Of the Stirlings of the House of Calder are come the Stirlings of Craigharnet, the Stirlings of Glorat, the Stirlings of Law, the Stirlings of Ballagan, the Stirlings the barons of Achyll, whose lineal heir is William Stirling of Halbertshire.

*William fitz Thomas le Noble*. The surname is of great antiquity. There is a charter in the hands of the Duke of Montrose, by *Radolphus le Noble*, and *Thomas le Noble*, his son, of the lands of *Elviston*, i. e. Eliston, in Edinburghshire, to Sir David Graham, and *Agnes sponsa sua*, confirmed by King Alexander II. the 5th year of his reign, 1253: For many centuries there is no mention of any of the surname till 1467, that the Nobles of Ferm had a charter of the lands of Ferm, now called the Coates, above Rutherglen. Their title is now Ardarden, above Dumbarton; but if there be any relation in blood or descent of the Nobles of Ardarden, from the ancient Nobles of Eliston, I cannot say.

*William de Ross* seems to be a south country Ross of the House of Tarbet.

*Henry de Moravia*; who he is I know not.

*Willielmus Fraser*; another branch of the Frasers, I can give no account of.

*Joannes de Strivelyn de Carse*. This is the ancestor of the Stirlings of Alva and Carse, of the same family with the Stirlings of Calder, as from ancient deeds I have seen vouched in the chartularies of Cambuskenneth and Glasgow. A successor of his, Sir John Stirling of the Carse, was a mighty great complier with the English, in favour of Edward Baliol, and is the same John Stirling whom Sir William Dugdale mentions was a peer of England, and called by a writ of summons to the Parliament there. He left a daughter, the heir of his estate in Scot-

land, who married John, son of Sir Walter Monteith, the ancestor of the once great family of the Monteiths of Carse. Sir William Monteith of Carse sold his estate in the 1631 to Sir William Livingston of Kilsyth, and he again in 1638 to Sir Thomas Hope.

*Gilchrist More* is the ancestor of the Mores of Polkellie, who, I think, is the stem of the Mores, and an ancienter family than Rowallan, and came to Sir Adam Muir of Rowallan, by marriage of Janet More the heiress, in the days of King David II.

*Hugo de Kelso*, the ancestor of the Kelsos of Kelsoland, not long ago extinct.

*Fergus Fosteron*, I conjecture, were the old Forresters of Skelmorly, of whom few are now remaining.

*William Ker*. This, without so much as a question, is the ancestor of the ancient family of the Kers of Kersland. This is vouched from the lands & *tenementum Willielmi de Kers* in Dalry, which are erected into a free barony by King Robert I. in favour of *Fergusius de Ardrossan*, one of the ancestors of the House of Eglinton, to whom they were vassals till of late. The family was in good reputation, and allied with the best and the greatest families in the west. The male line of the House of Kersland failed in Robert Ker of Kersland, in King James VI.'s time. His heir-female was married to the renowned and valiant Captain Thomas Crawford of Jordanhill, son to the Laird of Kilbirny, whose eldest son, Daniel Ker, assumed the surname of his mother's family, and got the estate of Kersland; whose great-grandson, another Daniel Ker of Kersland, died without issue, being slain at the battle of Steenkirk *anno* 1694. Crawford of Jordanhill is heir-male and of provision.

*Robert de Ross* I take to be a branch of the Rosses of Tarbet, that were heritors of the lands of Fairly in Cunningham, from whence they took their name.

*Donald fitz Gilbert*, who this is I cannot say.

*Thomas de Gilbagy*. There were some of the name, who were long vassals to the bishops of Glasgow, in the barony of Glasgow, and came to have the lands of Kenziehill and Craigs in heritage, though they are now out of the estate.

*Patrick de Ogilvill*, that is Ogilvie, the ancestor of the ancient and numerous family of the Ogilvies, who are derived from a younger branch of the Earls of Angus; and having got the lands of Ogilvie in Angus, from whence they took their surname. The chief and principal family was Ogilvie of that ilk, and sometimes designed of Powrie, but now extinct. All the other great and noble families of the Ogilvies are branched from the House of Ogilvie.

*William de Gourlay de Bagally*. Of this surname are the Gourlays of Kincaird in Fife, who are reputed an ancient family.

*Robertus de Bethune*. This is for certain the ancestor of the House of Balfour; of whom before.

*David de Briben*. This is the Lord of Brechin. He was the son of *William de Briben*, son of *Henry de Briben*, natural son of David Earl of Huntingdon in England, and Earl of Garioch in Scotland, brother to King William the Lion, who carries on his seals the picture of a man on horseback, and, on his arm, a shield charged with three piles, issuing from the chief, and conjoined at the points in base. The same seal of arms is used by this Henry of Brechin, his natural son, to whom he gave the barony of Brechin, from which he took his surname. He is witness to several charters still extant, wherein he is called *Henricus de Briben, filius Comitis David*. *William de Briben*, his son, is designed *Willielmus de Briben, filius Henrici de Briben, filii Comitis David*. (a) *David de Briben* was his son, who is found here in the Ragman-Roll, and was long on the English side during the war: But after the battle of Inverury he turned eminently to King Robert the Bruce, whose sister he married, and ever afterwards continued eminently loyal. *David de Briben*, his son, was one of the *Barones Regni Scotiae*, who in 1320 wrote that bold letter to the Pope, in behalf of King Robert and the independency of Scotland; but the year after, 1321, he was unhappily made privy to the conspiracy framed by the Countess of Strathern and the Lord Soulis, against the king

(a) Foundation by him of the Maison Dieu Hospital at Brechin, confirmed by King James III. *anno* 1477, when the original is transumed.

his uncle; for not discovering of which he was tried at the Black Parliament, and suffered death for the same, to the universal regret of the people, being, says the great Mr Buchanan, “*Omnium ætatis sui juvenum & belli & pacis artibus longe primus.*” The hails lands he possessed at his forfeiture, the great barony of Brechin, the barony of Rothiemay, the lands of Kinloch, and part of Glenesk, were all given by King Robert to Sir David Barclay of Carny-Barclay in Fife, of whom the Earls of Panmure were the lineal heirs, who place the arms of Brechin and Barclay in the third quarter of their shield.

*William de Boseule*, *i. e.* Boswell, a very ancient surname; and though their original estate seems to have been in the south, where they are first to be met with, yet, in process of time, they grew up to be one of the powerfulest families in Fife; they got a part of Lochoreshire by marriage of an heiress, and also got Balmuto, &c. by one of the heiresses of Wemyss. The Boswells of Balmuto, as they were one of the most opulent families in Fife, so they made the best and most honourable alliances of any in all that shire: The family of Auchenleck in Kyle, in Ayrshire, branched from Balmuto in King James IV.’s time; and a younger son of them possesses the estate of Balmuto, though the right heirs of the family be still existing, though stript of much of the lustre of their ancestors of the House of Balmuto.

*Thomas del Charteris del Conte de Roxburgh* is one of the ancestors of the House of Amisfield, of whom we have touched a little at already.

*Adam le Hoip.* This gives a fair antiquity to the surname of Hope, of whom, beside the Earl of Hopeton, there are several other gentlemen, beside two in the quality of the baronetage, Sir John Hope-Bruce of Craighall, and Sir Alexander Hope of Carse.

*Johan, le füz Johan, de Ainsley.* This was the family of Ainslie of Dolphingston in the south, of whom there is mention in records since the Jameses’ time; it came to an heiress in James IV.’s time, who married Sir Andrew Ker, a brother of the House of Cessford, the ancestor of Ker of Littledean, who carries Ker and Ainslie in his shield of arms.

*Aylmer de Rutherford*, one of the progenitors of the Rutherfords of that ilk in the south, of whom already.

*John le Senescall de Jedwith*; if this be not Sir John Stewart of Bonkill, as is generally agreed by our antiquaries, it must be a very ancient branch of the Stewarts: But I conjecture it is Sir John of Bonkill, the same called *frater germanus Jacobi Senescalli Scotiae*, swearing submission to the English for different lands he held in different counties. There is in the 1323 a *John Senescal de Jedwith*, bailie to the abbot of Kelso, whom we reckon was Sir John’s youngest son, and one of the Earl of Galloway’s progenitors.

*Roger Corbet.* This is apparently the Corbets of Makerston, that plainly are come of the Dunbars, the Earls of Dunbar, which came to the Frasers by marriage. In the reign of King Robert I. we find mention in the chartulary of Melrose, of *Dominus Laurentius Fraser, Dominus de Drumelzier*, who had also Makerston. The barony of Makerston, in the time of King David II. came to the heiress, Margaret Fraser, who married Dougal M’Dougall, as he is called, whose son, Fergus M’Dougall, had a charter of the barony of Makerston, on the resignation of his mother in the records. There was of the same stem another family of the Corbets, designed of Hardgray, in Annandale, though several centuries past they have resided in Clydesdale, in the regality of Glasgow. I have seen an original charter in the possession of the Duke of Douglas, by *Thomas de Corbet, Dominus de Hardgray Joanni de Corbet, filio suo*, of the lands of Limekills, in Annandale, in 1405, confirmed by the Earl of Douglas. They failed lately in the person of Mr Hugh Corbet of Hardgray, who left some daughters, co-heiresses of his estate; Barbara, married to John Douglas of Mains, and again to Sir Mungo Stirling of Glorat, and the other to James Douglas of Mains.

*Thomas le Johnston:* This is the ancestor of the Johnston family; some of our antiquaries are of opinion that they are come of the same tribe with the famous *Thomas Ranulphi Camerarius Scotiae*, in the reign of Alexander III. in 1273, who was father to Thomas Earl of Murray, *Dominus Vallis Annandie et Mannie:* I have

not seen the surname before this time : They turned out to be a very great family on the border, and were a race of brave and warlike men, and of great power and authority. Another of their ancestors, *Gilbertus de Johnston*, had a charter of several lands in the reign of King Robert the Bruce. Another Sir John Johnston is mentioned in the *Fœdera Angliæ*, in the time of King Robert III. and made a great figure in the transactions on the border. Adam Johnston is the first of the family in King James I. and II.'s time that I have found designed *de eodem*, or of that ilk. John Johnston of that ilk was a conservator of the peace with England in 1457; and Adam Johnston of that ilk in King James IV.'s reign. He died in 1501. His successors are to be seen in the Peerage.

*Thomas de Cockburn*; the ancestor of the Cockburns, who were very ancient vassals to the Earl of March; Cockburn of Langton was the principal family of the name; Alexander Cockburn, *pater*, as he is designed, got the estates of Langton, and Cariden in West-Lothian, by the heir-female of the great family of the Weaponts, whose arms they carry; he had Alexander Cockburn of Langton, the heir of his family, and John his son, *ex prima uxore*, who married Jean, daughter and heir of John Lindsay of Ormiston, of whom came the Cockburns of Ormiston; Alexander Cockburn of Langton, the father, had to his second wife Margaret, daughter and heir of Sir John Monfode of Braidwood in Lanarkshire, by whom he had Edward, a son, the ancestor of the Cockburns of Skirling, a family of good account, of a fair estate, though it is now extinct; Alexander Cockburn of Langton, the younger, called *jilius*, was Keeper of the Great Seal under King Robert II. and III. by whom he was made Usher to the Parliament, *Ostiarium Parlamenti*; which office the family still exercises.

*Henry de Fotheringhay*, i. e. Fotheringham, who no doubt is the family of Powrie. The name is as ancient as the reign of King William. I have seen a charter in the hands of the Marquis of Tweeddale to the Giffords of Yester, to which *David de Fotheringhay* is a witness, and his seal is appended to the deed; *ermine*, three bars, the same arms that Powrie still wears. I have seen another charter under the Great Seal. "*Thomæ Fotheringame filio Henrici de Fothering-*" *hame de terris de Baluny infra vicecomet. de Forfar,*" upon Henry the father's resignation, dated at Dunkeld the 16th of October, *anno regni nostri septimo*, 1378, the seventh year of the reign of Robert II. In the subsequent reign of Robert III. John Fotheringham acquired the lands of Wester-Powrie, which belonged to *Malcolm de Poarie*, to be held of John Ogilvie of that ilk, baron of Easter-Powrie. There is a progress I have seen of the House of Powrie down to the present time, well vouched with their intermarriages and alliances.

*William de Murriff de Tillibardin*. The ancestor of his Grace the Duke of Athol, of whom before.

*Reynald de Cravensford del Cont de Air*. This may be either Sir Ronald Crawford of Loudon, of whom we have spoke before, or his uncle Reginald Crawford, who got the lands of Kerse from his nephew, of whom came the Crawfords of the House of Kerse, and the cadets of that ancient family.

*Malcolm de Ergadia Frere, Sir Alexander de Ergadia*. This is a brother of the great House of Lorn, and may be the Bishop of Argyle, who is designed *Martin de Ergadil Ergadiensis Electus*, recommended to the Court of Rome by the King of England to be institute in the See. This is but a conjecture.

*Duncan Cambel del Isles*: I cannot positively say who this gentleman is; he is not any of the heads of the Lochow family; for that is not the name of them, but Colin and Neil; it may be the father of Sir Donald Campbell of Redcastle; I have seen the original charter granted by *Dovenaldus Cambel Duncano Cambel, militi, filio suo de terris Rubri Castri in Angus*, to which *Dominus Willielmus de Keith* and *Dominus Willielmus Lindsay, Rector de Air*, are witnesses. I take the date to be about the 1300 or thereabout. It was he that married the heiress of Loudon. Sir Andrew Campbell of Loudon, his son, alienated these lands to Sir Robert Stewart of Innermethy, as from a charter of confirmation in the registers.

*John de Montgomery*, of whom before, the ancestor of the House of Eaglesham and Eastwood.

*Reynald More de Craig.* This is Rowallan, of whom we have taken notice before.

*Marjory Cumin Dame de Gordon.* This is the lady of Sir Adam Gordon of that Ilk in the Merse, Sir Adam the elder, or *pater*, as he is designed. But of what family of the Cumins she was, being then so numerous, I cannot say.

*Duncan fūz le Conte de Mar.* This is a younger son of the House of Marr, who I think was the root of this branch of the family, who had the lands of Caskieben, which came to the Johnstons of Caskieben by marriage. The family kept that estate till within these fifty years or thereby.

*Aylmer de Hauden.* There were at this time two families of the Haldanes, Haldane of that Ilk, and Haldane of Gleneagles, who were even then considerable barons, and swore fealty for lands they held in Perthshire. He was grandfather by the line of the family to Sir Bernard Haldane of Gleneagles. The House of Gleneagles have vouchers for instructing their antiquity beyond most other families in Perthshire.

*Thomas de Boys.* This is a surname that was peculiar to a family in Angus, designed of Panbride, of which the learned Hector Boethius or Boece, that wrote the History of Scotland, was a son.

*Bernard Fresar:* That is the same with Fraser, may be a son of Sir Bernard Fraser, who is the head of the family in the reign of Alexander III.

*William Fraser* is another Fraser; but who he is precisely I cannot say.

*Nicol de Preston* is the ancestor of the ancient family of the Prestons, designed of that Ilk and of Craigmillar. They were very ancient proprietors of the barony of Preston, and got Craigmillar by the purchase of Nicol Preston from *John de Capella* in 1374 (a). They continued a great family till the time of the Restoration of King Charles II. that Sir George Preston of Craigmillar sold the estate to Sir John Gilmour.

*William de Sydserff,* who must be the ancestor of the Sydserfs of that Ilk, in the east country, whose successors I think have lately been designed Sydserff of Ruchlaw. Of them was Mr Thomas Sydserf, who was Bishop of Galloway at the 1638, was deprived of his bishoprick, and survived the restoration of episcopacy at the king's return, and died Bishop of Orkney in the 1662.

*James de Newton,* may be the Newtons of that Ilk, a family in the east country, of whom I have seen no voucher for their antiquities; though I suppose they are for all that an ancient family.

*Walter de Wedderburn:* It seems to sound like a local surname, and taken from lands so called, though there is no vestige that ever the barony of Wedderburn in Berwickshire was theirs. I have seen a charter in King James I.'s time, *Willielmo de Wedderburn,* of lands he had of Robert Blackadder of that Ilk; they came to be considerable burgesses of Dundee. The first charter I see they have of a land estate is by Patrick Lord Gray of the lands of Hilton and Wester-Craigie, to David Wedderburn and to Elizabeth Lawson his spouse, confirmed in the 1552; but they have, the same David and his aforesaid wife, a former charter from the Lord Gray, of the half of the Mains of Huntly, in the 1542. They came to be stiled of that Ilk and Easter-Powrie, and another family of Gosford.

*Eylmer de Hauden:* This is the same gentleman who is designed *del Conte de Edinburgh,* and who is the Baron of Gleneagles, who had lands in that county.

*Richard de Airth:* Airth of that Ilk in Stirlingshire, that ended in heirs-female in King James I.'s time, married to Drummond and Somerville, &c.

*John le Napier,* who I suppose is the ancestor of the Napiers of Wright's-houses, near Edinburgh, who were an ancient family; for the Napiers of Merchiston began but to make the great figure they did in King James II.'s time; of them is the Lord Napier descended.

*Thomas Cambel:* I cannot say who this gentleman is.

*Serle de Dundas* is very clearly the ancestor of Dundas of Dundas, who can well, and by authentic vouchers, carry up their antiquity to the days of King David I. That the first of their family, *Helias filius Huchtredi,* got the lands of Dundas

(a) Charter in the Register.

from *Waldewus filius Cospatricii, pro servitio dimidii militis*; from the lands it is very plain he took his surname. They had also the barony of Fingask in Perthshire, very anciently, which they held of the crown in *libera baronia*, though they held Dundas but of subjects, to whom the Seaton family succeeded in King Robert I.'s time. I have seen a line of succession, well vouched, of the family, till James Dundas of that ilk, in King James I.'s time, that he had charters both of his barony of Fingask and his lands of Dundas, from their respective superiors the king and the Lord Seaton, to him and his wife Christian Stewart, and to James, their son, in fee (*a*), and who actually succeeded to the estate on the demise of his father, to whom he is served and retoured "tanquam legitimus & propinquior hæres quondam Jacobi Dundas de eodem, patris sui" (*b*). This James Dundas of that ilk, the younger, being allied in marriage with the Lord Livingston, who was the great minister in the minority of King James II. deeply engaged him in all their politics, and that great man, having taken some bold steps in the administration, they came afterwards to be quarrelled, and the opposition being strong against him, he and his friends who had stuck to him were all forfeited by a Parliamentary attainder; and, among the rest of his friends, the Laird of Dundas (*c*), in the 1449, and the lands of Dundas and Echline were given to the Earl of Douglas: But soon after this the Lord Livingston and his friends being mostly restored, the Laird of Dundas was restored to all the crown could give him, that was the barony of Fingask in Perthshire, of which we find his son, Alexander Dundas of Fingask, invested, and in full possession of, anno 1466 (*d*): And, to show that he was the heir of James Dundas of that ilk, his father, his seal, with the other arbitrators, is appended to the deed, bearing the plain, simple, original arms, the lion rampant; of whom Thomas Dundas of Fingask is the lineal heir. We shall only further stay to observe here, that the estate of Dundas stood vested in William Earl of Douglas, and James Earl of Douglas his brother, till his attainder in Parliament on the 9th of June 1455 (*e*), when the said estate was forfeited to the crown. It was towards the end of that same year given by the king to Archibald Dundas of Liston, a gentleman of the family, likely, of whom is come the later Lairds of Dundas; but it is clear and evident as the sun at noon, that the Dundasses of Fingask are the true heirs-male of the ancient Lairds of Dundas, preceding the reign of King James II. and so are well entitled to wear the principal arms of the family, as their ancestor wore them simple and plain in the 1466.

*Johan. de Crawford* is the next in the record to *Serle de Dundas*. The truth is, the surname of Crawford is then so frequent that it is hard to distinguish them from one another, John being a frequent name of the House of Kerse, it is probable this *Johannes de Crawford* may well enough, in the chronology, be the son of Reginald Crawford of Kerse, uncle to Sir Reginald Crawford of Loudon, who was put to death by the English at Ayr in 1297. However this is but a conjecture.

*Aleyn Waller*. This I take to be the second branch of the family of Wallace who were of Achencraive, of whom Sir Duncan Wallace of Achencraive and Sundrum, in King Robert II.'s time, who, having no issue, tailzied his estate to James Sandilands, Allan Cathcart, and Robert Colquhoun, and to their heirs.

*Robert Boyd, i. e. Boyd, and Dictus Boyd*, is to be found in a charter by Sir John Erskine, of the lands of Halkhill, in 1262 (*f*). No doubt he was the predecessor of that noble patriot Sir Robert Boyd, who, for the merit and valour of his services to King Robert I. got the lands of Kilmarnock in 1314, of whom is descended in a lineal course of succession the Earl of Kilmarnock.

*Maurice de Arncaple* is the ancestor of the Lairds of Ardincaple in Dumbartonshire, who were designed Ardincaples of that ilk, till King James V.'s time, that Alexander, then the head of the family, took a fancy and called himself Alexander Macaulay of Ardincaple, from a predecessor of his own of the name of Aulay, to honour a patronymical designation, as being more agreeable to the head of a clan than the designation of Ardincaple of that ilk.

(*a*) In the Registers. (*b*) Penes Dundas de eodem. (*c*) In the Registers, etiam penes Dundas de Fingask. (*d*) Solemn Arbitration betwixt the abbots of Cupar and Arbroath, penes Dundas de Fingask. (*e*) Black Acts of Parliament. (*f*) Penes C. Glasgow.

*Johannes de Johnston*, one of the ancestors of the House of Annandale, of whom before.

*Arthur de Galbrait*. This was once a considerable family in the Lennox. The surname signifies, in the Irish language, as I am told by those who are most conversant in that language, *the brave stranger*. The first I have seen is Gillespick Galbrait, who is witness in a charter by Malduin Earl of Lennox, to Humphrey Kirkpatrick, of the lands of Colquhoun. The same Earl Malduin gives a charter to Maurice, son of this Gillespick, of the lands of Baldernock, Killearn, &c. They came to be designed *Domini de Gartconnel*. *Williclmus de Galbraith, Dominus de Gartconnel*, in the reign of King Robert III. had three daughters, one married to John Hamilton, a son of the House of Cadyow, the predecessor of the Hamiltons of Badernoch and Bardowie, another to Nicol Douglas, a cadet of the Douglasses of Dalkeith, as is said, of whom the Douglasses of Mains, Barloch, and Keyston, in Dumbartonshire, and the third to a brother of the Logans of Restalrig, of whom came the Logans of Gartconnel and Balvie, now extinct.

*Walter Spreul*; he is, in other deeds, designed *Senescallus Comitis de Lennox*. They came to be proprietors of the lands of Dalquhern and Cowden, in Renfrewshire, and subsisted till King James VI.'s time. The Spreuls of Blachern and Milton say they are of them, and Blachern wears the principal arms.

*Gregorie Sinclair*. This is generally said to be the progenitor of the Sinclairs of Longformacus in the south, originally a brother of the Sinclairs of Roslin. This is supported by a charter which I have seen by *Henricus de Sancto Claro comes Orcadie & dominus de Roslyn*, wherein he firmly and faithfully obliges himself to infeft his well-beloved cousin *carissimo consanguineo suo, Jacobo de Sancto Claro, Domino de Longformacus*, in a twenty-merk land. The obligation is dated at Roslin the 22d of June 1384. Another James Sinclair, son of the former James Sinclair of Longformacus, gets from Henry Earl of Orkney *Dominus de Sancto Claro & de Vallis de Nyth*, an annuity of twenty merks, to be uplifted out of the lands of Lenny, dated the 20th February 1418 (a). From David Sinclair, son of this James Sinclair of Longformacus, is the family come, as from a lineal succession of them I have seen: The family is now in the quality of baronets, as is Sir Robert Sinclair of Stevenston who is come of them.

*Walter de Congleton* is doubtless the ancestor of the Congaltons of that ilk in East-Lothian. I have seen the name in a charter by Patrick Earl of March, of the lands of Stanypath, in the 1316.

*Henricus Ker*. This being a south country gentleman, I take him to be the root of the Kers of Samuelston, who appear by that title as soon as the 1402. George Ker of Samuelston died without heirs-male in King James IV.'s time, and left one daughter, Dame Nicolas Ker, who carried the estate of Samuelston to her husband Alexander Lord Home. By the heir of line of the family these lands came by marriage to John Hamilton of Samuelston, natural son to the Earl of Arran.

*Walterus de Berkeleya* I conjecture to be one of the ancestors of the south country Barclays, who are barons of the half of the barony of Crawfordjohn in Lanarkshire, which they had obtained by the marriage of one of the two heirs-female of *Johannes, filius Reginaldi de Crawford*, in the reign of King Alexander III. After this we find David Barclay, *miles, dominus dimidiæ baroniæ de Crawford-John*, in the reign of King David II. anno 1357: Sir Hugh, his son, had also the barony of Kilbirny in 1397, and is so called, and *dominus dimidiæ baroniæ de Crawford-John*. His grandson, *John Barclay de Crawford-John*, as he is designed in 1456, and *de Kilbirney* in 1471, had only one daughter, Marjory, his sole heir, who married Malcolm Crawford of Greenock, the ancestor of the present George Crawford Viscount of Garnock, who, through the Barclays of Crawfordjohn is heir of line of the Crawfordds of Crawfordjohn. The House of Kilbirny kept the barony of Crawfordjohn till the 1529, that Laurence Crawford of Kilbirny exchanged these lands for the estate of Drumry in Dumbartonshire, with Sir James Hamilton of Finnart, and Dame Margaret Livingston his wife, who was the heiress both of Drumry and of Easter-Wemyss.

(a) Charters I have seen.

*Henry de Laudere, i. e.* Lauder. After this we find *Robertus de Lawder pater*, and *Robertus de Lawder filius*, who was Justiciary under King David II. As his heir and successor *Sir Robert Lawder de Edrington, Dominus de le Bass*, was *Justiciarius Laudoniæ* in the reign of King James I. Lauder of Hatton appears to be come of them in the days of Robert II.

*Robert de Faugyde* seems to be of the Fawsides of that Ilk, near Dalkeith, who were great men about the Stewarts after they came to the crown; they sold the estate in King James VI.'s time.

*Johan. de Whitlawe, i. e.* I think Whitelaw, the Whitelaws of that Ilk, near Dunbar, who were long a family of credit and reputation. The eldest daughter and co-heir of Patrick Whitelaw of that Ilk married Sir Alexander Hamilton of Innerwick in King James VI.'s days. Some male branch of them, it would appear, recovered the estate of Whitelaw, and designed themselves of that Ilk; it came lately, in our own time, to a second heiress, who married a gentleman from the west, of the name of Burnside, of the Burnsides of Gavinburn, near Kilpatrick, who retains his own name.

*Gilbert de Drummond.* This is the ancestor of the Drummond family, while they were possessors of the lands of Drymen, or Drummon, in Lennox, of whom the Earls of Perth; for which see the Peerage, where an account of their antiquity, alliances, offices, &c. are fully described.

*Piers de Cockburn.* This seems to be the root of the Cockburns of Langton, Ormiston, and Clerkington, of whom the rest of the Cockburns are come.

*Norman de Lescelyne, Chevalier.* This is the Leslie of Rothies family, whose name at that time is Norman; of whom already.

*Roger de Crawford del Conte de Air.* This is for certain the family of the Crawfords, that were sometimes designed of Cumnock, and sometimes of Tarringin; and had also the lands of Crawfordston in Nithsdale. The direct male branch of them ended in King James II.'s time, and Crawfordston came to Sir Robert Crichton of Sanquhar, some apprehend, by marriage of the heiress: But I see no voucher, unless it be the tradition, that is not much to be depended on, nor ought to be carried far where there is any plenty of better vouchers: So much however is certain, that Roger Crawford of Boughs, Daleagles, &c. was, in the reign of Robert II. *anno* 1387, brother to Edward Crawford of Tarringin; and that he founded the once great House of the Crawfords of Dronan, of whom came another considerable family of the Crawfords of Liffnorris. I have seen Sir George Crawford of Liffnorris, in the 1630, served heir to his predecessor's brother, Edward Crawford of Tarringin. Of them all the Crawfords in Kyle are come.

*Robert de Graunt* must be the ancestor of the family of Grant. They say themselves, that a little after this their family came to an heiress, who married a gentleman of the name of Stewart, who assumed the surname of Grant, of whom they are descended, and is designed *del Conte de Fife*.

*Henry le fiz Annand.* *Henry de Annandia* seems to be his son, who gets a charter from King Robert I. of the lands of Sauchie, in the shire of Clackmanan, by his charter I have seen, dated at Peebles *decimo die Junii*, the 18th year of his reign, *i. e.* 1324. The family, in King James I.'s time, came to two heirs-female; Mary, who was married to James Shaw of Greenock, and Margaret, to William Brown of Coalston; for there is a charter by King James I. "dilecto & fideli suo Willielmo " Brown, de totis & integris media parte baroniæ de Sauchy, infra vicecomitatum " de Clacmannan, totis & integris media parte de Gartquher, jacen. infra vicecomitatum ejusdem, totis & integris terris de Fynlory, jacen. infra vicecomitatum de " Kynross, totis & integris mediæ partis terrarum de Achindrane, jacen. infra " vicecomitatum de Air: Quæquidem terræ fuerunt Margarete de Annandia hæ- " reditarie." The lands so resigned are limited to the heirs of her and her husband; which failing, " Joanni de Schaw, filio & hæredi Jacobi de Schaw, scuti- " feri nostri, sexto Aprilis, anno regni nostri vicesimo sexto," that is 1431 (a). The Shaws after that acquired the other half of the barony of Sauchie from the Browns,

(a) Penes Sir John Shaw Baronetum de Greenock & Sauchy.

and came to be considerable barons, both for estate and alliances. Sir John Shaw, baronet of Sauchie and Greenock, represents the family.

*Finlay de Houston*, Chevalier. This is the ancestor of the ancient family of Houston in Renfrewshire, who have family writs and charters as far up as King Malcolm IV.'s time, that the family began in one *Hugo de Padovan*, who got the lands then called Kilpeter, from *Baldwin de Bigris Vicecomes Regis de Lanerk*. From his grandson, another Hugh, the lands were called Houston, and from thence the surname. A line of the family is made out from the writs in the History of the Shire of Renfrew, which may be referred to. The family is represented by Sir John Houston, baronet.

*William le Fleming*, Chevalier. This, to be sure, is the ancient family of Fleming of Barochan, still extant in Renfrewshire, who, at this time, in other ancient vouchers, is designed *Willielmus Flandrensis de Baruchan (a)*; the family still continues. William Fleming is now of Barochan: His predecessor, and the predecessor of the Flemings of Cumbernauld, were two brothers, and they are in all the entails of the family of Fleming.

*John le Senescal*, Chevalier. This I take to be Sir John Stewart of Bonkill, brother to James the Great Steward of Scotland, of whom before.

*Willielmus de Schaw*. This is the ancestor of the Shaws of Hayley and Sauchie, as I take it, and is the same gentleman that gets a charter from *Jacobus Senescallus Scotiae terrarum de Hailys*. The charter is without date, but the granter died in the 1309, and might be some time before (*b*).

*Robert de la Chambre*, I fancy, is the predecessor of Gadgirth, who is a very ancient family in Kyle; they are mentioned in the old registers of Paisley, and they have charters from King Robert the Bruce, and others from the Stewarts before, who were Lords of Kyle. Captain John Chalmers is now of Gadgirth.

*Thomas de Ralphiston*, I think, may be the Ralphstons of that ilk in Renfrewshire, a family still remaining. The name is confined to themselves.

*Giles de Eastwood*. The same name and designation is to be found under the great Stewarts; but how the barony of Eastwood came from the Eastwoods to the Montgomerys, by marriage or conquest, I cannot say.

*Alyandre Aikman* is, by this, an ancient surname. Mr Thomas Aikman of Bromleton and Ross is doubtless of this Alexander Aikman.

*Geofry de Hume* is one of the ancestors of the Earls of Home, and comes after the Williams of the family. See the Peerage for more of the Homes.

*Dougal Cambell*; who this is I cannot say.

*Arthur Cambell* I take to be the Macarthur Campbells of Straquhur; of whom I have seen a charter in Robert II.'s time. The family is still continuing; of them is descended the Campbells of Cessnock in Ayrshire, a considerable family.

*David Blare* is one of the ancestors of the ancient family of Blair of that ilk in Ayrshire.

*Duncan Cambell*; who this gentleman is I cannot say.

*John de Ramsaye*, *Adam de Ramsaye*. These two Ramsays, I apprehend, may be the Ramsays of Auchterhouse, and the Ramsays of Carnock, of whom came the great barons of Dalhousie, now, and since the 1633, in the quality of earls.

*Simon de Orrock* is without a question the ancestor of the House of Orrock of that ilk, in the shire of Fife, reputed an ancient family.

*Piers de Pitcairn*. The ancestor of the Pitcairns of that ilk in Fife, a family I have seen charters for as far back as the 1417. Of them was Robert Pitcairn, Commendator of Dunfermline, Secretary during the regency of Murray, Lennox, Marr, and Morton, a great complier with every thing that was uppermost; a great time-server, a great enemy to Queen Mary, and a very humble servant of the Regent's. There it no memory of him remaining.

*Robertus de Dundas*; who this is, if not Dundas of that ilk, I cannot say.

*Duncan Macgilchrist de Levenax*. This is the predecessor of the Laird of Macfarlane of the Arrochar, or Macfarlane of that ilk. The first of his ancestors was

(*a*) Original charters still extant, mentioned in the History of the Shire of Renfrew. (*b*) Original charter in the hands of Alexander Shaw, writer in Edinburgh.

Gilchrist, younger son of Alwin, second of that name, Earl of Lennox. This is vouched from a charter granted by Maldain Earl of Lennox, "Gilchrist fratri suo, de terris de superiori Arrochar de Luss, una cum insulis Elanvow, Elanvanow, Elanrouglass & Elaig;" which lands, together with those islands in Lochlomond, are in the possession of the Lord of Macfarlane to this day. I have seen a charter granted by this same Maldain Earl of Lennox, *Aurelm filius Macbet*, ancestor to the Buchanans of that Ilk, *de insula de Glarins* in Lochlomond, in 1225, to which Gilchrist, the earl's brother, is a witness (a). This *Gilchrist de Arrochar's* successor, son and heir to the former, was Duncan, who is designed *Duncanus filius Gilchrist*, or Macgilchrist, mentioned in the record. He got a confirmation charter from his cousin Malcolm Earl of Lennox: By the charter he ratifies the grant, "quas Maldunus avus meus fecit Gilchrist fratri suo de terris de superiori Arrochar de Luss." The charter is in the reign of King Alexander III. These two charters are afterwards ratified by King James I. by a charter under the Great Seal in the public register. Malduin, his son, was the next of the line of this ancient family, and father to Bartholomew, or Parlane, which, I have a good authority for, in the Irish language, is one and the same. From this Parlane his posterity came to take the patronymic of Macpharlane, or Macfarlane. Malcolm, his son, is designed *Malcolmus Macfarlane*, who gets a charter from Donald Earl of Lennox, of his estate, on the resignation of his father *Bartholomew, filius Maldaini*: So, from these authorities, the line of the family of Macfarlane is authentically run up to the Earl of Lennox's son, Gilchrist, their ancestor, which is a very illustrious descent, and a very high antiquity. From this Malcolm Macfarlane of Arrochar the family have a well vouched pedigree, with their alliances, intermarriages, and their numerous cadets and descendants, as any I have seen, to Walter Macfarlane of that Ilk, now the head of the family.

*Macoun de Buqubannan*: that is, as I take it, Buchanan, the root of that ancient family. Gilbert, his father, was *Senescallus Comitibus de Levenox*, and the first who got the *carrucatan terre de Buchanan*, and from it took his name. They turned out to be a very considerable family, designed Buchananans of that Ilk, and had once in a day a considerable estate. They were numerous in their cadets, though they are not reckoned among the clans. The principal family failed in the last century, and the estate is in the possession of the Duke of Montrose, who has their writs and the charter-chest I have seen. The latest cadet of the House of Buchanan is Buchanan of Achmar; and, as such, is reputed the chief family of the name, though a great many others have far better estates. But chieftainship goes by blood, not by wealth and riches, which is indeed necessary to support the lustre of a family.

*Thomas de Montgomery*: Some think this is one of the heads of the Eaglesham family; I can say little for or against it: but they have far back a Thomas among them, and likely this is he.

*Gilbert de Hanyeth*, i. e. Hannay: There was a family of the name in Gallo-way, Hannay of Sorbie, extinct.

*Thomas de Kellybill*: Who this is, or who have proceeded from him, is what I cannot say.

*Jan. de Craigy* is, without a question, the ancient family of Craigy of that Ilk, or Craigiehall in Linlithgowshire: They were ancient proprietors of the estate of Craigy; for *Joannes de Cragin*, i. e. Craigy, is a witness to Dandas's first charter in King David's time. After this they came to be designed of that Ilk. In the 1357 *Joannes de Craigy, Dominus ejusdem*, is made mention of in the chartulary of St Giles: He got the lands and barony of Braidwood in Lanarkshire, by the marriage of Margaret, the daughter and heir of Sir *John de Monfode* (b), who had the lands erected into a barony by King Robert the Bruce; by whom he had only one daughter, Margaret, called *Dominus de Craigy*, heiress of Craigy and Braidwood, who, in the 1387, married Sir John Stewart, whom King Robert II. calls his *consanguineus*, a younger son of Sir Robert Stewart of Durisdeer, ancestor of

(a) Penes ducem de Montrose. (b) Writs of the family of Lee.

the Stewarts of Rosyth, of whom came the Stewarts of Craighall, who sold their estate in King Charles I.'s time. They quartered the coat of Craigie with their own arms of the Stewarts. Though they be out of the estate the family is not extinct.

*Henry de Dalmahoy*, the ancient family of Dalmahoy, near Edinburgh, are now baronets.

*Andrew Fraser*: This is the ancestor of the Frasers of Touch-Fraser, that came to the Seatons by marriage; of whom the House of Touch.

*Gilbert de MacLurk*: That I take to be the name of Maclurg, a surname in Carrick among the commons.

*John. fitz Neil de Carrick*. I take this man to be the predecessor of the Neilsons of Craighall.

*Adam le Walys*: This is the head of the ancient family of Wallace of Riccarton in Kyle, who I take to be of a Welch extraction, and a very great antiquary before me is of the same opinion, that they are descended from *Eimerus Calticus*, witness to King David's charter of foundation of the abbacy of Kelso. *Ricardus Gwallensis*, or *Wallensis*, is a witness to charters in the reign of King Alexander II. and is then for certain of Riccarton. From this *Ricardus Wallensis* was Riccarton or Richardston so called. Sir William Wallace, Governor and General of the Scots forces in 1298, the famous and ever renowned patriot, was his son. John Wallace of Riccarton, in the end of the reign of King David II. got the barony of Craigie by the marriage of the heir-female of John Lindsay of Thurston and Craigie. Of this marriage Sir Thomas Wallace of Craigie, baronet, is the lineal heir-male, and quarters the coat of Lindsay with his own name of Wallace.

*William de Kethkerk*. That is plainly Cathcart, the ancestor of the family of the Lord Cathcart, who are very ancient in Renfrewshire, and have been designed *domini ejusdem* and *milites* since King Robert I.'s time. They were raised to be peers by King James II. in 1452. Charles, now Lord Cathcart, is his lineal heir.

*Nicol le Walleis*: This is another branch of the House of Riccarton.

*Renaud*, i. e. *Reginald More*, the Polkelly Mores, that was the root-family of the Mores, that in the reign of King Robert I. came by an heiress to the Mures of Rowallan.

*Roger de Crawford*: This is the Tarringin Crawfords; for Roger was a frequent name among them in the more ancient times.

*Robert de Boyvil*: That is plainly Boil or Boyle of Kelburn, who is then and before that a family existing in the country of Cunningham and shire of Ayr. Richard Boyle, or *de Boyville*, is proprietor of the lands of Rysholm, in *tenemento de Dalray*, which, among other lands, are erected "in unum et integram liberam baroniam," by King Robert the Bruce, *Fergusio de Ardrossan*, as is clear from the charter in the register. After him there is a charter granted by "Walterus Cumine de Rowallan, Ricardo Boill, Domino de Caulburn," as from the charter in Mr Anderson's *Diplomata Scotie*. The charter is in King David Bruce's time. The family continue still, but are lately raised to the rank of nobility; first, in the 1699, David Boyle of Kelburn was created Lord Boyle, and then Earl of Glasgow in the 1703.

*William Butle*: Who this is I know not. And then

*Aylmer de la Hunter* is for certain the Hunters of Arneil, designed of Hunterston, and of that Ilk. In an ancient bounding-charter of lauds, it is bounded with *terris Normani venatoris*, which is plainly the lands of Arneil-Hunter, which is the lands of Hunterston. They have a charter of the lands of Arneil-Hunter from King Robert II. and it is in the registers; also I have seen the writs of the family from this time till Robert Hunter of that Ilk, the present proprietor.

*Raulf de Eglinton* is the ancient family of the Eglintons of that Ilk, which ended in the daughter and heir of *Hugo de Eglinton, Dominus ejusdem*, married to Sir John Montgomery of Eaglesham, in King Robert II.'s time.

*Niel fitz Robert de Dulop*: If this be the predecessor of Dunlop of that Ilk, and if they had the lands of Dunlop, they have gone from them again, for they are in

the family of Douglas after this, as a part of the barony of Stewarton; for in the marriage articles betwixt John Earl of Buchan, son to the Duke of Albany, and Lady Elizabeth Douglas, daughter of Archibald Earl of Douglas, in the 1413, he gives him the lands of Dunlop, &c. as from the original I have seen in the register: However, after this the surname of Dunlop got or recovered the lands of Hunthall in Dunlop, of which Constantine Dunlop is proprietor, and were in non-entry in 1483, since the decease of Alexander Dunlop his gudsire. This Constantine Dunlop, who is first designed of Hunthall, comes to be designed of that Ilk in the 1499; the succeeding lairds of Dunlop are come of him. Francis Dunlop is now of that Ilk.

*Adam de la More* may be the Rowallan Mures.

*Gilmore fitz Edward* is the head of the Cunninghams of Kilmours, though then designed patronymically, and are the ancestors of the Earls of Glencairn.

*Ralph Ferrye*, I take to be Fairly of that Ilk, a very ancient family in Cunningham, who were originally Rosses; and getting the lands of Fairly, he took the name from the lands. The family is now extinct; for the Fairlys who now stile themselves of that Ilk, are of the Fairlys of Burntsfield near Edinburgh, a branch of the Fairlys of Braid, who were also a very ancient family.

*William de Crawford*: I take this to be the branch of the Crawfurds of Loudon, who were afterwards designed of Haining in Stirlingshire, which became one of the most considerable families of the name of Crawford. It came to end in an heiress in the time of Queen Mary. She married Thomas Livingston, son to the Lord Livingston, of whom came the Crawford Livingstons of Haining, of them are the Crawfurds of Lochcoat, and the other Crawfurds in Linlithgow. Of them was also Nicol Crawford of Oxbang, Justice-Clerk in King James V.'s time.

*Walter de Lynne* is without doubt the ancestor of the Lynnes of that Ilk, a little ancient family in Cunningham, but lately extinct.

*Murchaw de Montgomery* is another family of Montgomery, distinct from Eaglesham and Stair, and may be the Montgomerys of Thornton, reputed one of the ancientest families of the name. John Montgomery of Thornton was forfeited in King James V.'s time, and his estate given to the Lord Home; his only daughter was married to Sir Alexander Hamilton of Innerwick (a).

*Nicol de Achethlec*, i. e. Auchinleck of that Ilk, an ancient family in Kyle. A successor of his, *Johannes de Auchinleck, dominus ejusdem, miles*, gives to the abbot and convent of Paisley, "pro contemptu et violatione iis factis cuidam monacho "ipsius monasterii, vasa sua seminaria amputando, per me et complices meos, "viginti solidos Sterlingorum, de terris et proventibus firmarum terrarum mearum, ad duos anni terminos," dated the 10th May 1385 (b). This mortification is ratified by *Johannes Auchinleck, dominus ejusdem*, in the 1392. James Auchinleck of that Ilk, his son, was slain in a family feud, or a petty war, by a neighbour of his own, Robert Colvil of Ochiltree, in the 1449. It was he that got the barony of Glenbervie in the Merns, by the marriage of the daughter and the co-heir of Alexander Melville of Glenbervie. John Auchinleck of that Ilk, his son, having married, in his own time, James Auchinleck, his son and apparent heir, to Egidia, daughter of John Lord Ross, by whom he had only one daughter, who was heir of line to her grandfather. He had a second son, of whom flowed the Auchinlecks of Balmanno. In the 1499, Sir John Auchinleck of that Ilk disposed his estate without the king the superior's consent, to William Cunningham of Craighends, and Marion Auchinleck his spouse, daughter to the said Sir John; whereupon the estate recognised, and the barony of Auchinleck was thereupon given by King James IV. to his servant, as he calls him, Thomas Boswell, son to Sir Alexander Boswell of Balmuto, in the 1505. The heir of line of the family of Auchinleck of that Ilk, Dame Elizabeth Auchinleck, got the barony of Glenbervie, and married Sir William Douglas, son to the Earl of Angus, of whom is

(a) Writes from the register, and the writs of Innerwick. (b) Chartulary of Paisley; the tradition is, the gentleman got the monk lying with his daughter.

come the Douglas family, and all the other branches flowing from that illustrious stock ever since.

*Malcolm Lockart del Conte de Air* is for certain the ancient family of Lockhart of Barr in the west, now extinct.

*John de Maccusuel* seems to be one of the ancestors of the House of Maxwell, while they had their estate in the west, in the barony of the Merns in Renfrewshire.

*Philip le Engleys* is the Inglises of Brankesholm and Manor, and afterward, of Murdiston in Lanarkshire, a family of good antiquity, but now extinct; for Alexander Inglis, the present Murdiston, is not of this family, but heir of line of the Inglises of Inglistarvet in Fife, a family as ancient as King Robert II.'s time, from the writs of that house I have seen.

*Symon de la Chambre*, who may be Gadgirth's predecessor.

*Robert Fraser*: I take this Fraser, being in the west, to be the ancestor of the Frasers of Knock in Ayrshire, who had been very ancient there, and lasted a family till King Charles II.'s time.

*Fergus de Bard*: This may be the Bairds of Kipp and Evandale, who were a great family in Lanarkshire that were very considerable.

*Henry de Swinton* is the ancient family of Swinton, who are of great antiquity. Their ancestor is that *Arnulphus, miles*, who gets a charter of Swinton, "faciendo servitium monachis Dunelmensibus," and another of the same lands, "Reddendo xi. solidos per annum, sine servitio;" and from the lands the proprietors took the surname. Sir John Swinton came to be *Dominus de Mar* in right of courtesy, by the marriage of Margaret Countess Dowager of Douglas, and in right of her own blood Countess of Marr in 1389, as from vouchers in the chartulary of Melrose belonging to the Earl of Haddington. John Swinton of that Ilk was the Scotsman in all Scotland that complied most with Cromwell, and was by him made one of his lords of the Other-house: He was forfeited 1651; but from some nullities in form of process the estate was restored, at the Revolution, to his son Sir John Swinton of that Ilk.

*Thomas de Crichton*, the ancestor of the Lord Crichton's family, that were forfeited in King James III.'s time, of whom the Viscounts of Frendraught were the lineal heirs, and were forfeited since the Revolution for adhering to King James VII.

*Aleyn de Elphinston*, the ancestor of the Lord Elphinstone's family, of whom already.

*Ada de Fraser* is another Fraser of whom I can give no account more than that she was prioress of Eccles.

*Adam de Lumisden* is the ancestor of the Lumisdens of that Ilk, who have a charter from John Earl of Angus in 1332, of the lands of Blanern in the Merse, which I have seen. Robert Lumisden of Innergelly in Fife is the heir of the family.

*Adam de Nisbet*, the ancestor of the ancient family of Nisbet of that Ilk, which is a local surname, and of a very high antiquity; they continued down till King Charles I.'s time, that they fell low by their sufferings for the royal cause; the family was represented by the learned herald and antiquary Mr Alexander Nisbet, who wrote the large System of Heraldry lately, that is in every body's hands, and was a worthy modest gentleman, who had as many friends, and as few enemies, as any man I have known. Nisbet of Dean is now the best family of the name, and a baronet.

*John de Englys*, may be the Inglises of Tarvet in Fife, that got Tarvet by an heiress of that Ilk.

*Alleyn Dinwitbie*, I apprehend, is the Dinwiddies of that Ilk; the family continued long. I have seen Alexander Dinwiddie of that Ilk forfeited for joining with the English, in 1543, in the records. There are some people of the name in and about Glasgow, people of credit and respect, and in the magistracy.

*Robert de Blackburn*; there are people still of that name, both in Aberdeenshire and in the west.

*Adam Corbet* may be Makerston, or Hardgray.

*Rolf Broun*, I fancy, is the Browns of Coalston in East-Lothian; they may be of that *Walterus le Broun*, witness to a requisition of the possessions of the church of Glasgow, by *David Comes*, in the reign of King Alexander I. *Thomas de Broun* is a witness to a charter by *Roger de Maubray*, to the predecessor of the Lairds of Moncrief, in the time of King Alexander II. Another *Ricardus de Broun* is forfeited in the Black Parliament anno 1320: The family have a charter from King David II. *Johanni Broun filio David. Broun de Colston*. The family is now split betwixt the heirs-male and the heir of line.

*Thomas de Buncl*. This must be the Bunkles, the old possessors of the lands of Bonkill that, about this time, came to the Stewarts by marriage. Sir Alexander Stewart of Bonkill was created Earl of Angus by King Robert the Bruce 1327.

*Walter Jobston*; who this may be I cannot say.

*John de Chisome* was the Chisholms of that Ilk, from whom flowed the once great family of the Chisholms of Cromlicks in Perthshire, they were come of Thomas Chisholm, brother to a bishop of Dunblane, in King James III. and IV.'s time. They were a rich family, and had several prelates that were sons of them, and they allied and intermarried with most of the great families in the country; they are now quite extinct, and not a memory left of them in the male line.

*William de Eyton*. This was a very ancient family, and sprung from the great family of the Vescys in England, of whom Sir William Dugdale has given a long thread of pedigree in the Baronage of England; they had the great barony of Sprouston in the south. The Ayton family was come of *Gilbert de Vesey*, who, getting the lands of Ayton in the Merse, took his surname from the lands as was an usual, or rather a common ordinary way and practice; they continued till King James III.'s time, that a brother of the House of Home married the heiress, and comes to be designed George Home of Ayton; the lady had an uncle, her father's younger brother, Andrew Ayton, captain of the castle of Stirling in the days of King James IV. To whom that king gave by his charter, "pro fidei & bono servitio" terras de Nether Dumure in vicecomitatu de Fife," in the 1507. By a new charter from the crown, the lands were called Ayton, and the family styled of that Ilk. Sir John Ayton of that Ilk left two sons; Robert, who, upon his succeeding to the estate of his uncle, Robert Lord Colvil of Ochiltree, in 1729, assumes the surname of Colvil. The second, Andrew Ayton, Esq. late provost of Glasgow, who represents his paternal ancestors, and carries their arms; they had some cadets, as Ayton of Inchdarnie, Ayton of Kippo, Ayton of Kinglassie, Ayton of Kinaldy, &c.

*Johan. Waleis de Overton*, whom I know nothing of at all, more than of another following him,

*Robert Russel*, in the record.

*William de Boswel*. This I take to be the ancient family of Boswell of Balmuto, while they resided in the south, and before they came to settle in Fife, where they arrived to be a very great family, and were great men.

*Robert de Ramsay*. This may be the Dalhousie family, of whom before.

*Nicol de Rutherford* is the ancestor of the family of Rutherford of that Ilk, of whom before.

*Seir Le Fitz Thomas de Frisle*. As I have observed before in these remarks, the Frasers are so numerous that they cannot well be distinguished; but they are most generally south country Frasers.

*Archibald de Moravia*. This is for certain the ancestor of the ancient family of Fairhall, now Philiphaugh, whose descent cannot be instructed from any other family of the Murrays; though, if I might be allowed to make a conjecture, being a south country family, it is highly probable they may be of the Murrays of Bothwell, who had Smelholme and other lands in the south: If they be of Bothwell, they must be a very early cadet; *Archibald de Moravia* is the first of them that is in this record anno 1296. The first charter they have is one granted by *Jacobus Dominus de Douglass* to this Archibald's son, "Rogerus de Moravia, filio Archibaldi de Moravia, de terris de Falla," in the 1321. The charter is transumed by Bishop Dunbar of Aberdeen, Register in James V.'s time; there is a precept directed from Henry Bishop of St Andrews, to Bishop Wardlaw, in the year 1412, to give sasine to William Borthwick of an annuity out of the lands of Princado,

in the barony Stowe. John Murray of Falahall gets a charter from King James IV. "Dilecto familiari suo Johanni Murray," of the half of the lands of Philiphaugh, on his own resignation, anno 1508. He had also another charter from the same king, "de totis terris de Pitgyl, in vicecomitat. de Selkraig, nec non minutas cus-tumas & firmas burgales ville & burgi nostri de Selkraig, una cum officio vice-comitatus de Selkraig;" the charter under the Great Seal is dated the last of November 1509 in the Register. John Murray of Philiphaugh is now member of Parliament for the forest or shire of Selkirk, whose family writs can derive him down from his ancestor in 1321. There are other Murrays of Philiphaugh, as the the Murrays of Romano, of whom Stanhope, the Murrays of Skirling, of whom Melgum and Deuchar.

*Laurence de Frisle.* This is Drumelzier.

*John de Hope.* This gives an ancient descent of the surname of Hope, almost 500 years back.

*Thomas Buntyn.* There is a family of the name in Dumbartonshire, designed of Ardoch; but there is no vouchers extant to connect betwixt this Thomas and them, though it is probable they may be of him.

*Osbert de Chartre* may be a branch of the Charteris family, styled of Amisfield.

*Nicol Ker* is the ancestor of the Kers in the south; but whether the Kers of Cessford, Fernihirst, or Samuelston, I cannot say.

*Christin Locard* may be very probably one of the ancestors of the most ancient family of the Lockharts of Lee, and son of Sir Malcolm, and father of Sir Simon Lockhart of Lee, in the 1317, a donator to the abbacy of Newbottle, of whom is the family of Lee come, and all the great branches and descendants of that family.

*Robert de Betun;* of whom before.

*William de Moncrief,* the ancestor of the Moncriefs, of whom before.

*Richard Musbet;* this is a very ancient family, designed in Latin *de Montefixo*, and were barons of Cargill in Perthshire; *Sir William de Montefixo* was *Justiciarius Scotiæ* in the 1332. By his daughter and heiress, the estates of Cargill and Stobhall came to Sir John Drummond, one of the ancestors of the noble family of Perth; *Musket* of Burnbank was the heir-male, but lately decayed, though severals in Monteith are of them, as the *Mushets* of Craighead, *Calzichat*, *Mill of Torr*, and *Mill of Goody*.

*Thomas de Ramsay.* Who this is I cannot say.

*John. Skeen, Patrick de Skeen,* may be two of the ancestors of the Skenes of that ilk, father and son; they had a charter of the lands of Skene from King Robert the Bruce, erecting the lands in a free barony. They have retours from this John's son till the 1624, and a good account can be drawn of them from their writs and charters in the register. *Sir John Skene* of Curriehill, who was Lord Register, and a great man as a lawyer, was a nephew of the family, the seventh son of Robert Skene of Raemore. A full account can be drawn up of the Skenes, and vouched from undoubted authorities.

*William fitz Andrew de Douglas.* Mr Hume, in his History of the Douglasses, affords us no light who this gentleman is, and the truth is, I can make no conjecture about him, if he be not the ancestor of the Douglasses of Dalkeith, now Earls of Morton; but this I will not assert, only he is designed *ael Conte de Lithgow*, where their first possessions were; or he may be the ancestor of that old branch of the Douglasses of Pumpherston that failed in *Sir Joseph Douglas* anno 1681.

*Henry Craik* seems to be a south country name. There is a family still extant of the surname of Craik, styled of Ardbigland.

*Walter Ochterlony.* This without question is the Aucherlonies, styled of that ilk, and of Kelly in Angus, now extinct.

*John. de Morreff.* This may be the Murrays of Blackbarony, who claim an ancient descent and independency from any other Murray; there is *Alexander de Moravia* of this line in King Robert II.'s time, and *John de Moravia de Blackbarony* in the 1409. in the registers. Mr John Murray of Blackbarony was in favour with James IV. who gets charters erecting a great many lands into the barony of Blackbarony in the 1505. *Sir Alexander Murray* is now of Blackbarony, ba-

ronet, who, by the similitude of his arms, seems to be of the same stock with the Murrays of Philiphaugh.

*Andrew Frisel*; who he is I cannot tell.

*Joban. Monipenny*, the ancient family of Pitmilly in Fife, who have writings in Alexander II.'s time.

*Joban. Wyscard, i. e.* Wishart, who is either Pittarrow or Logie, both ancient families, now extinct.

*Alsyndure de Allardys, i. e.* Allardice of that Ilk, an ancient family in the shire of Kincardine. They got a charter of the lands of Alrethes from King William, since called Allardice, from whence is the surname; from this time there is a series of writs in the hands of the Laird of Allardice. He is heir of line of the Earls of Airth and Monteith.

*Humphrey de Middleton* is the predecessor of the Earls of Middleton; they were once a family of note, but they fell lower for some generations before. They were again raised to high honours and dignities by Lieutenant-General Middleton, created Earl of Middleton in the 1661. Charles Earl of Middleton was attainted in Parliament for being in France with the late King James VII. where his family now resides.

*Robert le Falconer*, the predecessor of the Lord Halkerton, in the Merns, or shire of Kincardine, a very ancient family there. They have charters from King William the Lion, and have, in all ages since, been considered as a great baron's family. There is a charter in the registers of King David to *David le Falconer filio suo*, his godson, which is explained by the clause in the preamble, "quem ex sacro fonte levavimus," of an annuity to him out of lands, as from the charter in the register. A line of the family, with their marriages and alliances, can be drawn out of the registers, and other vouchers, down to our time; for the house of Halkerton was burnt by an accidental fire in the 1679, and the charter-chest utterly destroyed. They were raised to the peerage in the 1647, as the merit of the great zeal and loyalty Sir Alexander Falconer, the head of the family, had shown in the Parliament that year, for relieving of good King Charles from the English sectaries, when he was a prisoner at the Isle of Wight. David, the present Lord Halkerton, is his lineal heir-male, and so has right to the peerage.

*Richard de Boyvile del Conte de Air*, who I take to be the ancestor of the Boyles of Raysholm in the west, in Dalry, and of Wamphray in Annandale, whose heiress, in King James IV.'s time, married a brother of the House of Johnston, as from a charter in the records 1513. Of this family of the Boyles of Raysholm and Wamphray the great English Boyles do derive their origin and descent, and acknowledge themselves to be come of the House of Kelburn, who are now in the dignity of Earls of Glasgow.

*Andrew de Ker del Conte de Screvelyn*. This must be the Kers of Kilmore that were of an old standing in that shire. Sir Alexander Ker of Kilmore, in the reign of King James IV. left two daughters his co-heiresses; the eldest married a son of the Forresters of Corstorphine, and Agnes married John Stewart, brother to the Lord Evendale; of whom came the Stewarts of Kilbeg.

*Margaret*, who was the wife of *Piers de Lundy*. This seems to be the family of Lundie in Fife, who are certainly come of a son of King William the Lion, from a great many unquestionable vouchers; of whom James Lundie of that Ilk is the lineal heir.

*Roger de Houden* is one of the families of the Haldanes; of whom before.

*Roger de Kilpatrick* I take to be the Torthorald branch of the Kirkpatricks, which came afterwards to the Carlyles by marriage; of whom came the House of Carlyle.

*Gilbert de Johnston*, one of the progenitors of the House of Annandale; of whom before.

*Heve de Orr* is the surname of Orr, which gives the name a high antiquity. I have seen the name in writs in King James IV.'s time; it is a numerous name in the west end of the shire of Renfrew, in the parish of Lochwinnoch, where there are some heritors of the name. John Orr of Barrowfield has now got a great estate; but he is originally extracted from the Upper-Ward of Clydesdale, in the barony of Cambusnethan.

*Gilbert Maknabt, i. e. Macmath*; of which name there was a family styled of that ilk in Nithsdale; of whom I have seen, in the Duke of Queensberry's hands, a series of writs since the reign of King James I. for about 300 years.

*Gilbert de Carlyle* is the ancestor of the Lords Carlyle. I have seen an original charter granted by *Willielmus de Bruce*. the ancestor of the great Lords of Annandale, to *Adam de Carleolo*, of several lands in Annandale. They came to be very considerable barons; and, in King Robert the Bruce's time, *S. William de Carlyle* married Margaret, that king's sister, as from charters in the register. They became peers, Lord Carlyle, in King James III.'s time, *anno 1473*. In King James VI.'s time the family split betwixt an heir-male and an heir of line, which brought it to ruin; for, as Michael Lord Carlyle left an elder son, who had a daughter, so he had a second son, Michael Carlyle, to whom the father designed his estate, which was reduced at the instance of his niece, his elder brotner's daughter; but, in the competition, the estate was near torn to pieces. The lady, the heir of line, married James Douglas of Parkhead, whose son, James Douglas of Torthorald, was created Lord Torthorald *anno 1609*. The right to the dignity still resides in William Carlyle of Lochartor, in the stewartry of Kirkcudbright, as heir-male and of line to Michael Carlyle, son to Michael the last Lord Carlyle, to whom he was served and retoured heir not long since.

*Thomas de Colvyle* is the Colvil of Oxnam in the south, whose son Robert, as I take, came to the estate of Ochiltree, as heir-male, in the 1324, as from the charter of Melrose, belonging to the Earl of Haddington.

*Adam de Colvile* is another branch of the House of Ochiltree, of whom I cannot say any more.

*William de Harris* is, no question, the progenitor of the Herrieses of Terreagles, who came to be Lords Herries of Terreagles in King James IV.'s time; and, in the 1543, ended in three co-heiresses; of the eldest came the Maxwells Lord Herries, that came to be conjoined with the dignity of the Earl of Nithsdale, since the restoration of King Charles II.

*John Baird*, and *Robert Baird*. I think these two gentlemen, of the surname of Baird, are the two families of the Bairds of Evandale and Cambusnethan. Cambusnethan came by marriage, in King David's days, to Sir Alexander Stewart, afterwards of Darnly and Cruxston, who gave the lands of Cambusnethan to Janet his daughter, and to Sir Thomas Somerville of Carnwath, her husband, in the 1390. He was afterwards honoured and invested with the dignity of Lord Somerville 1427. A family in Banffshire seems to be derived from them, Baird of Ordinoof, of whom came the Bairds of Auchmedden, and of them again the Bairds of Newbyth and Saughtonhall, both baronets.

*Fergus del Schaw*; who this is I cannot say, but doubtless it is some branch of the House of Sauchie or Hayley.

*Reginald de Crawford*. This gentleman may be either Sir Reginald of Loudon, the younger, or Reginald, some of the Kerse family, or the head of the House of Auchinames; and the same *Reginald de Crawford* to whom King Robert I. gives an annuity out of the lands of Ormsheugh; and, as I take it, the Reginald Crawford, grandson to Thomas Crawford of Auchinames, who, in 1401, makes a mortification of a chaplainry in the church of Kilbarchan, "pro anima Reginaldi de Crawford avi sui." Of whom there is a series of the House of Auchinames.

*Alan le Calyntar*, one of the House of *Cillendar del Conte de Strivelyn*.

*William Brun de Gamelshiells*, a family of the Browns, of whom I can say nothing, if it be not the ancestors of the Browns of Coalston under this designation.

*Robert MacComb*; this the surname of Malcolm, of which there are some gentlemen in Fife; this gives it a high antiquity.

*Freze Alysandre de Argyle*, some churchmen of the House of Lorn, *de Ergadia* and then Macdougall.

*Thurbrand de Logan*. The surname is ancient, being found in the charters of the Constables to their vassals in Cunningham, in the reign of Alexander II. in the Earl of Loudon's hands, granted to the Crawfurds his predecessors; but whether the ancestor of the west country Logans, or the House of Restalrig, or of both, I cannot say; but I am sure the House of Restalrig, in the time of King Robert II. had the barony of Grugar in Cunningham.

*John de Corbet*, another family of the Corbets besides Makerston, likely the Corbets of Hardgray, of whom before; of them are the Corbets of Towcross in Lanarkshire.

*Sir Herbert de Maccusuel*, i. e. Maxwell, one of the ancestors of the great and noble family of Maxwell that have made, as well in ancient as in more modern times, so great a figure in our history, and have so meritoriously been raised to honours, dignities, and high commands, in the service of their country: they were Peers, Lords of Parliament, at the first institution of that honour by King James I. as soon as the 1429 (1). The family attained to be Earls of Morton in the 1551, on the fall of the regent Morton; but that dignity being restored to the Douglasses of the House of Lochleven, the family of Maxwell was in lieu of the former dignity, made Earl of Nithsdale.

*Sir Richard Fraser* is some of the south country Frasers of the House of Tweeddale, who are designed sometimes in old writs *Viccomites de Travockquair*, which I take to be the sheriffship of Peebles; to his name is added *del Conte de Drumfrise*.

*James de Lindsay* is well known to be the ancestor of the great family of the Lindsays of Dunroed. It was he that assisted King Robert I. to dispatch the perfidious Cumin in the church of Dumfries. His heir and successor, John Lindsay of Dunroed, gets charters from King Robert III. when he was Earl of Carrick, of the Mains of Kalbride, which is confirmed by the king his father in the 1374, in the registers I have seen; they became a great family, and had a vast estate, both in the shire of Lanark and Renfrew, where the lands of Dunroed lie. They continued till King James VI.'s time, that Alexander Lindsay of Dunroed falling in bloodshed, and having killed the laird of Leckie of that ilk, his estate visibly melted away, and he suffered a great reverse of fortune; for he, who had once so great an estate, came to beg his bread among his friends before he died, as I have been credibly informed by old people, who knew him in the decline of his age, in that poor situation. The family of Dunroed is represented by William Lindsay late of Blackholm and Balquharage, who bears the arms.

*Sir Alexander de Lindsay* is the ancestor of the Lindsays of Barnwell and Craigie, or a branch of them.

*Allan de Moreff, del Conte de Forres*, is a north country Murray of the House of Duffus, and who came to be designed of Coubin.

*Sir Dovenald Cambel, del Conte de Dunbarton*; I see no other Sir Donald Campbell at the time, but Sir Donald who is of Redcastle, and the same noble person who gives the half of the barony of Redcastle to Sir Duncan Campbell of Loudon, his son, and is the *Dovenaldus Cambel* who is one of the *Barones Regni Scotiae* who write the memorable letter to the Pope, in the 1320, anent King Robert the Bruce, and the independency of Scotland.

*Sir William de Rothwen*, i. e. Ruthven, the ancestor of the Ruthvens of that ilk, of whom came the Earls of Gowrie; of whom before.

*Sir Archibald de Livingston*; of whom before.

*Sir Nicol de Graham, del Conte de Lithgow*, is, as I think, that branch of the Grahams of Abercorn that I think came afterwards to the Mores by marriage of the heiress.

*Thomas de Dalziel*, the predecessor of the Dalziels of that ilk in Lanarkshire; the name is ancient and local; how they lost the estate of Dalziel I cannot say, but likely by forfeiture: They were given by King David Bruce, "Malcolmo " Fleeming, militi, quod ipsi habebant teneant et possideant baroniam de Lanzie, " baroniam de Kilmarnock, et omnes terras suas baroniæ de Dalziel, et omnes " alias terras quas de nobis tenet in capite, in liberam warrenam in perpetuum, " apud Castrum de Kildrummy, vicesimo die mensis Junii, anno regni nostri " tertio decimo, 1343" (b). The estate of Dalziel came next to *Robertus de la Val*, but not Dalziel; for there is a charter by the same King David II. " Roberto " Senescallo de Shandbothy de terris de Dalziel et de Moderville infra vicecomi-

(a) Decree of Parliament in the Registers. (b) In the hands of Mr Hamilton of Dalziel.

“tatum de Lanerk, nos contingentes pro eo, quod hæredes quondam Roberti de la Val, militis, contra fidem et pacem nostram in Anglia commorantur, tenend. “habend. eidem Roberto et hæredibus suis in liberam baroniam, adeo liberum “quondam Malcolmus Fleeming et Robertus de la Val eandem tenuerunt.” The charter under the Great Seal is dated the 20th of March, the 33d year of the king’s reign, *i. e.* 1363 (*a*).

I think the heirs of *Sir Robert de la Val* have been restored to the barony of Dalziel and Moderville, which, by two co-heiresses, came to Sir Duncan Wallace and *John de Nisbet*, who, in a writ I have seen (*b*), are designed *Domini participes baroniae de Dalziel*: that imports that they were heirs portioners of the estate; Sir Duncan Wallace gave his part *baroniae de Dalziel et de Moderville*, failing heirs of himself and his second wife, as I take it, *Eleanora de Bruce, Comitissa de Carrick*; she was Countess Dowager of Carrick, and herself a daughter of Sir Archibald Douglass, sister to William first Earl of Douglas, and widow of Sir James Sandilands of that ilk. He provides the estate of Dalziel to Sir James Sandilands, his lady’s son; the charter from the crown is dated in the 1374 (*c*). Sir James Sandilands of Calder alienated the barony of Dalziel to George Dalziel, son of *Sir William de Dalziel*, which is confirmed by a charter under the Great Seal, 5th July, the 5th of Robert II. 1395, by the charter proceeding on Sir James Sandilands’ resignation, whom the king calls his brother, being married to his sister. The estate is limited to the heirs-male of *George de Dalziel*, the receiver of the charter, and to the heirs-male of his body; which failing to the heirs-male of *Sir William de Dalziel*, his father, whatsoever. From this gentleman descended the following series of the lairds of Dalziel, who were raised to be Lords Dalziel in 1628, and in 1639 Earl of Carnwath. I shall just stay so much longer on this remark as to observe that the other half of the barony of Dalziel, that was John Nisbet’s part, laid the foundation of the Nisbets, called barons of the half barony of Dalziel and Moderville (*d*), that were a good family and subsisted till King Charles I.’s time. Of this branch of the Nisbets, of the ancient family of the Nisbets of that ilk, flowed the Nisbets of Dean, being descended of Adam Nisbet, a son of the barons of Dalziel, who came to Edinburgh a merchant in King James IV.’s time. *Sir Patrick Nisbet of Dean*, baronet, informed the author of these Remarks.

*David Moreff, Parsona Ecclesiae de Bothwell*. This is a clergyman perhaps of the House of Bothwell, who were then of the same surname, and was long before the founding the College Kirk of Bothwell by the Earl of Douglas in the 1398.

*Robert de Cuninghame*: This is Cunningham for certain, and the same noble person who had a charter under the Great Seal from King Robert the Bruce, of the lands of Lambrochton, and is the ancestor of the noble family of Glencairn.

*Walter fitz Gilbert de Homildon* is the same great man that is mentioned before in this record, and on whom we have made remarks and some critical observations before. All that we shall add here is, that he must be a very considerable person, and possessed of an estate in different places, when he is swearing fealty to the King of England at different counties; though by the by he seems to have a special relation to the shire of Lanark.

*Alisandre Scot de Perthick*: From writs I have seen he had the lands of Perthick-Scott, that is, the lands of Scotston in Renfrewshire, which from him came to *Nicolaus de Strivelyn de Busbie*; and, by his daughter and heir, to John Semple, a brother of the House of Elliotston, whom, in the 1409, I have found designed Lord of Perthick (*e*). By his daughter and heiress the estate came to Sir Walter Stewart of Arthuly, son to Sir William Stewart of Castlemilk, who I see so designed in a charter in 1439, in the register, and another in the Lord Ross’s hands. He had two daughters, the one married to William Park of that ilk, and again to William Cunningham of Craigends, son to Alexander first Earl of Glencairn,

(*a*) Ibidem, (*b*) Penes Hugh Crawford, Writer to the Signet in Edinburgh, mentioned in the Life of Sir John Lyon of Giammis, Chamberlain. (*c*) Penes Dalziel. (*d*) Earnock’s writs. (*e*) Penes duccem de Montrose.

and got Arthurly and other lands. The second daughter was married to Thomas Stewart of Minto, second son to Sir William Stewart of Gairlies, and got the lands of Perthick-Scott, &c.; of whom the Lord Blantyre is the lineal heir-male.

*Annobel*, who was the wife of Sir Patrick Graham. It is hard to distinguish the Graham at this time; for Patrick is then the head of the Kincardine family and also of the Lovat Gramhams: but which of them this lady is the wife of, I cannot well say.

*Johan, de Crawford del Conte de Air*, is, without all question, a branch of the House of Loudon: But the truth is, whether he be the Kerse family, the Tarringin Crawfurds, the Auchinames Crawfords, the Ardoch Crawfurds, since called Crawfordland or the Haining Crawfurds, who seem plainly to be all then subsisting, is hard to say; and, at best, what might be said would be no more than conjectural.

*William de Strizelyn*: This gentleman, being found in the west, is doubtless one of the line of the Stirlings of Calder, who seem to be the root of all the other Stirlings, and from whom all the rest of the Stirlings in the western parts are descended. I think that in these remarks I have already hinted at the surname, and some of the branches of the family, and shall add no more here.

*Andrew fitz Godofrede de Ross del Conte de Air*: This is for certain a younger son of the House of Tarbet in Cunningham. They came to be great men, and mighty favourites with Robert Bruce, and got many lands from him. The Lord Ross is the representative of the Rosses of Tarbet; and this Andrew may be the ancestor of the Rosses of Haining, Galston, and Montgrenan. James Ross of Portivo, son and heir of George Ross of Galston, represents, and is heir of, the House of Haining and Galston, which is an ancient family.

*Mary*, the wife of *Hewe de Airth*, is the ancestor of the Airths of that ilk, *del Conte de Stirling*, that came to be heiresses in King James II.'s time, as we formerly remarked in the observations and critical remarks on this record.

*Richard de Kinnaird, del Conte de Fife*. It would seem that the ancient family of Kinnaird had then an estate in Fife, as well as in Forfarshire, where the bulk of their estate lay. It cannot be the family of Inchtute that is here mentioned, as some groundlessly may fancy; for they did not begin till King Robert III.'s time, that a son of the family of Kinnaird married the heiress of the House of Inchtute, of the surname of Kirkaldy, as is evident from original writs in the hands of the Lord Kinnaird, that are mentioned in the Peerage of Scotland, in the article of the Lord Kinnaird. And with this I shall end my Historical and Critical Remarks on the Ragman-Roll, or the Fealty and Submission that was sworn to by the generality of the Freeholders; so universal it was, that not only we see the *comites* and the *barones regni Scotiae*, but the *libere tenentes*, and even the *communitates burgorum*, go all mostly into a thing that no doubt was so much against the grain with most of them.



## THE

## I N D E X

OF

SURNAMES, COUNTRIES, FAMILIES, AND PERSONS, WHOSE  
ARMS ARE MENTIONED IN MR NISBET'S SYSTEM  
OF HERALDRY, PART III.

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*Murray Viscount of Stormont*



*Edmonstone of Duntreath*



*Grant of that Ilk*



*Murray of Abercairny*



*Orr of Barronfield*



*Robb of Glenriddell*



*Macfarlane of Kirkcubbin*



*Sir Robert Menzies of that Ilk Barons*



*Cuninghame of Bandaloch*



*Corsane of Melkenex*



*Sir James Stewart of Burray Barons*



*Scot of Horsburgh*









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*Douglas of Timpyndean*



*William Gray Dumfriesshire Purjuivant*



*Rodrick Chalmers Ross Herald & Herald Painter in Edinburgh Lincolns Representative of Chalmers of Cuba*



*Denar of Lasodie.*



*Lundin of Drums*



*Irvine of Saphock.*



*Kennedy of Bennen*



*Alex. Martin Illy Herald*



*Inglis of S. Leonards.*



*Williamson of Cardrona*



*Lammie of Dunkerrrie.*





Sir William Nicolson Bart



Walter Ruddell of that Ill Bar!



Cuning of Coulter Bart



John Young of Shank Sheriff Clerk of Kincaidore



Kelfie of Kilsblane



Crampford of Auchinames



Grahame of Clirth



Barclay of Urie



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Han of Ranfild and Inchrock

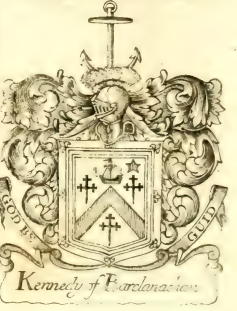


Campbell of Skiprie



Gordon of Craighlan









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now represented by Mr. Robertson*



*Urquhart of Meldrum*



*Schank of Gasterig*



*Clerk of Tenneycook Bar.*



*St. George Stewart  
of Gairmtully Bar.*



*Dundas of Fingack*



*Lockhart of Cleghorn*



*Urquhart of Byth*



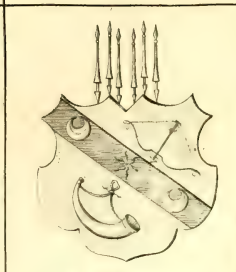
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*Campbell of Skerrington*



*Gordon of Gordon Bank*



*Sect of Non-priests*





*Macfarlane of Macfarlane*



*St. Clair of Rosslin*



*Fraser, Ld. Lovat*



*John Clerk*  
M.D



*Calderwood of Polton*



*Congalton of that Ilk*



*Mr. Thos. Dundas, Glasgow*



*Scrimzeor of Dudgey*



*St. Thomas Renton*



*Robt. Monbray King, Wright*



*St. Archibald Stewart of Castlemilk Bar*



*John Riddell, Writer to the Signet*









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Neilson of Corrack



Glendoning of Partoun



Campbell of Shirvan



Campbell of Killmartine



W. Cos. Cave his Majesty's Engraver



Hamilton of Westburn



Blackwood of Pittreiv



George Balderstone, Chirurgion



Erskine of Carnock



Campbell of Calder



Campbell of Calder

