

~~A. 434~~

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THE FAMILY  
OF  
DALMAHOY OF DALMAHOY,  
RATHO,  
COUNTY OF EDINBURGH.

[By Thomas Falconer]



1867.

# DALMAHOY OF DALMAHOY

IN THE

*PARISH OF RATHO, CO. EDINBURGH.*

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1. **HENRY DE DALMAHOY**, living anno 1296. [See the Ragman Roll. *Prynne's Records*, vol. 3, p. 37, 655.]

2. **ADAM DE DALMAHOY**, living 1304, son of Henry [2 Rymer's *Fædera* p. 1015].

3. **RICARDUS DE DALMAHOY**, named as a free baron of Lothian temp: Robert II.

4. **THOMAS DE DALMAHOY**, named as "Thomas de Dalmahoy, dominus de eodem," in a charter under the Great Seal, from Robert Duke of Albany to Alexander Lauder of Hatton, anno 1408.

5. **SIR ALEXANDER DE DALMAHOY**, "dominus de eodem," anno 1435. Died in the reign of James II.

6. **ALEXANDER DALMAHOY**, of Dalmahoy. He had issue:

1. **ROBERT DALMAHOY.**

2. **JOHN DALMAHOY**, who had a charter of part of the lands of Libberton in 1453.

7. **ROBERT DALMAHOY**, of Dalmahoy. He married Janet Robertson, of the family of Strowan [Charter dated 13th August, 1455]. They left a son :

8. **ALEXANDER DALMAHOY**, of Dalmahoy [Charter dated 8th March, 1475, to "Alexandro Dalmahoy filio primogenito Roberti de Dalmahoy filii primogeniti Alexandri Dalmahoy de eodem"]. He left a son :

9. **ALEXANDER DALMAHOY**, of Dalmahoy. He married Mariote Murray [Charter 19th March, 1526, "Alexandro Dalmahoy de eodem et Mariotæ Murray, ejus sponsæ terrarum de Fauldhill"]. They had issue :

1. **WILLIAM DALMAHOY.**

2. **SIR JOHN DALMAHOY** [Charter 5th January, 1526, "Johanni Dalmahoy, servitori Regis, terræ vastæ sive hortæ in villa de Leith ;" and a Charter dated 5th June, 1541, "Jacobo Dalmahoy filio et hæredi Johannis Dalmahoy, militis, petiæ terræ Regis et hortæ in villa de Leith"].

10. **WILLIAM DALMAHOY**, of Dalmahoy [Charter 10th July, 1536, "Willielmo Dalmahoy de eodem filio et hæredi Alexandri Dalmahoy de eodem et Janetæ filiæ Jacobi Cleland de eodem sponsæ dicti Willielmi decem bovât : terrarum in villa de Dalmahoy"]. He married the said Janet Cleland, daughter of James Cleland, of Cleland, and had issue :

**ALEXANDER DALMAHOY.**

He married, secondly, Helen Monypenny, of the family of Pitmilly [Charter dated 1556].

11. **ALEXANDER DALMAHOY**, of Dalmahoy. He married Agnes, daughter of Sir James Hamilton, of Fynant [Charter 1557], and had a son by this marriage :

## JOHN DALMAHOY.

He married, secondly, Agnes Heriot, a daughter of — Heriot, of Trabroun, and they had issue :

MARGARET DALMAHOY, who married Robert Fairlie, son and apparent heir of Alexander Fairlie, of Braid [Charter under the great Seal, 1601].\*

This Alexander Dalmahoy was mentioned in a Charter 28th May, 1556 : † “ Alexandro Dalmahoy, filio et hæredi apparenti Willielmo Dalmahoy de eodem, baroniæ de Dalmahoy extend. ad decem librat. terrarum in vicecomitatu de Edinburgh super resignatione dict. Willielmi reservand. rationabili parte predict. terrarum Helenæ Monypenny, ejus sponsæ cum contingent, &c.” And by a Charter dated at Falkland, 10th August, 1598, in favour of this Alexander Dalmahoy, the whole barony of Dalmahoy and of Over-Libberton were united in one free barony, to be called “ the barony of Dalmahoy,” in all time to come, &c. ‡

12. SIR JOHN DALMAHOY, of Dalmahoy, the son of the said Alexander Dalmahoy, was knighted by James VI. [He had a Charter in 1614 : “ Domino Johanni Dalmahoy de eodem, militi,

\* Martha Knox, one of the three daughters of JOHN KNOX, the Reformer, by his second wife, Margaret, daughter of Andrew, Lord Ochiltree, married Alexander Fairlie, eldest son of the laird of Braid. This second marriage of John Knox was in March, 1564. [*Scott's Fasti Ecclesie Scotice*, 1866, p. 3.] Martha [Knox] Fairlie died 1st December, 1592, aged 26, and her husband was alive in 1607. *Quære*: error in the text, or, in the date only?

† “ On the 10th of July, 1579, the Laird of Dalmahoy, William Dalmahoy his brother, John Dalmahoy his uncle, and five others, were indicted for besieging the house of Warriston, in June, 1578, then in the occupation of William Somerville, and were acquitted.” [*Anderson*, 2nd vol., p. 4.] These names of William and John Dalmahoy should be added to the pedigree.

‡ In the 43rd General Assembly, which met at Edinburgh in October, 1581, the Laird of Dalmahoy was one of the twenty-four gentlemen to whom, with six ministers, was committed the consideration of the very important question, HOW the temporal rights of the Bishops were to be preserved without prejudice to the King when the Office of Bishop was abolished; on which, after due deliberation, they reported an Overture. “ That for voting in Parliament, assisting in Council, Commissioners from the General Assembly should supply the place of Bishops; and as to their civil and criminal jurisdiction the Head Bailiffs should exercise the same.” [*2 Anderson's Scottish Nation*, p. 4.]

terrarum baroniæ de Dalmahoy." And in 1625 he had another Charter: "De Spittleton tam superioritatis quam proprietatis." He married Barbara, daughter of Sir Bernard Lindsay,\* and they had issue:

1. SIR ALEXANDER DALMAHOY.
2. JOHN DALMAHOY ["second son"], who married Rachael Wilbraham, daughter of Thomas Wilbraham, Esq. [he died 1643], of Nantwich, and of Rachael his wife, heiress of Joshua Clive, of Huxley. The will of this John Dalmahoy† dated 1st December, 1664, is registered in the General Register House, at Edinburgh, 25th vol., 20th July, 1669 (Dalrymple's office). They had issue:

*Anna*  
A. BARBARA DALMAHOY. [Married—to whom?]

\* This gentleman is not named in the pedigree of the Lindsay family, presented to the House of Lords. Sir Robert Douglas says he was a brother of the Earl of Crawford. His statement, at present, certainly seems to be incorrect. It may be that some registered Dalmahoy deeds may now show who Sir Bernard Lindsay was. The Charter of August, 1587 [*Evidence on the Crawford peerage*, pp. 62-63], names only David [11th Earl], Henry [13th Earl], John and Alexander [Lord Spynie], as brothers; and no Sir Bernard Lindsay appears in the evidence of descent. It is not improbable there were sisters, and as there is no notice of them, the pedigree shown may not be perfect. It is remarkable that the retour of Ludovick, 16th Earl, as heir of David, the 11th Earl of Crawford, dated 24th of August, 1639, commences: "Hæc inquisito facta fuit in curia vice-comitatus de Edinburgh tenta in prætorio burgi ejus: coram domino Joanne Dalmahoy de eodem, milite, vice-comite dict: vice-comitat: et magr: Davide Hereot, advocato et Willielmo Wallace, vice-comitibus." [*Evidence*, H. of L., p. 84.] This Sheriff of the County of Edinburgh was the same Sir John Dalmahoy who married Barbara Lindsay. The name "Barbara" was introduced into the family on this marriage and it was repeated in future generations.

† A painting of this John Dalmahoy, in half armour, and one of his wife, were bequeathed to one of his grandchildren (William Falconer, Recorder of Chester), by the Will of his daughter Mary, and they are still preserved. The writer and three other persons now living well remember her grandson (William Falconer, M.D., F.R.S., born at Chester in 1744), who lived in his father's house until the time of her death in 1754, replying, when asked "Whose portrait is that?"—"It is that of my great grandfather, John Dalmahoy, who was Captain of the Royal Guard, and son of Sir John Dalmahoy." W. F. died in 1824. The identity of the portrait rests on this evidence. From the time of the birth of Mary [Dalmahoy] Falconer, either in or a little before the year 1664, to the present time, 200 years have passed away. [Of the above-named William Falconer and of Dr Herberden (*Cyclopædia of Practical Medicine*, Vol. III., p. 564), Dr Bostock said: "They may justly be regarded as amongst the most enlightened and candid physicians of modern times."]

B. THOMAS DALMAHOY. Died 21st September, 1689. His sisters were served "hæredes portionariæ Thomæ Dalmahoy consanguinei germani Domini Johannis Dalmahoy de eodem," 2nd [August, 1695." ~~In this inquisition "Barbara" is named "Anna."~~ [See the will of their father].

C. HELEN DALMAHOY. Married Captain Arthur Innes. Her will is dated 15th December, 1727. She had no issue.

D. MARY DALMAHOY. Married John Falconer, Esq. [Her will is dated 31st May, 1753.] She died in the 90th year of her age, on the 12th January, 1754, and was buried in the Lady Chapel of the Cathedral of Chester. They had issue :

I. THOMAS FALCONER, Esq., who died 25th January, 1730, unmarried, aged 34, and was buried in the new burial ground of St George-the-Martyr, London. His will is dated 21st January, 1730.

II. JAMES FALCONER, Lientenant [4th May, 1725], R.N. [Will dated 24th October, 1728.] He married Elizabeth, daughter of William Inge, Esq., of Thorpe, Constantine, co. of Stafford.\* He died 8th November, 1738, and was buried in the Lady Chapel of Chester Cathedral. A monument was erected to his memory in this Cathedral, and one to his brother, Thomas Falconer, in the burial ground of St George's, London, by their mother, on both of which she placed the arms of their family, namely : "*Or, a hawk's head issuing out of a man's heart proper, between three mullets azure, and, on a bordure of the last, eight plates.*" [Crest, a falcon hooded and belled proper.]



III. WILLIAM FALCONER, Esq., of the Middle Temple, Recorder of Chester. He married at Nantwich, 7th

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\* The issue of this marriage were the Rev. Archdeacon James Falconer, D.D., [o. s. p. masc.], and Elizabeth Falconer, the wife of David Pennant, Esq., of Downing and Bodfari, the celebrated antiquary and naturalist.

*Sumner*

January, 1731, his second cousin, Elizabeth,\* daughter of Randle Wilbraham, Esq., and of Mary, daughter of Sir Richard Brooke, Bart., of Norton. He died 2nd June, 1764, and was buried in the Chancel of the Church of St John, Chester. A monument to him, his wife, and several children, is in the same Church. They left issue.†

3. THOMAS DALMAHOY, Esq. He had a Charter of the lands of Berksneip and Waterston, 1642. [His Will is dated 23rd May, 1682, and is registered in Doctors' Commons.] M.P. for Guilford, 1661-1678. He married in May, 1655, Lady Elizabeth Maxwell, Duchess of Hamilton,‡ and co-heiress of the Earl of Dirleton. She was the widow of William, second Duke of Hamilton, who was mortally wounded at the battle of Worcester. In that battle, 3rd September, 1651, Mr Dalmahoy was present. She died August, 1659, and was buried in the Chancel of the Church of St Martin's-in-the-Fields, London. He married, secondly, February, 1680, in St Mary Somerset's Church, Lady [*née* Elizabeth Muschamp] Clarke. [See Harleian MS., No. 1040, British Museum, folio 28.] He died 23rd May, 1682, and was buried near to his first wife, 27th May, 1682.

4. JAMES DALMAHOY, "fourth son." [Named in the will of 1664. This James Dalmahoy, "brother german" to the "right worshipful Sir Alexander Dalmahoy, of that ilk," assigned to his brother, William Dalmahoy, debts,

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\* Her nephew, Richard Wilbraham, Esq., who assumed the name of "Bootle," was M.P. for Chester from the year 1761 to the year 1791, and his son was created Lord Skelmersdale.

† The surviving children were Thomas Falconer, Esq., of Chester [o. s. p.]; William Falconer, Esq., M.D., F R.S.; and Mary Falconer, wife of James Mainwaring, Esq., of Bromborough, the grandfather of Townsend Mainwaring, Esq., M.P. for the Denbigh borroughs—1841-7 and 1857-67.

‡ James Maxwell, son of John Maxwell, of Kirkhouse, and of Jane, sister of John, first Earl of Annandale, was created Earl of Dirleton and Lord Elbottel, 1649. He died *sine prole. masc.*: 1653, and left two daughters,—the Duchess of Hamilton and Diana, Viscountess Cranborn, mother of the third Earl of Salisbury. [*Notes and Queries*, 23rd March, 1867.]

&c., due from Sir Alexander Dalmahoy. Deed dated at Millbank, Westminster, 24th July, 1666. Register of Deeds, vol. 25, Ediuburgh.

5. WILLIAM DALMAHOY, named in the wills of his brother JOHN (1664) and of his brother THOMAS (1682). See Lauder of Fountainhills Decisions. *Foulis v. Dalmahoy*, 20th December, 1695. a
  
6. ROBERT DALMAHOY. His son, THOMAS DALMAHOY, was served heir, 10th February, 1687: "Quod quondam Robertus Dalmahoy, filius legitimus quondam Domini Johannis Dalmahoy de eodem ac pater Thomæ Dalmahoy, latoris presentium, &c., et quod dict: Thomas Dalmahoy est legitimus et propinquior hæres dict: quondam Roberti Dalmahoy sui patris." This Robert Dalmahoy was named in the wills of 1664 and 1682.
  
7. BARBARA DALMAHOY, "eldest sister." Married, before the year 1642, to Sir William Scot, one of the Senators of the College of Justice; [Lord Clerkington, 8th June, 1649.] He was knighted in November, 1641, and died 23rd December, 1656. Their eldest daughter, Barbara, married Sir William Drummond, of Hawthornden, the son of the celebrated WILLIAM DRUMMOND, the poet, who died in 1649. Their grandson, William Scot,\* took the name of Blair on his marriage with Magdalene Blair, the heiress of William Blair, of Blair, and who was also granddaughter of William Blair, of Blair, and of Lady Margaret Hamilton, youngest daughter of the above-named William, second Duke of Hamilton.

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\* From this William Scot, or Blair, by a second marriage, is descended the present family of Blair, of Blair [*Paterson's History of the County of Ayr*, pp. 416, 417]. From his brother, Thomas Scot [who died in 1729], and his wife Isahel, daughter of Sir John Lander, one of the Senators of the College of Justice [Lord Fountainhill], is descended the present family of Scot, of Maleny, co. Edinburgh. A sister of these brothers [Thomas and William Scot] married Sir William Calderwood [Lord Polton], one of the Senators of the College of Justice, who died 7th August, 1733, aged 73. a



[Baptism 28 Novem: 1642—Sir William Scotte of Clerkington: Dame Barbara Dammahoy: a sonne, n. FRANCIS: Witness: Archibald Marquis of Argyll; Francis Earl of Balcleugh; Sir Johnne Dammahoy of that Ilk; Thomas Dammahoy his brother; Sir James Scotte of Bonitoun; Adam Blair of Lochwood. [Edinburgh.]

[15 Januarii: 1652—Thomas Kincaid of Waristoun; Margaret Dalmahoy, a s. n. ROBERT. Wit: Sir William Scotte of Clerkington; Sir Alexander Dalmahoy, younger, of that Ilk; Archibald Kincaid, elder and younger, of Hill house field; Johne and Philip Kincaid.]

[Baptism: 7 Oct. 1655—Francis Forbes of Bandodell: Jeane Dalmahoy, a. d. n. BARBARA. Witn: Andrew Ramsay, Provost of Edinburgh; James Lord Carnagie; Colonell William Lockhart; Sir Wm. Scotte, of Clerkington; Sir Andrew [Alexander?] Dalmahoy, of that Ilk; Doctor Robert Burnet; Mr John Sterling, Minister.]

8. ————— married Sir Laurence Scot, of Clerkington, eldest sou by the first marriage of Sir William Scot [Lord Clerkington]. See the will of John Dalmahoy and *Douglas's Baronage*, p. 218, sec. 4.

9. LADY BINNEE.

13. **SIR ALEXANDER DALMAHOY**, of Dalmahoy. Married Marian, daughter of James Nisbet, of Dean, and Marian his wife, daughter of Sir John Arnot, of Cockburnspath. [He had a Charter under the Great Seal to "Alexandro Dalmahoy, filio legitimo Domini Johannis Dalmahoy de eodem, militis, terrarum baroniæ de Dalmahoy.] They had issue:

1. JOHN DALMAHOY.

2. ALEXANDER DALMAHOY. ["brother of Sir John Dalmahoy, Bart."—Will of Thomas Dalmahoy, 1682.]\*
3. WILLIAM DALMAHOY, of Ravelrige, an officer in the Scots Horse Guards. He married Helen Martine and was progenitor of William Dalmahoy, of Favelrige, who married Mary Fraser, daughter of William, second Lord Salton and of Margaret, daughter of the Most Reverend James Sharp, Archbishop of St Andrew's, who was assassinated 2nd of May, 1679. [See *Fraser's Family of Buird*, p. 78.] [William Dalmahoy, of Ravelrige,† died at Edinburgh in 1704, and was succeeded by his son, William Dalmahoy, of Ravelrige, who was served heir of provision-general to his brother, John Dalmahoy, of Ravelrige, 21st January, 1720.]

1. Jan. 1720. "Quod quondam Joannes Dalmahoy de Ravelrig frater Gulielmi Dalmahoy de Ravelrig latoris presentium &c.; quod dictus Gulielmus Dalmahoy est legitimus et propinquior hæres provisionis diet: quondam Joannis Dalmahoy sui fratris secundum dispositionem talliæ fact: et concess: per quondam Gulielmum Dalmahoy de Ravelrig patrem diet: Gulielmi Dalmahoy diet: quondam Joanni Dalmahoy ejus filio natu maximo et hæredibus masculis ex ejus corpore legitime procreand: " &c. [Reg: in Libris Talliarum 25 Jan: 1700.]

I. [Edinburgh: 27 April, 1682 (Baptism), "William Dalmahoy, Quartermaster to His Majesty's Life Guard

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\* In the Calendar of State Papers, 1667, there is a notice of a Commission for a troop of Horse to Lord Middleton, Captain; Thomas Dalmahoy, Ensign; Richard Manley, Cornet; and James Dalmahoy, Quartermaster.

† There is a registered Declaration of Trust, dated 15th September, 1704, by Sir James Falconer, of Phesdo [one of the Senators of the College of Justice], witnessed by "his third son, James Falconer" and others, in favour of Dame Elizabeth Trent, his wife, and Alexander Falconer, his "grandson," respecting certain money held by Sir Alexander Dalmahoy, of Dalmahoy, William Dalmahoy, of Ravelrig, and Hugh Wallace, of Inglislanie.

of Horse : Helen Martine, a son named JAMES.  
 Witnesses : James Hamilton, esquire ; Doctor Robert  
 Sibbald, of Medicine ; Lieutenant Joseph Douglas, and  
 James Scott, writer to His Majesty's signet.]

II. [Edinburgh : Baptism. 29 Aprilis, 1684. " William  
 Dalmahoy, Quartermaster to His Majesty's Guard of  
 Horse : Helen Martine, a daughter, named HELENE.  
 Witnesses : Sir John Dalmahoy of that Ilk, John Scot, of  
 Mollenie, Henry Trotter, of Morton Hall.]

III. 17 December, 1685, Thursday. To William Dalmahoy  
 and Helen Martine, a. d. n. LILLIAS. Witnesses : My  
 Lord Drumcairn and Sir John Dalmahoy, of that Ilk.

IV. 5 January, 1687. Baptised to William Dalmahoy,  
 late Quartermaster to the King's Troop, and Helen Mar-  
 tine, his spouse, a. s. n. JOHN. Witt. ; Sir John Dalma-  
 hoy, of that Ilk, and Mr James Dalmahoy.

V. 19 April, 1688. Baptised to William Dalmahoy, late  
 Quartermaster of the K Troop of Guards, and Helen  
 Martin. a. d. n. JEAN. Wittn. : Sir John Dalmahoy, of  
 that Ilk, and Mr James Dalmahoy, Lieutenant of His  
 Majesties Regiment of Foot Guards.

VI. 18 September, 1689. Baptised to William Dalmahoy,  
 late Quartermaster of the King's Troup of Guards, and  
 Helen Martin, his spouse, a. s. n. ARCHIBALD. Witt. :  
 James Scott and James Allan, Writers to His Majesties  
 Signet.

4. MARIAN DALMAHOY. Married Henry Trotter, of Morton  
 Hall, Esq. [served heir to his brother, 1666], who died  
 in 1685, in the 42nd year of his age. From this mar-  
 riage is descended the present family of Trotter, of  
 Morton Hall.

5. ————— married — Stewart, of Blackhall, Esq.
6. ————— first wife of Alexander Swinton [Lord Mersington], one of the Senators of the College of Justice [23rd June, 1681]. He died August, 1700. [*Douglas's Baronage*, 131, 550.]

[*Baptism*. 1 Septem. 1648. Sir Alexander Dalmahoy, fier of that Ilk: Dame Marie Nisbet, a daughter named AGNES. Witn: Sir Luis Stuart, of Kirkhill, Sir John Dalmahoy, of that [Ilk], Sir John Dalyell of Newtown, John Maxwell, advocat, James Johnston, merchant [Edinburgh.]

[23 February, 1694. Sir Patrick Nisbet Dalmahoy, of Preston Grange, was witness to the baptism of a child "Isobell," daughter of Hendrie Nisbet, of Dean, and Christian Riddell.]

14. **SIR JOHN DALMAHOY**, of Dalmahoy. He was created to be a baronet, 2nd Dec. 1679, by Charles II., "*to him and to his heirs-male-general.*" He was served heir to his grandfather, 28th March, 1692, "*in terris de Whelpside olim infra baroniam de Listoun et vice-comitatum de Linlithgow et nunc infra parochiam de Currie et vice-comitatum de Edinburgh.*" He married first Lilius, daughter of Elphingstone of Quarrel, and had issue:

1. **ALEXANDER DALMAHOY** (2nd baronet).
2. **ROBERT DALMAHOY**.
3. —————. married — Watson, Esq., of Saughton.

By a second marriage he had issue:

4. —————. married — Sinclair, Esq., of Shallow.
5. —————. married — Bruce, Esq., of Dunbrae.

[Service.—17 April, 1694, “quod quondam Alexander Dalmahoy, frater immediate junioris magistri Jacobi Dalmahoy, &c., quod dictus Magister Jacobus Dalmahoy, est legitimus et propinquior hæres conquestus ejusd : quondam Alexandri Dalmahoy sui fratris immediate junioris.”]

[Service.—2 February, 1708, “quod quondam magister Jacobus Dalmahoy, frater germanus Domini Joannis Dalmahoy, de eodem, pater Alexandri Dalmahoy latoris presentium, &c., et quod dict : Alexander Dalmahoy, est legitimus et propinquior hæres dict : quondam Magist : Jacobi Dalmahoy sui patris.”]

15. **SIR ALEXANDER DALMAHOY**, of Dalmahoy, second baronet. He married Alicia, daughter of the Most Reverend John Paterson, the last Archbishop of Glasgow [who died 9th November, 1703], and of his wife Margaret Wemyss [daughter of Henry Wemyss, of Contine, and of Isabel, daughter of Sir John Kirkaldy, of Grange.—14 February, 1741, “qui jurati dicunt quod quondam Domina Alicia Paterson, relicta Domini Alexandri Dalmahoy, de eodem mater Domini Alexandri Dalmahoy, nunc de eodem, &c.]. They had issue :

1. **SIR ALEXANDER DALMAHOY** (3rd baronet).

2. **WILLIAM DALMAHOY**, who married ————. They had issue, **ALEXANDER DALMAHOY**, chemist, of Ludgate Hill, London,\* who married Elizabeth, second daughter of John Board, Esq., of Paxhill Park, Lindfield, Sussex. He died at Higham Hill, Essex, and his widow died at Lindfield, 13 July, 1788. They left issue :

A. **JOHN HAY DALMAHOY** (5th baronet).

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\* This gentleman was a man of courage and of kindly feelings. He habitually wore an ancient costume, and was, in consequence, the subject of some printed jokes. His family ruined their estates and fortune through their adherence to what they believed to be a public duty towards the Stuart family.

B. ANNE MARGARET ELIZABETH DALMAHOY, who was married, 18th April, 1782, at Walthamstow, Kent, to the Rev. Thomas Pinnock, of the parish of Ippollets, co. Hertford,\* and died 1784. Administration of her estate was granted to her husband 28 January, 1785. She left a daughter only, who married Thomas Rider, Esq. [M.P.], of Boughton Hall, Kent:—he died s. p.

C. FRANCES AYLIFFE DALMAHOY, who married Alexander Macleod, Esq., of Muiravonside House, Linlithgowshire, o. s. p.

D. SARAH HAY PATERSON DALMAHOY, married THOMAS WYATT, Esq.,† of Treeman's Place, Horsted-Keynes, Sussex. She died at Sundridge, 7 June, 1826. He died at Torquay, 22 April, 1854, aged 89. They had issue: the Rev. GEORGE WYATT, vicar of Chalk, near Gravesend, and Miss Elizabeth Frances Wyatt (still living 1867). The Revd. George Wyatt married ———, and had issue three sons and one daughter, of whom there survive, Miss Wyatt and a son, the Revd. ARTHUR HUART WYATT, now living at Sydney, in Australia.

3. MARGARET DALMAHOY. Married Alexander Campbell, Esq., of Kinpont.

16. **SIR ALEXANDER DALMAHOY** (3rd baronet), [Served heir to his mother, Alicia Paterson, 14th February, 1741]. He married Elizabeth, daughter of Walter Cornwall, of Bonhard,

\* This marriage was witnessed by John Paterson, by Edward Pinnock, Francis Ayliffe Dalmahoy, and S. Dalmahoy (sister). John Paterson, Esq., M.P., the grandson of Archbishop Paterson was a well-known person in London at the end of the last century, and was one of the executors of the will of David Garrick.

† Mr Thomas Wyatt held an independent position in life. He was educated at Winchester, and at Christ Church, Oxford, and was a person of refined and cultivated intelligence. At one time he was in the 3rd Dragoon Guards.

Esq. [She was served heir portioner, and co-heir of provision-general to her aunts Ann, Margaret, Christian, and Jean Cornwall, 6th March, 1751. By an inquisition made 5 March, 1751, the jury declared :—that Elizabeth Cornwall, the wife of Sir Alexander Dalmahoy, Bart., and Christina Cornwall, the daughters of the deceased Walter Cornwall, of Bonhard, were “hæredes portionariæ et provisionis” of their aunt [amita] Anne Cornwall, sister of the said Walter Cornwall, and were the surviving children of Walter Cornwall : also that Christiana, the said Anne, and also Jean and Margaret, the daughters of James Cornwall, of Bonhard, had been given certain interests under the will of their mother, Katherine Dundas, the wife of the said James Cornwall.] They had issue, a son [the 4th baronet], namely :

17. **SIR ALEXANDER DALMAHOY** (4th baronet), He was an officer in the French Service, and was made a Knight of the Order of St Louis. He lived towards the end of his life at Carriden, near Linlithgow, and he died at Appin House, Argyleshire, 4th January, 1800, and was succeeded in the baronetcy by his cousin :

18. **SIR JOHN HAY DALMAHOY** (5th baronet.) He was of Hertford College, Oxford, B.A. 4th March, 1794, and took holy orders. He died 10th October, 1800, at Westerham, Kent, aged thirty-two. The entry in the register of burials is—“1800. Dalmahoy, the Rev. Sir John Hay, Bart. [æt. 32], October 17.”

When in the above no number is before a name the name is to be considered to be unplaced.

The Arms of the family of Dalmahoy are : Azure, in chief, three sparrowwells or mullets argent.

*Crest.*—A hand brandishing a sword, proper.

*Motto.*—Absque metu.

*Supporters.*—Two serpents novelled, cotising a shield.

And, by a patent granted by James VI., in pale, behind the escutcheon of the arms, a baton, gules, powdered with thistles of gold, ensigned on the top with an imperial crown whereon is placed the

crest of the kingdom of Scotland. The office of hereditary Under-Master of the Royal Household was conferred upon the family. In whom is it now vested, though only nominally?

Respecting these arms the following verses were written :

*In antiquæ, illustrisque familiæ Dalmahoiensis insignia :*

Tutatur meritos tibi et Anguis et Ensis honores  
 Nam stat fama domus robore et ingenio  
 Ille ferit cauto cuncta oppugnantia morsu  
 Asper hic postili sanguine sæpe tibi  
 Dum genus ingenio bene convenit, inclytum utrumque,  
 Cumque animis Artus, principe digna domus.

*N. Patersoni Epigrammata*

*Edin: 1678. Liber. ii. Epigr: 44.*

*Unplaced.*

[Baptism : 11 November, 1666, James Rotson [Robertson]: Agnes Dalmahoy, a. d. n., Issobell, Wittn : Alexander Robertson, James Gibb.]

[Baptism : 5 September, 1675, James Dalmahoy and Priscilla Richardson, a. s. n., George, Witn : Andrew Dalmahoy and James Cunningham.

30 June, 1678. Ditto. A son named John.]

[Baptism : 8th March, 1687, Mr James Falconer, Advocat : Elizabeth Trent, a. d. n. MARY. Witnesses : (inter alios), Mr Thomas Dalmahoy, David, George, and Mr Patrick Dalmahoy. This child was born on the 4th of March.]

The above Pedigree is chiefly taken from 'Sir Robert Douglas's Baronage,' folio 1798. The additions made to it are from the wills cited, services of heirship, and entries in registers. Several additions are still evidently needed, and corrections also. It were much to be wished that the authorities to whom are committed the custody of documents in the Register House at Edinburgh could hasten the printing of the calendars and indexes relating to all documents, and especially to all the early wills and deeds of entail. Remembering the ruin caused by time, by fire, by civil commotions,



and other causes of destruction, every possible effort should be made to secure the publication of the knowledge of whatever information contained in the ancient papers may be interesting to *any* class of students or inquirers, so that as much as possible may have every chance of preservation. By the printing of Indexes the public would be presented with the keys of the great collection of Records; and such Indexes might and ought to be printed in octavo, in small type, and at a moderate cost. [See p. 18, of 28th Report on the Public Records.] Nor ought their preparation and publication to be delayed. They should be printed so as to comprise decades of years for each term of publication.

“Next to the necessity of providing for the preservation and arrangement of the public records, the formation of calendars and indexes is of paramount importance. Without such aids the documents themselves are of little value, and the money expended on their preservation would be spent in vain.” [24th Report of the Deputy-Keeper of the Public Records, p. 11.] The Parl. Paper, No. 348 1866, shows, however, how much reason we have to be grateful to the Lord Clerk Register, the Rt. Hon. Sir W. G. Craig, Bart., in all matters in which the public records of Scotland may be made serviceable. It should not, nevertheless, be unobserved, that in the 28th Report on the Public Records in London, it is stated, that, “in order to render the Public Muniments serviceable to *every class* of Her Majesty’s subjects, it has been considered equitable that all persons, whatever may be their objects, shall have the gratuitous use of the Public Records.” A similar rule should prevail in Scotland.

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‘Pepys’ Diary,’ vol. I., p. 58. Edition—

May, 1660: “11th. This morning we began to pull down all the State’s Arms in the fleet, having first sent to Dover for painters and others to come and set up the King’s. There dined here my Lord Crafford [John Craufurd, 14th Earl of Crauford], and my Lord Cavendish [1st Duke of Devonshire], and other Scotchmen, whom it afterwards ordered to be received on board “The Plymouth,” and to go along with us. After dinner we set sail for the Downs. In the afternoon overtook us three or four gentlemen; two of the Berties [sons of the 1st Earl of

Lindsey, killed at Edgehill], and one Mr Dormer Hay,\* a Scotch gentleman, whom I found afterwards to be a very fine man, who, telling my Lord that he heard the Commissioners were come out of London to-day, my Lord dropt anchor over against Dover Castle."

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On May 26, 1675, a cause between Sir Nicholas Crispe and others against Lady Viscountess Cranbourne, Lady Anne Bowyer, and Thomas Dalmahoy, Esq., was ordered by the House of Lords to be heard on May 28. On the 27th Sir Nicholas Crispe complained by petition that the counsel assigned to him by their Lordships' House to plead his cause at the bar, wherein Mr Dalmahoy was one of the defendants, refused to plead for him in regard to a vote of the House of Commons. Sir Nicholas Crispe being called in, testified that he had shown the order of the House to Mr Serjeant Peck, Mr Serjeant Pemberton, Sir John Churchill and Mr Porter. It was, thereupon, ordered that the said counsel should plead on behalf of Sir N. Crispe as they should answer to the contrary to the House. On the 28th the cause was heard and the petition of appeal was dismissed. Shortly afterwards the said counsel, pursuant to an order, attended at the bar of the House of Commons and were severally called on by the Speaker to give an account of their appearing as counsel at the bar of the House of Lords on an appeal wherein Mr Dalmahoy, a member of the House, was concerned, in manifest breach of the order of the House and giving up, as much as in them lay, the rights and privileges of the Commons of England. They made their excuses to the effect following: that they had no notice of the order or vote of the House but what they heard in common discourse abroad and because they conceived Mr Dalmahoy,

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\* This may be rather Thomas Dalmahoy, who married the Duchess-Dowager of Hamilton. See *infra* Speaker Onslow's note to Burnet: "The husband [widower?] of the loyal Duchess would be naturally one of the first to welcome the King," and Onslow says, "he was in the interest of the Duke of York." "Lord Middleton retired after his disgrace to the Friary, near Guilford, to one Dalmahoy there; a genteel, generous man, who was of Scotland, had been Gentleman of the Horse to William Duke of Hamilton (killed at the battle of Worcester), married that Duke's widow, and by her had this house, &c. This man Dalmahoy being much in the interest of the Duke of York and a man to be relied upon, and long a candidate for the town of Guilford at the election of the Parliament after the long one in 1678; and, being opposed, I think, by the famous Algernon Sydney, the Duke of York came from Windsor and appeared for him in open Court when the election was taken." [Note to Burnet's *Own Times*, vol. 1., p. 350.]

a member of the House, might be concerned, they had refused, several times, to appear as counsel or to accept their fees, but, upon being assigned as counsel for Sir N. Crispe, an order of the House of Lords was served on them to attend at their peril. They then attended: Mr Dalmahoy had put in his answer in the House of Lords without insisting on his privilege and the counsel for Lady Bowyer, who was the principal party concerned, denied himself to be counsel for Mr Dalmahoy: they, therefore, conceived that they might safely appear as counsel without breach of the order or invading the rights and privileges of the House, which was not intended by them. Sir John Churchill, by way of further excuse for himself, said he had witnesses ready to prove, that Mr Dalmahoy was willing and desirous to have the business go forward. They, therefore, submitted themselves to the pleasure of the House if they had in anything misbehaved themselves.

On a vote of 154 to 146, the House ordered the said counsel to be committed to the custody of the Serjeant-at-Arms. It was also moved, that Mr Dalmahoy should be sent to the Tower for having waived his privilege and put in an answer to the petition exhibited against him in the House of Lords, but it appearing that his answer was put in before anything of the privilege of the House was in question and that he had since stood on his privilege without appearing further or making any defence there, the question passed in the negative.

On the 2nd of June the House called on Sir James Norfolk, the Serjeant-at-Arms, to give an account of Mr Serjeant Peck and others who had the day before been committed to his custody. He informed the House that he had been, by force, interrupted in the execution of the order of the House and that they had escaped from his custody.

The excuse was not received as satisfactory and it was ordered the Speaker should issue his warrant to the Lieutenant of the Tower to take the Serjeant-at-Arms into his custody for betraying his trust and not executing his office according to the order of the House and that His Majesty should be addressed to appoint a Serjeant-at-Arms in his place. The same day it was stated to the House that Sir James Norfolk had withdrawn himself and was not to be found on inquiry, and search made for him. It was then ordered that Robert Reed, Esq., the Serjeant then attending the House *pro tempore*, should apprehend Sir James Norfolk and bring him to the bar, and that Sir James Norfolk should no longer have the privilege of the House.

The Speaker was then directed to issue his warrant to Robert Read, Esq., to bring Mr Serjeant Peck and the other counsel to the bar of the House the next morning at nine o'clock.

On the 3rd of June the House of Lords desired a conference and when it was held, it was reported: "that the House of Lords do take notice of the House of Commons ordering into the custody of their Serjeant, Mr Serjeant Peck, Sir John Churchill, Mr Serjeant Pemberton, and Mr Charles Porter, counsellors-at-law, assigned by their Lordships to be counsel in an appeal heard at their Lordships' bar in the case of Sir Nicholas Crispe against Lady Bowyer, Mr Dalmahoy, and others. It was further reported that it had been declared: the Lords of Parliament where His Majesty is highest in his royal estate and where the last resort of judging upon writs of error and appeals in equity in all causes, and over all persons, is undoubtedly fixed and permanently lodged, it is an unexampled usurpation and breach of privilege against the House of Lords that their orders or judgments should be disputed, or endeavoured to be controlled, or the execution thereof be obstructed by the Lower House of Parliament who are no court, nor have authority to administer an oath or give any judgment: It is a transcendent invasion on the right and liberty of the subject, and against *Magna Charta*, the Petition of Right, and many other Laws which have provided that no freeman shall be imprisoned or otherwise restrained of his liberty, but by due process of law: This tends to the subversion of the kingdom and to the introducing arbitrariness and disorder, because it is in the nature of an injunction from the Lower House, who have no authority or power of judicature over inferior subjects, much less over the King of Lords, against the order and judgment of the supreme Court. We are further commanded to acquaint you, that the Lords have, therefore, out of that justice which they are dispensers of, against oppression and the breach of laws, by judgment of this court, set at liberty, by the Gentleman Usher of the Black Rod, all the said Serjeants and counsellors and prohibited the Lieutenant of the Tower and all other keepers of prisons and gaolers and all persons whatsoever from arresting, imprisoning, detaining, or otherwise molesting or charging the said gentlemen, or, any of them, in this case. And if any person, of what degree soever shall presume to the contrary their Lordships will exercise the authority with them entrusted for putting the laws in execution. And we

are further commanded to read to you a Roll of Parliament in the first year of the reign of Henry 4th, whereof we have brought the original with us."

After this report of what had passed, the House of Commons appointed a Committee to draw up reasons to be offered at a future Conference.

On the 4th of June the Speaker, who appears to have entered in the spirit of the dispute with some zeal, was thanked by the House for causing Mr Serjeant Pemberton to be seized and taken into custody in Westminster Hall. As the Speaker was commended for not allowing delay while the reply to the House of Lords was in the course of preparation, the House itself was stimulated to imitate the Speaker, and it was ordered that the Serjeant-at-Arms should go with the mace into Westminster Hall and seize Mr Serjeant Peck, Sir John Churchill, and Mr Porter. This movement was immediately made, and the Serjeant-at-Arms returned and announced to the House his success, by informing it that he had the counsel in custody in the Speaker's chamber. It was then determined, on a division of 152 to 147, that the persons named should be committed to the Tower and kept in safe custody for their offence.

On the 4th, Sir Thomas Lee reported from the Committee the reasons to be offered at a Conference, and they were adopted. The report concluded in these words: "The Commissioners cannot find by *Magna Charta* or by any other law, or ancient custom of Parliament, that your lordships have any jurisdiction in Cases of Appeal from Courts of Equity. We are further commanded to acquaint you that the enlargement of the said persons imprisoned by the order of the House of Commons, by the Gentleman Usher, the Black Rod, and the prohibition, with threats, to all persons whatsoever not to receive or detain them, is an apparent breach of the rights and privileges of the House of Commons; and they have, therefore, caused them to be retaken into the custody of the Serjeant-at-Arms, and committed them to the Tower."

On Saturday, June 5, the King commanded the attendance of both Houses at the Banqueting House at Whitehall, when he remonstrated at the course of proceedings pursued. "I must let you know," he said, "that whilst you are in debate about your privileges I will not suffer my own to be invaded." On the return of the House of Commons

to their own Chamber it was resolved: "That it did not appear that any member thereof had either contrived or promoted any difference between the two Houses of Parliament, or in asserting the rights of the Commons of England and the privileges of the House to have done anything inconsistent with his duty or the trust reposed in him.

This defiance of the Crown was followed by an effort on the part of the House of Lords to release the prisoners. On Tuesday, the 8th, Sir John Robinson, the Lieutenant of the Tower reported to the Commons that the Black Rod had, under an order of the House of Lords, demanded of him the prisoners, and that he had refused to release them; and also that afterwards Sir George Charnock, Serjeant-at-Arms attending the Lord Keeper of the Great Seal, had brought to him four writs of *habeas corpus* under the Great Seal to bring the said persons at ten o'clock before his Majesty in his present Parliament at Westminster, and that he craved the advice and direction of the House. He was informed that he should forbear to make a return to the writs, and that he should be in no danger.

On the next day (9th) it was resolved that the order of the House of Peers for issuing out the said writs was insufficient and illegal and that the Lord Keeper should be made acquainted with the resolution to the end, the said writs of *habeas corpus* should be superseded as being contrary to law and to the privileges of the House. The dispute was terminated by the prorogation of Parliament on the same day.

*Will of JOHN DALMAHOY—Dated September 1, 1664.*

*From the Register of Deeds, Edinburgh, Dalrymple's Office, 20th July, 1669. Volume 25.*

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*Dispos: and Assign: }* In the presence of the Lords of Counsell and  
 DALMAHOY } Session, compeired by Mr John Anderson, }  
 to his Children. } Advocat, as Procurator for JOHN DALMAHOY,  
 undersignit, and gave in the disposition and assignation underwrittin,  
 whereof the tenor follows: Be it kend till all men be thir present  
 Letters, me, JOHN DALMAHOY, second lawfull sone to the deceist Sir  
 JOHN DALMAHOY of that Ilk, for the love, favor, and affection whilk I  
 have and beir towards my wel-beloved spous, RACHAELL WILBRA-  
 HAME, and to BARBARA, THOMAS, HELEN, and MARIE DALMAHOYES,  
 our lawful children; and faillieing of them be deceis, to JAMES, WIL-  
 LIAM, and ROBERT DALMAHOYES, my lawful brethren: And for dis-  
 tributeing and disposeing upon my means and estate amongst them,  
 in maner and upon the conditiones and provisiones aftermentioned,  
 and for divers others causes and considerationes moveing me. Witt ye  
 me to have sauld, assined, transferred, and disponed, lykeas I be the  
 tenor heirof, for the causes above written, and in satisfaction to my  
 saids well-belovit spous and children of the contract matrimoniall, past  
 betwixt me and my said spous, upon the conditiones, reservationes,  
 and provisiones aftermentioned, sell, assign, transferre, and dispone  
 fra me, my aires, executors, and all others my assigneyes, To and in  
 favours of the said RACHAELL WILBRAHAM, my loveing spous, in  
 lyferent, for her liferent use, allendarlie dureing all the dayes of her  
 lifetyme, and, after her deceis, to the saids BARBARA, THOMAS, HELEN,  
 and MARIE DALMAHOYES, my lawful children, proportionallie amongst  
 them, in manner after-divydit; and faillieing any of them be deceis,  
 to the others surviveand; and faillieing of all my children be deceis,

and my said spous surviveing, and my children, the fie of the soumes of money underwritn to my said spous, and to JAMES, WILLIAM, and ROBERT DALMAHOYES, my brethren, in maner and conforme to the division after specifeit. The bonds, obligationes, other writtis, and securities, with the principall soumes of money, annuelrents thereof restand awand, unpaid to me the tyme of my deceis, when the samen sall happin at the pleasure of God, and in all tyme thereafter whill payment of the principal soumes after specifet, and to the severall penalties and liquidat expenses contained in the severall bonds and obligationes, made and granted to me be the severall noble and honorabill persones afternamed with the hail diligence and execution, usit, or to be used, at my instance, upon the bonds underwritten, against the severall persones lyable in payment of the severall soumes of money underwritten therein contained, viz. : To the soume of thrie thousand six hundred pounds Scots, contained in ane bond, made and granted to me be WILLIAM EARL OF LANERK, thereafter DUKE OF HAMILTOUN, therupon dated the first day of November, m.vi<sup>c</sup> fourtie-four yeires, containing annuelrent and expenses : As also the soume of nyne thousand and two hundred merks Scots money, of principall contained in ane bond, made and grantit to me therupon be the deceist Dame ANNA CUNINGHAM LADY MARQUIS OF HAMILTOUN, commissioner for the deceist JAMES DUKE OF HAMILTOUN, her sone, as principall ; the deceist JOHN LORD BARGANIE, Sir JOHN HAMILTOUN of Beill, now designit JOHN LORD BELHEAVEN, and Sir JOHN HAMILTOUN of Orbestoun, as cautioners, conjunctlie and severallie, containing annuelrent and expenses, dated at Hamiltoun, Edinburgh, Cannongate, and Halyrudhous, the Twentie-two, Twenty-nyth, Threttie, and Threttie-ane days of Januarie, m.vi<sup>c</sup> fourtie-fyve yeires, wherupon ther is appryseing deduced, at instance, for the said soumes against the said deceist JOHN LORD BARGANIE and the said Sir JOHN HAMILTOUN of Arbistoun, ther lands : And, in lyke maner, the band of corroboratiou, granted to me by ANNA now Dutches, and WILLIAM now Duke of HAMILTOUN, spousses, of the saids two principall soumes contained in the saids two bands, extending to fourtein thousand and six hundreth merks, whilk is dated at Halyrudhous and Hamiltoun, the twentie-sevinth and twentie-eight dayes of Februarie, m.vi<sup>c</sup> sixtie-thrie yeires : As likeways the soume of two thousand pundis Scots money of principall, contained in ane other band, grantit to me



therupon be the saids WILLIAM and ANNA, Duke and Dutches of HAMILTOUN, containing annuelrent and expenses, dated the saids twentie-sevint and twentie-eight dayes of Februarie, m.vi<sup>c</sup> sixty-three yeires, Item, the soume of ane thousand ffyve hundreth and thriescore ten merks nyne shilling Scots restand awand of the principall soume of two thousand six hundreth fiftie-six merks, contained in ane band of corroboration, granted to me therupon be the said John Lord Belheaven, dated at Beil, the elevint day of December, m.vi<sup>c</sup> sixty-ane yeires, whilk should have bein payed at Candles, m.vi<sup>c</sup> and sixtie-four yeires and Candles m.vi<sup>c</sup> and sixtie-fyve yeires equallie, containing annuelrent since Mertimes, m.vi<sup>c</sup> sixty-ane yeires and ane penaltie for ilke termes faillie: And the soume of thrie thousand merks Scots money of principall, contained in ane bond, made and granted to me therupon be the deceist Sir DAVID CUNINGHAM of Auchinharvie, Knight, dated at Westminster, the nynt day of Julii, m.vi<sup>c</sup> fourtie-fyve yeires, containing annuelrent and expences, togither with the said bonds and obligationes respective, above specificit, and haill soumes of money respective above writtin, principales annuelrents thereof restand awand, unpayed the tyme of my deceis and in tyme thereafter, ay and quhill payment of the samyne principall soumes and severall penalties and liquidat expenses therein contained, and all action, diligences, and execution that hes followed, or may follow, upon the saids bands respective, or any of them, and heirby surrogats and substituats the said RACHELL WILBRAHAM, my spous, and our said children and ther forsaid; and faillieing of them be deceis, my saids thrie brethren; and faillieand any of them be deceis, to the other surviveand, ther aires, executors, or assigneyes, in my full right, title, and place, of the premisses for ever, to be liferented, and the fie therof divydit, in maner and upon the expresse conditiones, provisiones, restrictiones, reservations, and declarationes after specificit; to wit, that my said loveing spous shall be holden, astricted, and obleist, lykeas be the acceptation of her life rent of the soumes of money above specificit, and her benefit thereof, she promitts, binds, and oblessees her to intertaine at bed and buird, educat, cloath, and traîne up at schools our saids children, honestlie, as becomes in learning and vertue with herself, upon the said annuelrent, gratis, without any other composition or gratitude therefore, and leives it in her own power and free will to denude herselfe of her liferent of the said

soumes, or any pairt thereof, to our said children, or any one or mae of them, when they come to perfect age, or any other tyme she pleases : And after the deceis of my said spous, the forsaid principall soumes and annuelrents thereof, and liquidat expences contained in the said obligationes, to be divydit as accords and belong to my saids children in this manner, and be the division following : to-wit, To the said BARBARA DALMAHOY, my eldest daughter, the soume of ffyve thousand merks Scots ; and to the said THOMAS DALMAHOY, my only sone, the soume of sevin thousand merks ; and to the said HELEN DALMAHOY, the soume of three thousand ffyve hundreth merks ; and to the said MARIE DALMAHOY, my youngest daughter, thrie thousand ffyve hundreth merks money forsaid ; and the overplus of the saids principall soumes, if any be, to be equalle distributed and divydit amongst my saids children ; and failleing of any of my saids children be deceis without bairnes, law<sup>lie</sup> (lawfully) procreat of ther oune bodie, or lawfull disposition therof, after their perfect age of twentie-ane yeires compleit, ther part and portion to aceresce and belong to my children, one or mae, survivand, to be distributed equalle amongst them ; and failleing of all my children be deceis, without aires or bairnes procreat of their bodie or lawfull disposition after ther said perfect age, the forsaid principall soumes, annuelrents, and liquidat penalties contained in the said obligationes with the samyne obligationes above specifeit ; and haill, benefit, strenth, and execution following therupon to aceresce, and belong, and be divydit betwixt my said loveing spous and my said thrie brethren, in maner under writtin, viz., If my said loveing [spous ?] survive me and all our children, procreat, or to be procreat betwixt us, the soume of eight thousand eight hundredth merks of the forsaid principall soumes, to be uplifted and disposed upon be her to quhom she willis at her pleasure, by and attour her liferent, of the haill principall soumes above specifeit ; and the remanent of the said soumes, at her deceis, to the saids JAMES, WILLIAM, and ROBERT DALMAHOYES, my brethren, equalle amongst them ; and failleing any of them be deceis, to the other survivand ther aires, executtors or assigneyes, with full power to them to ask, crave, receive, intromet with, and uptak from the fornamed persones, or any other lyable in the payment of the forsaid debts, the soumes of money above writtin, principall annuelrents and expenssis heirby provydit and assignit ; and upon the receipt therof, in haill or in pairts, to grant discharges,

and to dispone therupon at ther pleasure, in maner upon the conditions, provisiones, restrictiones, reservationes, and be the divisiones above rehearst, and with the power and libertie alwayes underwritten, conceived in my oune favors : And, if neid be is to call and pursue therefore before quhatsumever Judges, competent decreits, ane or mae, to recover : And the samen to due execution, cause be put, compone, and agrie theranent, and generallie all other things to doe and exerce anent the premisses whilks I might doe myselve, and binds and obleisses me to warrand this present assignation and disposition to be good and sufficient from my owne propper fact and deid allenarlie ; as lykewayes I be thir presents, for the causes forsaid, sell, assigne, and dispone to the said RACHAEL WILBRAHAM, my spous ; and failleing of her be deceis, my saids children equallie, amongst them that sall happen to be on life, the haill insight and plenishing goods and geir pertaining to me, or quhilk sall happin to be appertaining to me within and about my dwelling-house the time of my deceis, quhen the samyne sall happin at the pleasure of God ; whilk airship always being reseruit to my sone to be intromettit with, used, and disponed upon be her and them at ther pleasure ; and to the effect my saids children may be guydit, and ther means and estate governed, during the minoritie and lesage, I heirby nominat and ordaine my said spous, ther mother, to be Tutrix to them ; and failleing of her be deceis, Collonel JAMES LOTHIAN, Sir ALEXANDER DALMAHOY of that Ilk, my brother, JOHN DALMAHOY, younger thereof, his eldest sone, Dame BARBARA DALMAHOY Lady CLERKINGTOUNE elder my eldest sister, JOHN SCOT of Malleny her eldest sone, Sir LAURENCE SCOT of Clerkingtoun my brother-in-law, WILLIAM DRUMMOND of Hathornden, THOMAS and the said WILLIAM DALMAHOYES, my brethren, or any two of them conjunctlie, the saids Collonell JAMES LOTHIANE, Dame BARBARA my sister, or the saids THOMAS or WILLIAM DALMAHOYES, my brethren, being ane of the two ; Reserveing alwayes to me my oune liferent of the haill soumes of money heirby assigned dureing all the dayes of my lifetyme ; as, also, power and libertie to me, at any tyme heireafter, in my onne lifetyme, et etiam in lecto ægritudinis, to uplift, assigne, and discharge the saids principall soumes, or any pairt therof, or to renew, reiterat, and alter this present disposition and assignation at my oune pleasure, as I shall think fitt and expedient, upon the which conditions, provisiones, reservationes, and declara-

tiones above mentioned Thir presents are granted and accepted allenarie and no otherways : and it is heirby declared, that the generalitie of thir presents sall be also effectuall in all respects as if the saymne wer speciallie and particularlie exprest and set down hereintill. And, lastlie, it is heirby speciallie provydit and declared, that the not deliverie of this present disposition and assignation, bands, and others above written heirby assigned, and the not due and lawful intimation thereof, sall nowayes be prejudiciall therto, nor be quarrelled as not done ; but the samen sall stand and be sufficient sicklyke, and als frielie in all respects as if the same had bein delivered and lawfullie intimat, wherant and with the not doing therof I have also dispensit, and heirby dispences for ever ; and for the more securitie, I am content and consent thir presents be insert and registrat in the books of Counsell and Session, that all execution neidfull pass heirupon in forme as effeires ; and for that effect constitute Mr John Andersone, Advocat, my lawfull Procurator.

In witness quharof, written be Robert Leggat, Notar, publick, I have sub[scrip]t thir presents with my hand, at the Canuogate, the First day of September m.vi<sup>e</sup> sixtie-four yeires, before thir witnesses the said Robert Leggat, and the said WILLIAM DALMAHOY, my brother, and the said William Patersone, my servant—sic sub[scribitu]r,

J. DALMAHOY.

WILLIAM DALMAHOY, witness.

Ro : LEGAT, witness.

[Collated with the registered entry at Edinburgh, by Hugh Home, Esq., February 1867.]

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Names in the previous Will:—

1. RACHAEL WILBRAHAM [born 7 March 1626] [daughter of Thomas Wilbraham, Esq.] wife of the Testator. Her grandfather was Richard Wilbraham, esq. [born 10 January, 1551] common serjeant of the city of London (brother of Sir Roger Wilbraham, master of the Court of Requests),

who married 21 February, 1584, Elizabeth [who died 25 Feb: 1611], daughter of Sir Thomas Puleston, Lord Mayor of the City of London. This Richard Wilbraham had an uncle, Thomas Wilbraham, who was Recorder of the City of London. [See trial of the Duke of Norfolk—State Trials and 10 Froude's His: of England 326.]

2. THOMAS DALMAHOY, "only son" [died 21 September, 1689 leaving his sisters "*heredes portionariae*."]
3. BARBARA DALMAHOY, "eldest" daughter.
4. HELEN DALMAHOY [afterwards wife of Captain ARTHUR INNES] daughter. (Her will is dated 15 December, 1727.)
5. MARIE DALMAHOY [afterwards wife of JOHN FALCONER, Esqr.] "youngest" surviving daughter. [She died at Chester Jan: 1754 in the 91st year of her age.]
6. JAMES DALMAHOY, "brother" and legatee.
7. WILLIAM DALMAHOY, "my brother."
8. ROBERT DALMAHOY, "my brother." [His son Thomas Dalma- hoy, was served heir Feb. 1687.]
9. THOMAS DALMAHOY, "brother," named guardian [M.P. for Guilford].
10. Sir ALEXANDER DALMAHOY, "brother."
11. JOHN DALMAHOY, "younger," "eldest son" of Sir Alexander.
12. Sir JOHN DALMAHOY, "deceist," the Testator's father.
13. \*Dame BARBARA †Lady CLERKINGTOUNE, "eldest sister."

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\* Douglas in his "Baronage of Scotland," p. 40, says, that Barbara was the second wife of Sir John Forbes, third baronet, of Monymusk.

† 13. Lady Clerkington's husband (Sir William Scot, a Lord of Session by the name of Lord Clerkington) died December 23, 1656.

14. JOHN SCOTT, of Malleny, "eldest son" of Lady Clerkingtoun. He married Anne, daughter of Sir Thomas Nicholson of Cockburnspath. His sister, Barbara, married Sir William Drummond (named in this will) the son William Drummond, the poet, of Hawthornden.
15. Sir LAURENCE SCOTT, of Clerkingtoun, "my brother-in law." (He married a sister of the second wife of his father. See also, *Douglas' Baronage*, p. 218, sec. 4.\*)

Since the above pages were printed the following extracts from the register of baptisms in Edinburgh have been made :

1. Tuysday, 28 July, 1657 : To John Dalmahoy and Rachael Willbram, a. d. n. ELIZABETH. Witt. : Sir Alexander Dalmahoy, Thomas Craig of Rickartoun and Harie Gib.

2. Tuysday, 10 August, 1658 : B. to John Dalmahoy and Rachael Willbrame a. d. n. RACHAEL. Witt. : Sir Alexr. Dalmahoy and Collonell James Louthian, Robert Pringill, Harie Gib.

3. Tuysday, 23 August, 1659 ; Baptised to John Dalmahoy and Rachael Willbram. a. s. n. THOMAS. Witt. : James Deanes, baillie—James Stevensone, brewer ; Robert Pringle and Hector Campbell.

[This son died 21 September, 1689.]

4. Tuysday, 19 Nov., 1661 : B. to John Dalmahoy and Rachael Wilbraham a. d. n. HELENE. Wit. : Collonell James Loudan—George Campbell, baillie.

[She became the wife of Captain Arthur Innes.]

Thomas Dalmahoy, in his will of 1682, calls "Lady Einnee," "my sister."

5. Thursday, 19 March, 1663 : B. to John Dalmahoy : Rachael Willbram a. d. n. MARIE. Witt. : Sir Alexr. Dalmahoy—Sir Lourence Scot.

[She became the wife of John Falconer, Esq., 14 February, 1681 ; and died at Chester 12 Jany., 1754.]

6. Fryday, 11 May, 1666 : Bap. to John Dalmahoy and Rachael Willbram a. d. n. ANN. Witt. : Sir Alexander Dalmahoy—Sir Lourence Scot.

The eldest daughter, not named in these entries, was BARBARA, named in her father's will : 1664.

Three of the sisters were served heirs of their brother Thomas Dalmahoy.

Hæc inquisitio facta fuit in prætorio burgi de Linlithgow. 2. Augusti 1695 : per Joannem Dundass de Manner, vicecomitem deputatum, &c. Qui jurati dicunt, magno sacramento interveniente, quod quondam Thomas Dalmahoy consanguineus germanus Domini Joannis Dalmahoy de eodem ac frater germanus Helenæ, Annæ, et Mariæ Dalmahoyes, &c.—“ Helena, Anna, et Maria Dalmahoyes sunt legitimæ et propinquiores hæredes portionariæ dicti : de mortui Thomæ Dalmahoy suorum fratris.”

*Regist : Retorn : vol. 45, fol. 116. Edinburgh.*

THOMAS WILBRAM, Esq., of Nantwich, born 25 June 1589, died 1643.

RACHAEL CLIVE, heir of Joshua Clive of Huxley, married 24 March, 1619, and died 5 April 1657.

ROGER WILBRAM, Esq., born 3 November 1623, married 17 April 1656.

ALICE, daughter of Roger Wilbraham of Dorfield. She died 7 September, 1676.

RACHAEL WILBRAM, born 7 March 1626.

JOHN DALMAHOY, Esq., second son of Sir John Dalmahey of Dalmahey. Will dated 1 September 1664, and registered at Edinburgh.

RANDLE WILBRAM, Esq., Sheriff of Cheshire 1714, died 19 September 1732, married 25 October 1687.

MARY, daughter of Sir Richard Brooke of Norton, Bart., died 1739, æt. 75. Her brother, Sir Thomas Brooke, married her husband's sister, Grace Willbraham, 12 July 1688.

MARY DALMAHOY died at Chester 12 January 1754, in her 91st year. Baptized at Edinburgh March 13, 1663.

JOHN FALCONER, Esq., married at Edinburgh February 14, 1681, died in France.

ROGER WILBRAM, Esq., died 1754, grandfather of George Wilbraham of Delamere, M.P. for Cheshire (1833).

RANDLE WILBRAM, Esq., M.P. for Newcastle and for Appleby, died 1770: grandfather of the first Lord Skelmersdale.

ELIZABETH WILBRAM, married at Nantwich 7 January 1731, died 27 June 1782, æt. 79.

WILLIAM FALCONER, Esq., of the Inner Temple, Recorder of Chester, died 2 June 1764. He was brother of Thomas Falconer, Esq., and Lieut. Jas. Falconer, R.N.; a fourth son, John, died young.





*EXTRACTED from the principal registry of Her  
Majesty's Court of Probate, in the Prerogative  
Court of Canterbury.*

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“IN THE NAME OF GOD, AMEN. The sixth day of May, in the year of our Lord God 1656, I, ELIZABETH, DUCHESS OF HAMILTON, in Scotland, now the wife of THOMAS DALMAHOY, Esq., doe, by this my Writing under my hand and seale, and in the nature of my last Will, which, by agreement with my said husband, before our intermarriage, I am able to make, declare, and devise as followeth: viz., Whereas, by Indenture tripartite, dated the sixteenth day of May last past, made betwene myself whilst I was sole, of the first part, the said THOMAS DALMAHOY, then intended and now my husband, of the second parte, and James Landian and Martin Forster, Esquires, of the third parte, wherein are recited severall Indentures, by virtue whereof the Reversion of Inheritance, after the death of the COUNTESS OF DIRLETON, my Mother, of the Cappitall Messuage called The Frierey and the House, Barns, Buildings, &c., in, or near Guilford, in the County of Surrey: And also all that parke called Guilford Parke, and all Messuages, Farmes, and Inclosed groundes, late disparted, and before that parcell of the said Parke: And also all those closes and parcels of grounde called the *Lees*, lying in the parishe of *Stoake*, near *Guilford*: —the said parke and landes conteninge in the whole 1,500 acres and lying and beinge in the parishe of *St Nicholas, Guilford Compton*, and *Worplesdon*, some of them and all others, the lands, tenements, and hereditaments granted, bargained, and sold by the *Earl of Dirleton*, my father, by deed dated the four and twentieth day of May, 1649, enrolled in Chancery unto Heneage Finche, Esq., John Prestwood, and Henry Pratt, were conveyed and settled to, and in them the said James

Landian and Martine Forster, and their heires and assignes : And also wherein is recited One other Indenture, Whereby I did convey to the said Mr Landian and Mr Forster; and their heirs, all that the Mannores and Rectory of *Wanbrough*, with their appurtenances, in the said county of Surrey, and all that Farm of *Wanbrough*, and all other my Mannors, Lands, Woods, and Tenements, in the county of Surrey, &c. &c. : It was declared and agreed by, and betweene me and my said now husband, amongst other things, that it should be lawful for me from time to time, as well before, as after, my marriage, by my last Will and Testament in writinge, which my said now husband did thereby agree it should be, for that purpose, lawfull for me to make, or by any other writinge, signed by my owne hand, and sealed with my seale, in the presence of three credible witnesses at least, to dispose of the premises, or any parte thereof, to any person whatsoever for such estate, and as I should think fit." The Duchess then appointed the said estates, after her own death, subject to the payment of debts, to the said Thomas Dalmahoy, his heirs and assigns for ever, &c. &c. Signed. E. HAMILTON.

Signed, sealed, and published to be the last will and testament of the Elizabeth Duchesse Hamilton. J. A. Gresham ; Mic : More : Wm. Shepheard. Thos : Canfield. W. Stivens.

The will was proved before Sir Wm. Merick by Thomas Dalmahoy, the sole executor, 2 May, 1662.

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The Duchess of Hamilton died in August, 1659, and was buried in the Chancel of the Church of St Martin-in-the-Fields. The following is a copy of the entry of her burial in the register of that Church.

"Sepulchrum : Septembris, 1659—2ud : ELIZABETHA DEMOHoy : Ducissa, Sepulta in Cancellâ."

Mr Dalmahoy married a second wife, Lady [Elizabeth] Clarke [Harleian MS. 1040, fol. 28. British Museum] whose maiden name was, Muschamp, in St Mary Somerset's Church, February ~~1660~~<sub>1650</sub>. He died

in Bow street, Covent garden, 24 May, 1682, and was buried near his first wife, May 27, 1682. The entry of his burial is as remarkably erroneous as that of the burial of the Duchess of Hamilton, namely :

“Sepult : Nom : May 1682, 27. THOMAS DELOMHAY. M.”

Lady Jane\* Maxwell, coheiress with her sister Elizabeth, Duchess of Hamilton, of their father, the Earl of Dirleton, married Charles, Viscount Cranbourn. Of his marriage there were six sons, the eldest of whom became second Earl of Salisbury. The other sons died unmarried. There were five daughters, two of whom married—namely, Catherine, the wife of the Earl of Kinnoul, and Frances, the wife of Sir William Bowyer, Bart., of Denham Court, co : of Bucks.

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\* Ante p. 8 “Diana” is an error.

*Will of THOMAS DALMAHOY, formerly M.P. for Guilford, March 9, 1681, and 20 May, 1682: proved in the Prerogative Office of Canterbury, in 1682.*

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In the name of God, Amen. I, THOMAS DALMAHOY, of the Friery, near Guilford, in the County of Surrey, Esquire, being in reasonable good health of body, and of sound and disposing mind and memory, thanks be given to Almighty God therefore, do make and ordain this my last Will and Testament in manner and form following, hereby revoking all other wills by me formerly made. First, I bequeath my soul to Almighty God my Creator, hoping through the merits and mediation of Jesus Christ, my Lord and Saviour, I shall have remission of my sins and eternal life in the kingdom of Heaven. My body I commit to the earth, from whence it came, to be decently interred by my executors hereinafter named, in assured hopes of a joyful resurrection at the last day. And I give unto the Lady SOUTHESK twenty shillings of lawful English money and no more, because she was unjust to me, by endeavouring, by all unlawful means, to have ruined both my reputation and fortune by calumnies and aspersions traducing me to all people of her acquaintance, and confessed herself to me that she begged of the King [whom I pray Almighty to bless and prosper] that his Majesty would never grant me any place about him, though she knew very well how much I had suffered for my constant loyalty and duty to his Majesty and to his Father of blessed memory, having had all my late wife's jointure in Scotland sequestered, and never received one penny thereof, by reason whereof I was necessitated to contract great debts for the support of my late dear wife and the said Lady SOUTHESK, before and until she was married, and for that my family was increased, after my said wife's decease, upon account of the

said Lady SOUTHESK, in order to her marriage with her now husband. And I do give and bequeath unto her sister, the Lady ALMOUND, twenty shillings of like money, and no more, because her husband did endeavour to ruin my fortune in Scotland, having begged unjustly the gift of my life rent and escheat there, which was granted to him. And I give and bequeath unto my said late wife's other two daughters,\* the sum of five hundred pounds a-piece lawful English money if they shall be living at the time of my decease; else only the sum of five hundred pounds to the survivor of them, and if both the said daughters should die before me, then my legacies to them to be utterly void.† And I do hereby give and bequeath unto my beloved wife, the Lady ELIZABETH CLARKE, the full sum of one thousand five hundred pounds of lawful money of England, and all the goods, chattels, and household stuff which were her own at the time of our intermarriage, and my coach horses, coach and harness, and all my plate, goods, and chattels, household stuff, implements and utensils of household of all sorts whatsoever which I shall die possessed of. And I give to my said wife's daughter, Mrs ELIZABETH CLARKE, the sum of five hundred pounds lawful English money. And I give and bequeath unto my nephew, Sir JOHN DALMAHOY, in the Kingdom of Scotland, Bart., his executors and assigns, the sum of six thousand pounds lawful English money, to relieve in the first place his estate of any burthen, and the remainder to be employed towards the improvement of his real estates and towards his children's portion. Also, I give unto my nephew, ALEXANDER DALMAHOY, Esq., brother to the said Sir JOHN DALMAHOY, the sum of five hundred pounds of the lawful money of England. Also, I give and bequeath unto my brother, WILLIAM DALMAHOY, his executors and assigns, the sum of two thousand pounds of like money. And I give and bequeath unto my brother, ROBERT DALMAHOY, his executors and assigns, the sum of two thousand pounds of like money. Also, I give and bequeath unto my sister, the Lady CLARKINGTON, now living

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\* Lady Colmar and Lady Blair—[MS. by his niece.]

† It is evident that he was never aware that all his four step-daughters conspired against him [see *Calendar of State Papers, Domestic Series*, 1661, p. 380, No. 56]. “The four daughters of William, second Duke of Hamilton—were, Lady Anne, Countess of Southesk; Lady Elizabeth, who married 1st, James, Lord Kilmaurs, and 2ndly, Sir David Cunningham; 3. Lady Mary, who married 1st, Alexander Earl of Calender, 2ndly Sir James Livingstone, and 3rdly James, Earl of Finlater, and 4. Lady Margaret, who married William Blair, Esq., of Blair. [Anderson's *Genealogical Tables*, p. 766, Ed: 1736.]

in Scotland, and to her executors and assigns, the sum of five hundred pounds of like money. And I give and bequeath unto my sister, Lady BINNIE, her executors or assigns, the sum of five hundred pounds of like money, to be at her own dispose, and not to be intermitted with by her husband in any sort, nor subject to the payment of any of his debts. And I give and bequeath unto my nephew, THOMAS DALMAHOY, the son of my late brother, JOHN DALMAHOY, deceased, the sum of one thousand five hundred pounds of like lawful money, in lieu and satisfaction of debts, if there be, upon bond, or otherwise, due to his said deceased father, or to any other person or persons claiming by or under him. And I give and bequeath unto James Lyndsey, now dwelling with me, the like sum of two hundred pounds of lawful English money. And I give and bequeath unto William Cox, alias Lyndsey, now dwelling with me, the like sum of two hundred pounds of like money. And I recommend the said James Lyndsey and William Cox, alias Lyndsey, to the care of my executors hereinafter named, desiring them to see their several legacies improved to their best advantage. And I give to the Poor of the Parish of St Nicholas, in Guilford aforesaid, the sum of ten pounds of lawful money of England. And I give to the Poor of the Parish of the Blessed Virgin Mary, in Guilford aforesaid, the sum of five pounds of like money. Also I give unto the Poor of the Parish of the *Holy Trinity of Guilford* aforesaid, the sum of five pounds of like money. And I give unto the Parish of *Stoake*, next *Guilford*, in the said County of Surrey, the sum of five pounds of like money. Also I give to the Poor of the Parish of *Worslesdon*, in the said County of Surrey, the sum of five pounds of like money. And I give to the Parish of *Wanbrough*, in the said County of Surrey, the sum of five pounds like money. And I give to the Poor of the Parish of Rothay [*Ratho*] in *West Lowthyan*, in the Kingdom of Scotland, the sum of five pounds like money.

I do hereby nominate, constitute, ordain, and appoint my said nephew, Sir JOHN DALMAHOY, and Sir GEORGE WOODROSSE, of Poyll, in the said County of Surrey, Knight, executors of this my last will and testament. And I do hereby give and devise unto the said Sir GEORGE WOODROSSE, the sum of forty pounds lawful money of England. And I do hereby will and order that my said executors shall be paid all their cost and charges that they shall be at, either in getting in my estate or otherwise howsoever in or about the performance

of this my last will and testament, out of the rest and residue of my said estate. And I do hereby give and devise all the remainder of my estate after my debts and legacies, funeral expenses discharged, and my said executors' cost and charges defrayed, with my foresaid nephew, Sir JOHN DALMAHOY, my said brother, WILLIAM DALMAHOY, and ROBERT DALMAHOY, and to my nephew, THOMAS DALMAHOY, to be equally divided between them, share and share alike. In witness whereof, I, the said THOMAS DALMAHOY, to this my last will and testament have set my hand and seal the Ninth day of March, in the fourth and thirtieth year of our most Gracious Sovereign Lord, Charles the Second, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, Anno Domini, One thousand six hundred eighty one.

THOMAS DALMAHOY.

Sealed, signed, published and declared for the last will and testament of the within-named Thomas Dalmahoy, in the presence of Ambrose Muschamp, Richard Symes, Thomas Bayley, H. Powland, Henry Saunders.

By a Codicil dated 23rd of May, 1682, £200 was given to Helen (written "Ellen") Dalmahoy, "daughter of John Dalmahoy, in Scotland, Esq., deceased."

The will was proved by Sir John Dalmahoy, bart, and Sir George Woodrosse, knight., before Sir Thomas Exton and Sir Leoline Jeukins, 23 June, 1682.

[The above read with an official copy made in 1867.]

Persons named or referred to in the foregoing Will :—

- 1-4. Lady SOUTHESK, Lady ALMOUND, Lady COLMAR, and Lady MARGARET BLAIR, step-daughters through the marriage with the Duchess of Hamilton.



- 5-6. Lady ELIZABETH CLARKE, wife, and Mrs E. CLARKE, step-daughter.
7. Sir JOHN DALMAHOY [baronet], "my nephew."
8. ALEXANDER DALMAHOY, "nephew, brother to Sir J. Dalmahoy."
9. WILLIAM DALMAHOY, "brother."
10. ROBERT DALMAHOY, "brother."
11. Lady CLARKINGTON, "sister": wife of Sir William Scott, of Mallyen, one of the Senators of the College of Justice (Lord Clerkingtoun).
12. Lady BINNEE, "sister."
13. THOMAS DALMAHOY, "son of my late brother John Dalmahoy." His mother was Rachael, daughter of Thomas Wilbraham, Esq., of Nantwich, and of Rachael, daughter of Joshua Clive, of Huxley.
14. HELEN DALMAHOY, sister to Thomas Dalmahoy last named, and afterwards wife of Captain Arthur Innes.
15. JAMES DALMAHOY, a brother, named in the will of John Dalmahoy, is not named in this will.

*The Will of SIR JOHN HAY DALMAHOY, BART., 1800.*

*Copy*  
 I, JOHN HAY DALMAHOY, bart., do this second day of October, 1800, make this my last will and testament. I give and bequeath that part of my property in the funds which remain of what I received from my father's estate to be divided equally between my sisters FRANCES AYLIFFE DALMAHOY and SARAH HAY PATERSON WYATT [excepting furniture, rings, trinkets, and wearing apparel] I give, in trust to THOMAS WYATT, and the Revd. Richard Board, whom I hereby appoint my Trustees and Executors, to divide the same equally between the children of my sister SARAH and her husband, the above-named THOMAS WYATT, and each share to be paid to them respectively as they shall attain the age of twenty-one years. I give and bequeath my plate, furniture, rings, trinkets, and wearing apparel to my sister Sarah and her husband THOMAS WYATT. I desire the Rev. MARMADUKE LEWIS, and my aunt, his wife, each to accept a mourning ring.

JNO. H. DALMAHOY.

Signed on the day above-mentioned, in the presence of me,

ELIZABETH ISTEED.

I give my horse, chaise, and harness, to my sister Sarah Hay Patterson Wyatt and her husband Thomas Wyatt.

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The Testator died 8th October, 1800, at Westerham. The Revd. Richard Board, Vicar of Westerham, died in 1859, aged 96.

The following is the inscription on the monument to Sir John H. Dalmahoy in Westerham Church :

In a vault about the centre of the North Aisle are deposited the Remains of the Reverend Sir John Hay Dalmahoy, Bart., who died on the 17th October, 1800, aged 32 years, when the title became extinct. He was the only son of Alexander Dalmahoy, Esq., of Higham Hill, Essex, by his wife Elizabeth, second daughter of John Board, Esq., of Paxhill, Sussex. In the same vault are deposited the Remains of his sister Sarah Hay Pattison\* Wyatt, wife of Thomas Wyatt, Esq., of Treeman's place, Sussex. She died at Sundridge Lodge on June the 7th, 1826, aged 63 years. Thomas Wyatt, Esq., died April 22nd, 1854, at Torquay, aged 90, and was buried there.

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\* Error for Paterson.

*The Will of Mrs HELEN [DALMAHOY] INNES, December 15, 1727.*

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In the name of God, Amen. I, HELEN INNES, widow of Captain ARTHUR INNES, being at present in tolerable stait of health in body and mind, yet having frequent warnings of my approaching change, do make my last will and testament in manner following. I first commit my soul to the mercy of God, through the merits of Jesus Christ my redeemer, and my body to be decently interred in the Church in the Parish I die in. And as far as that small portion of worldly things which God hath lent me, I leave and bequeath to my dear sister, MARY FALCONER, the sum of forty pound, and, also, the intire furniture of my chamber in Torporly, according to the catiloug set down, and, also, my small parsel of table liuen, two large silver spoons, six small silver teaspoons, my tea-kettle and china, two pair of sheets, my dark gray lustring mantoe and petticoat, and my ash-coloured satin night gown, my velvet hood and scarf, and, also, *two small pictures*, one my *grandfather*, the other, my *mother*,\* and all my books excepting my Bible and Mr Burkit on the New Testament. I leave and bequeath to her eldest son, my nephew, JAMES FALCONER, the sum of thirty pound, and to my dear nephew, THOMAS FALCONER, whom in his childhood I did nurture, to whom my great affection still continues, I leave and bequeath to him the sum of one hundred pounds, and also, my Bible, my wedding ring, a silver salver, a carved silver cup. I, also, appoint my said nephew, THOMAS FALCONER, my executor, of this my last will. I leave and bequeath to my nephew, WILLIAM

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\* These pictures were in existence in 1839, and were shortly afterwards lost on a change of residence of the possessor.

FALCONER, the sum of thirty pound. I leave and bequeath to my niece, Ann Slaughter, the sume of thirty pound, and, also, my damask gown and petticoat, my lustring gown lined with black, with the petticoat, and all my other wearing apparel silk or woolen, excepting the above-mentioned cloathes given to my sister. I, also, leave my niece two pair of sheets, all my linen for body or head, and to her three children each a guinea. Item, I leave to RANDLE WILBRAHAM, Esq., of Nantwich, and his lady, each a guinea for a ring, to his two daughters, ELIZABETH and MARY WILBRAHAM, each a guinea for rings, to cousin ELIZABETH WILBRAHAM, I leave my Japon box ; to Lady BROOKE and her daughter I leave each a guinea for rings ; to cousin STEPHEN and his wife each a guinea for rings, I leave and bequeath to my cousin, ANN GALE, the sum of ten pounds. I leave to Mrs Susannah Sedgewick the sum of five pounds. I leave to cousin ELIZABETH BELOTE the sum of five pounds. I leave RANDLE WILBRAHAM, Esq., of Lincoln's Inn, the sum of five pounds, and to his lady a guinea for a ring, requesting the said cousin RANDLE WILBRAHAM to undertake the trust of this my last will in case my nephew THOMAS FALCONER should not be in England. I ordain and constitute this my last will and testament, in witness thereof I have set to my hand and seal this fifteenth day of December, 1727.

HELEN INNES.

I leave to the poor of Nantwich three pound, Susannah Blore to be one, and forty shillings to the poor of the Parish where I die. A silver poranger I had forgot to leave to my sister FALCONER. Witness my hand,

Helen Innes.

Persons named in the above Will :—

1. Captain Arthur Innes, her husband.
2. Mary Falconer, her "dear sister," mother of the three nephews named in the will.
3. James Falconer, "my nephew." (Lieut. R.N.)

4. Thomas Falconer, "my dear nephew whom in childhood I did nurture." [Died in Warwick Court, London, January 1730. His will dated 21 January, 1730.]
5. William Falconer, "my nephew" (Recorder of Chester).
6. Ann Slaughter, "my niece."
7. Randle Wilbraham, "cousin," "of Lincoln's Inn," afterwards of Rode.
8. Stephen Wilbraham, "cousin." [Born 4 July, 1669] her mother's nephew.
9. Elizabeth Wilbraham, "cousin," afterwards (in 1731) wife of her nephew William Falconer.
10. Mary Wilbraham, "cousin." [Afterwards wife of Thomas Chetham,\* Esq., of Mellor Hall, Derbyshire, and sister of Elizabeth (Wilbraham) Falconer.]  

[The two last—9 and 10—named legatees were daughters of Randle Wilbraham and of Mary, daughter of Sir Richard Brook, bart., of Norton].
11. Lady Brooke. [She was Grace Wilbraham, the niece of the mother of Mrs Innes: she was born 23 Dec., 1667, and married 12 July, 1688, Sir Thomas Brooke, bart., of Norton: she died in 1739, aged 72.]
12. Anne Gale, "cousin."
13. Elizabeth Belote, "cousin." A relative of the Wilbrahams of Dorfold.

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\* From whom descended the late Vice-Admiral Sir EDWARD CHETHAM STRODE, K.C.B., of Southill, who assumed the name of STRODE.

The consanguinity of Mrs Helen Innes with the Wilbraham Family was through her mother, Rachael Wilbraham, the wife of John Dalmahoy, Esq. (ante page 6).

Mrs Innes was baptised at Edinburgh, the 19th of Nov., 1661. She was cousin german or first cousin of Dame Barbara [Scot], the wife of Sir William Drummond, the son of William Drummond the poet, that lady being niece of her father John Dalmahoy who married Rachael Wilbraham. Sir W. Drummond, also, was named in her father's will to be one of the guardians of her and her sisters.

*The Will of MARY FALCONER [the sister of Mrs HELEN INNES], wife of JOHN FALCONER, and daughter of JOHN DALMAHOY. May—August, 1753.*

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In the name of God, Amen. I, MARY FALCONER, of the City of Chester, widow, being of sound and disposing mind and memory, praised be God, and mindful of my mortality, do make my last will and testament in manner and form following (That is to say)—First and principally I recommend my soul into the hands of the Almighty God, trusting, that through the merits and intercession of Jesus Christ my Saviour, to obtain remission of all my sins. And as to such worldly estate as it had pleased God to bestow upon me, I dispose thereof as followeth :— First, I will and direct that all my just debts and funeral expenses be in the first paid and satisfied. And, whereas, I have by several articles of agreement entered into upon the respective marriages of my late son JAMES FALCONER (now dead), and of my son WILLIAM FALCONER, covenanted to pay to each of them the sum of four thousand pounds in the manner in the said articles respectively mentioned (two thousand pounds, part of the said four thousand covenanted to be paid to the use of my son WILLIAM, I have already paid). I do hereby order and direct that the said several articles of agreement shall be respectively performed, according to the true extent and meaning thereof—And after and subject to the payment of my said debts, funeral expenses, and performance of the several articles of agreement. I do hereby give and bequeath unto ELIZABETH FALCONER, widow of my late son JAMES, and to ELIZABETH FALCONER, wife of my said son WILLIAM, the sum of twenty pounds a-piece ; and to my grandchildren hereinafter named (to wit), JAMES FALCONER\* and ELIZABETH FALCONER†

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\* Afterwards Archdeacon of Derby.

† She became wife of Thomas Pennant, esq.



son and daughter of my said late son JAMES FALCONER), and THOMAS FALCONER, WILLIAM FALCONER, MARY FALCONER,\* and ELIZABETH FALCONER (sons and daughters of my said son WILLIAM), the sum of one hundred pounds to each of them. And to my nephew ARTHUR BAKER the sum of twenty pounds. And I do hereby give the sum of twelve pounds to be equally divided among twelve poor old widows, such as my executor herinafter named shall think fit. And also the further sum of ten pounds to be disposed of to the poor as he shall think fit. I do also give to my maid Wolfall the sum of twenty pounds and all my wearing apparel (except my best night gown and velvet scarf). And to my servant boy Thomas Parsonage (in case he shall live with me at the time of my death) the sum of five pounds. And I do hereby give unto my said grandson JAMES FALCONER, my best snuff-box with a gold rim, the blew bed and all the furniture and pictures in the room wherein I lie (except the pictures of my father† and mother, my said son WILLIAM FALCONER and his wife, and my said grandson THOMAS, which I do hereby give to my said son WILLIAM; ‡] and I do also give to my said son WILLIAM my large pair of silver candlesticks and my silver snuffers: And all the rest of my plate I give to my said grandson JAMES. I also give to my said granddaughter MARY FALCONER my gold watch, my best laced suit of head-cloths, my best chest of drawers, my yellow bed with the curtains and other things belonging to the said yellow bed, and all the chairs, glass, and furniture in the room where the yellow bed stands (except the bureau and top of it, which I do give to my grandson Thomas). And whereas I have not the articles of agreement executed by me at or about the time of and in consideration of the marriage of my said late son JAMES, or any copy thereof in my custody, and not certain whether I covenanted therein for the payment of four thousand five hundred pounds, or only for the payment of the sum of £4,000: And whereas I did, at or soon after the marriage of my said late son JAMES, give and pay to him the sum of five hundred pounds—now I do hereby declare, that in case I did, by the said last mentioned Articles of Agreement, covenant for the payment of the sum of four thousand five hundred pounds, the sum

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\* Afterwards the wife of Charles Mainwaring, esq., of Bromborough, Cheshire.

† John Dalmahoy, Esq., second son of Sir John Dalmahoy, of Dalmahoy.

‡ The pictures still exist.

of five hundred pounds so by me given and paid to my said late son *James* be taken and accounted for and as part of the said four thousand five hundred pounds, but in case in and by the said last mentioned Articles I covenanted to pay to or to the use of my said late son *James* the sum of four thousand pounds, and not more—then I do hereby declare that the said five hundred pounds so given to him by me as aforesaid shall not be taken or accounted for or as part of the said four thousand pounds. And I do hereby give and bequeath all the rest residue and remainder of my personal estate, of what nature or kind soever, to my said grandson JAMES FALCONER, and to my said son WILLIAM FALCONER, to be equally divided between them, but in case my said grandson JAMES FALCONER should happen to die before he attains the age of 21 years, then I will and direct that his moiety of the said residue shall go, and, in such case, I do hereby give and bequeath the same to my said son WILLIAM FALCONER. And I do hereby further declare my mind and will to be that in case my said son WILLIAM shall die in my lifetime, that then whatsoever I have hereinbefore given to my said son WILLIAM shall go and be equally divided among such of his children as shall be living at the time of my decease. And my desire is to be buried in *St Mary's Chapel, in the Cathedral Church of Chester, near my said late son James*, in the morning after ten of the clock prayers, and to have six gentlemen pallbearers. And I do hereby nominate and appoint my said son WILLIAM FALCONER sole executor of this my last will and testament, but if he shall die in my lifetime, then I do hereby nominate and appoint ROGER WILBRAHAM, of Nantwich, and his brother RANDLE WILBRAHAM, Esqrs., executors of this my will. And I do hereby revoke all former wills by me made, and declare this to be my last will and testament, In witness whereof I have hereunto put my hand this thirty-first day of May, one thousand seven hundred and fifty-three.

MARY FALCONER.

Signed, published and declared by the said testatrix as and for her last will and testament in the presence of :

Timo : Leftwicke,  
Peter Lowe.



Whereas, I have by my will given the sum of £10 to be disposed of to the poor as my executors shall think fit. Now I do hereby direct that the said ten pounds shall be paid to the use of the Charity Girls in the school of Chester.

Mary Falconer.

As witness my hand,

August 6, 1753.

Chester, the 8th of December, 1753, I do hereby give unto my great niece Susannah Jenkins the sum of fifty shillings a year during her natural life to be paid her quarterly, the first payment the next quarter day after my decease. And I do hereby give the further sum of twenty pounds in charity more than I have given by my will and declare this to be a Codicill to my said Will the day and year above written.

*Mary* "MARY" Falconer, her mark.

Witness : Edward Wrench.

Proved January 25, 1754.

Mrs Falconer was buried in the Lady Chapel of the Cathedral of Chester on the 18th of January, 1754. In the register of burials she is stated to have been aged 89. She died on the 12th of January, 1754.

The entry of her baptism in the Canongate Register, Edinburgh, is as follows :

Thursday 19 March 1663.

B[aptised] to John Dalmahoy and Rachaell Willbram a. d. n. MARIE.

Witu[esses] : Sir Alexander Dalmahoy—Sir Lourenee Scot.

The entry of her marriage in the city Register of Edinburgh is :

14 Februari, 1681.

John Falconer : Mary Dalmahoy, Married be [*sic*] Mr William Annand, Dean.

The Rev. W. Annand, A.M., was transferred from the Tron Kirk to the Highkirk, Edinburgh, 1675. Pres : to the Deanery by Charles II. He died 13th June, 1689. "There was scarcely a more innocent man in Britain."—[*Scotts. Fasti. Ecc. Sco. p. 22.*]

Of this marriage there were issue :

1. John Falconer, baptised 5th May 1682. [He died young.]
2. Thomas Falconer [ante page 7.] He died unmarried.
3. James Falconer, Lieutenant R.N. [ante page 7].
4. William Falconer, esqr., Recorder of Chester, "*filius quartus*," who married his second cousin, Elizabeth Wilbraham [ante p : 33] daughter of Randle Wilbraham, esqr.

The third son, James Falconer, esq., Lient. R.N. [appointed Lieutenant 4th May, 1725], married at Thorpe Constantine 24 Sep : 1734, Elizabeth Inge, daughter of William Inge, esq., of Thorpe, in the co : of Stafford. He died 8 November, 1738, and left issue a daughter, (1) Elizabeth, and a son, (2) James Falconer.

(1.) Elizabeth Falconer, the daughter, married **THOMAS PENNANT**, of Downing and Bodfari, Flintshire, the celebrated naturalist and antiquary, and the author of numerous works. They had issue David Pennant who marr : Louisa, daughter of Sir H. Peyton, Bart., who had issue :

David Pennant who married, 1st, Lady Caroline Spencer Churchill, daur : of the Duke of Marlborough ; and, 2ndly, Lady Emma Brudenell, daur : of the Earl of Cardigan who had issue :

Louisa Pennant, who married Rndolph William Basil Viscount Fielding and died without issue in 1853.

(2.) James Falconer, D.D. of [the son Lient. Falconer, R N.] Arch-deacon of Derby 1795, Prebendary of Lichfield, [Ulveton ex parte

Decani] Rector of Thorpe and Vicar of Lullington, married Mary [who died July 11, 1821, aged 82] daughter of Thomas Hall, esq. [Sheriff of Cheshire, 1745] and sister of Mrs Inge, of Thorpe Constantine. He died the 25th of April, 1809, aged 72, and left no male issue. [*“Mulier finis familiae est.”*] His daughters were :

1. Elizabeth Falconer, who married 17th of September, 1787, the revd. J. Batteridge Pearson, Prebendary of Lichfield [Pipa parva] Vicar of Coxall, Derbyshire. She died in the 93rd year of her age and had issue among other children :

The Revd. George Pearson, B.D. [died 12 May, 1860] Rector of Castle Camps, Lincolnshire ;—Fellow of St John's Coll : Cambridge [B.A. 1814] Christian Advocate 1834, who married Catherine, daur : of Philip Humberston, esq., of Chester and had issue—1. Philip Pennant Pearson of Bodfari [who assumed the name of Pennant having by devise acquired an important portion of the Pennant property] who married Mary Frances daur : of the Revd. Edward Banks of Stoughton Hall, Flintshire, and granddaughter the Hon : Edward Rice [son of the Baroness Dynevor] Dean of Gloucester. 2. George Falconer 6, 1836 ; 3, Charles ; 4, John Batteridge ; 5, James Falconer drowned at Llandudno 14 August, 1854 ; 6, Edward Lynch : 7 Catherine Hester ; 8 Frances Elizabeth ; 9, Anne died 13 May, 1860 ; 10, Adelaide Sophia Pearson.

2. Mary Falconer, marr : 5th January, 1791, the Revd. John George Norbury, Prebendary of Lichfield, [Ulveton ex parte Precentoris] Rector of St Alban's with St Olaves, London. He was formerly Fellow of King's Coll : Cambridge., B.A. 1781, M.A. 1784. She died 23 January 1797, aged 31 years, and he died 6 October, 1800, aged 42 years.

3. Frances Falconer, marr : at Lichfield 16 January, 1793, Lieutenant Col. William Charles Madan, son of the Right Revd. Dr Madan, Bishop of Peterborough and Lady Charlotte Madan, sister of the first Marquess of Cornwallis. She died April 27, 1860, in her 88th year : she was born 14 March, 1773.

4. Catherine Falconer, who married at Thorp 9 October, 1802, to Lieut., afterwards Col., Sir Edward Miles, C.B. and left issue.

*Note.*—The discussion on the question of privilege pp. 20 is thus explained “When the Bill to enforce passive obedience was sent down to the House of Commons, parties seemed to be so nearly balanced there as to make the Opposition fear it might pass: but Shaftesbury who often served the cause of liberty—though his motives were never pure—adroitly got up a quarrel with the Lords about privilege arising out of a question that had in itself nothing to do with the test. The King detected the adroit hand of his former Minister and denounced the check on the Bill as a malicious contrivance of some who were enemies to himself and to the Church: but he failed in his endeavours to make up the quarrel between the two Houses, and on the 9th of June he prorogued Parliament in an ill humor.”—‘Knight’s Pictorial History of England.’ 3rd vol., p. 713.

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Corrigenda.

Page 6, line 13, for “Barbara” read “Anna.”

Page 7, line 6, strike out “In this inquisition Barbara is named Anna.”

Page 32, line 19, for “suorum” read “suarum.”

Page 40, &c., “Woodrosse” should probably be “Woodroffe.”

Page 43, line 2, after “I” insert “Sir.”