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ART. I.—THE ANNANDALE FAMILY BOOK.

The Annandale Family Book of the Johnstones, Earls and Marquises of Annandale. By SIR WILLIAM FRASER, K.C.B., LL.D. 2 vols., 4to. Edinburgh : 1894.

WHEN the twentieth century has reached maturity, and the Scottish historian of that period is engaged making researches as to the early history of Scotland, there is one writer of the present time whose memory he will hold in special veneration. He may esteem highly three successive Historiographers-Royal—Dr. John Hill Burton, for his masterly studies of eighteenth century life ; Dr. Skene, for his patient investigations of early Celtic history, and Professor Masson for his laborious work in transcribing and annotating the Register of the Privy Council. But for really valuable historical matter, for documentary evidence of an irreproachable character, and for the publication of the correspondence of prominent characters in general history giving curiously intimate glimpses of social life in bygone days, the future historian will feel particularly indebted to Sir William Fraser. Before reviewing *The Annandale Family Book*, one of the latest products of Sir William's prolific pen, the reader of the present day may be interested in the story of the author's long and industrious career. It is a record of unexampled success in a field of

labour that is often barren and unfruitful even to the most 'eident' worker.

The modern method of historical research in Scotland, by which traditional evidence is carefully separated from that which is founded upon documents, may be dated from the beginning of the nineteenth century. Thomas Thomson, who held the office of Deputy-Clerk-Register from 1806 to 1841, did much to clear away the myths and baseless traditions that were accepted as veritable history even by serious historians of Scotland. Trained as a lawyer, and accustomed to estimate the value of documentary evidence in the Courts of Law, Mr. Thomson brought the same logical processes to bear upon historical questions. With him, as with every sane historian, the written document, when its authenticity was proved, entirely superseded the oral evidence of tradition; and though he did not produce any elaborate history of Scotland, he accomplished a far greater work by placing all future histories upon a secure and steadfast basis. His labours in the Register House were of incalculable service, for he reduced the chaos of documents committed to his charge into something approaching order, and made valuable discoveries of neglected papers that have since been utilised profitably by every historian of Scotland. It is sufficient to mention his edition of *The Acts of the Parliaments of Scotland*, *The Register of the Great Seal* (an interrupted work now approaching completion), and *The Chamberlain Rolls*, to show what he accomplished as a pioneer. In his position as President of the Bannatyne Club, Mr. Thomson was also able to render efficient service to historical literature. His immediate successor in office was William Pitt Dundas, grandson of Lord President Dundas, but it was not until Sir William Fraser became Deputy Keeper of the Records that Thomas Thomson's place was adequately supplied.

Sir William Fraser, who is now an octogenarian, began his career as a Solicitor in Edinburgh, and was admitted as an S.S.C. in 1851. He had turned his attention at an early period in his life to the study of those family documents in which the real history of a nation is more accurately displayed than in

any formal work that deals exclusively with State Papers ; and Peerage Law became one of his specialties. Long before his name was made prominent as an author he had gained a high reputation in professional circles as an authority on family history ; and he was frequently entrusted with researches in private charter-rooms for the purpose of discovering and preparing documentary evidence in important cases. So highly was he esteemed as a competent 'black-letter lawyer' that, in 1852, Mr. Alexander Pringle of Whytbank, then Keeper of the Register of Sasines, offered Mr. Fraser the responsible position of Deputy-Keeper, and induced him to give up his legal practice for this post. At Mr. Pringle's death in 1857, it was expected that Mr. Fraser would have succeeded him as head of the Sasine Office ; but that place was bestowed upon the late Mr. John Clerk Brodie of Idvies, who retained it till his death in 1888. Mr. Fraser remained in his post as Deputy-Keeper of the Register of Sasines until 1880, when a new arrangement of the staff in the Register House, Edinburgh, left the office of Deputy-Keeper of the Records vacant, and Mr. Fraser was promoted to this position. For the next twelve years he filled this post with conspicuous success ; but in 1892, when he had reached the official limit of 40 years' public service, his retirement became necessary. As he was still vigorously prosecuting his life-work it was thought that a special arrangement might be made to prolong his term of service. The fear, however, of establishing a precedent that might not always work well, prevented this reasonable proposal, and he retired, but not to inactive seclusion. His ability had been recognised by the conferring upon him of the degree of LL.D., by Edinburgh University in 1882, and by his enrolment as a Companion of the Bath in 1885 by Mr. Gladstone. He was advanced to the dignity of K.C.B. in 1887 by Lord Salisbury—an honour rarely bestowed for purely literary services.

While Sir William Fraser's work in organising the various departments in the Register House that have been under his charge has greatly expedited both professional and historical researches, he will be most highly appreciated by posterity for the wonderful books on Scottish family history—24 in number

—that have issued from his pen. These have placed the writing of Scottish history upon an entirely new basis. The imaginative historian who accepts local tradition as if it were unchallengeable verity has been effectually put to flight, and fact is properly preferred to fancy. In this respect Sir William Fraser's books are models of accuracy, for though he may sometimes theorise upon the contents of a charter, or suggest a tentative explanation of a letter, he is always careful to give a copy of the document in dispute—often in fac-simile—so that the student may draw his own inferences from the veritable parchment or epistle. How many violent historical feuds between rival partizans would have been avoided had it been possible to refer to originals and verify quotations! The literary career of Sir William Fraser has extended over nearly half-a-century. During that time he has not only produced an unique library of books on Scottish history, but has also been actively engaged in making reports of private Scottish collections for the Royal Commission on Historical Manuscripts. In this department of labour, first as joint reporter, and then on the resignation of the late Dr. John Stuart, as sole reporter for Scotland, he has worked assiduously since 1869, and has examined the principal charter-rooms of the Scottish nobility, and prepared elaborate statements as to their contents. The results of his work are made available in the valuable series of Reports published by the Royal Commission. The great expense involved in the preparation of Sir William Fraser's books necessarily prevented them from being taken up as a publisher's speculation, and their existence is due to the liberality and public spirit of the noblemen and gentlemen for whom they were 'privately printed,' and by whom they have been distributed. Occasionally stray copies come into the market and bring very large prices, but it may be doubted if there is any private library in Scotland which contains the whole of these splendid volumes. To book-lovers and collectors the following full list of these books will be of especial interest. *The Stirlings of Keir* (1858) was undertaken for the late Sir William Stirling-Maxwell of Pollok and Keir, and was the earliest volume brought out by Sir William Fraser. It

was followed by *The Montgomeries, Earls of Eglinton*, (1859); *The Maxwells of Pollok*, (1863), both in two volumes; *The Maxwell, Herries and Nithsdale Muniments*, (1865); *The Pollok Maxwell Baronetcy*, (1866), each one volume; *The Carnegies, Earls of Southesk*, (1867), in two volumes, for the present Earl; *The Red Book of Grandtully*, (1868), two volumes, for the late Sir William Stewart; *The Chiefs of Colquhoun*, (1869), two volumes; *Registrum Monasterii de S. Marie de Cambuskenneth*, (1872), for the Grampian Club; *The Book of Caerlaverock*, (1873), two volumes; *The Cartulary of Colquhoun*, (1873), one volume; *The Lennox*, (1874), two volumes; *The Cartulary of Pollok Maxwell*, (1875), one volume; *The Earls of Cromartie*, (1876), two volumes; *The Scotts of Buccleuch*, (1878), in two large volumes, for the late Duke of Buccleuch; *The Frasers of Philorth*, (1879), three volumes, written in conjunction with Lord Saltoun; *The Red Book of Menteith*, (1880), two volumes; *The Chiefs of Grant*, (1883), in three large volumes; *The Douglas Book*, (1885), in four large volumes, for the Earls of Home; *The Family of Wemyss of Wemyss*, (1888), in three volumes, for Mr. Randolph Erskine Wemyss; *The Earls of Haddington*, (1889), in two volumes; *The Melvilles, Earls of Melville, and the Leslies, Earls of Leven*, (1890), three remarkable volumes projected by Thomas Thomson in 1820 and finished by Sir William Fraser seventy years later; *The Sutherland Book*, (1892), three volumes, for the late and present Dukes of Sutherland; and *The Annandale Book*, (1894), in two large volumes, for Mr. J. J. Hope-Johnstone of Annandale. The two last named works have been completed and published since Sir William Fraser retired from his public duties; and it is by no means unlikely, despite his advanced years, that he will be able to finish some of the similar volumes which he has long had in view.

From this list of his works it will be seen that Sir William Fraser's researches have covered the whole of Scotland, from Annandale to the remotest parts of Sutherland; from the 'kingdom of Fife' to Ayrshire, the Colquhoun country, and the land of the Lennox. There is not a shire in Scotland which has not figured in some form either in his Reports or in

his volumes. His experience, therefore, transcends that of any other living Scottish writer upon family history or genealogy, and his position is unique in this respect. His later works are full of that ripe knowledge of affairs which is only gained by wide experience and research; and *The Annandale Family Book* to which attention is now to be directed, is a typical example of Sir William Fraser's style.

Amongst the families that ruled the Scottish Borders the Scotts, the Johnstones, the Maxwells, and the Jardines long held prominence, and for centuries they contested among themselves for precedence, though they united against the common foe, 'oure ould innemyes of England.' The chief power in Dumfriesshire was divided between the Johnstones and the Maxwells, and many a fierce contest took place to decide the supremacy of the one or the other. An old colloquial phrase (utilised by Burns in one of his poems) asserts that whatever plea might arise on the Borders 'the Johnstones had the guidin' o't.' They seem to have held much the same position in their own district as the Kennedies in Ayrshire, or the Douglasses in Clydesdale; and they exercised baronial rights of 'furk and fosse, of pit and gallows,' and waged war upon their neighbours as well as against the English invader with the irresponsibility of independent sovereigns. It is difficult to settle precisely the date when the Johnstones were established in the Annandale country, nor is it easy to tell from what place they came when their location was taken up there. Recent investigations have traced the family back to a certain 'John' who received lands in Dumfriesshire, either by inheritance or gift, from Robert Bruce, Lord of Annandale, in 1170, and who called the place 'Jonestun,' afterwards corrupted into Johnstone. His son Gilbert de Jonestun was in possession in 1194, and was knighted some time before his death in 1230. Two of the grandsons of this Sir Gilbert swore fealty to Edward I. on 28th August, 1296, and most of the genealogists begin the Johnstone pedigree with Sir John Johnstone, the elder of these two brothers, though there is documentary evidence to carry back the line of the family to 1170. Of the personal history of these early Johnstones little

is known, and even their names are only discovered in ancient charters. As the names of Gilbert and John prevailed in the family for three centuries, it is sometimes difficult to identify individuals; but Sir William Fraser has made out a consecutive pedigree which shows the successive heads of the family from 1170 till the present day. The Johnstones were vassals of the Bruces, Lords of Annandale, from the time of their first appearance in 1170 until King Robert I. resigned the lordship to his nephew, the famous Thomas Randolph, Earl of Moray; and it would have been interesting could we have found proof that John of Johnstone atoned for the unpatriotic deed of his father in acknowledging Edward of England as his overlord. It seems probable that the father, Gilbert, adhered to the fortunes of Robert Bruce, since he received a gift of land in Annandale from that King in 1309, and it is likely that John of Johnstone distinguished himself at Bannockburn, as he still remained in possession of the ancestral property till 1332; but this is merely conjecture.

The first warrior-hero of the family whose deeds are celebrated in verse was Sir John Johnstone of that Ilk (1370-1413) who was one of the Wardens of the West Marches at a time when incursions from England were frequent and sanguinary. In describing an encounter on the Water of Solway in 1378, Wyntoun refers specially to Sir John's prowess, coupling his name with that of Sir John Gordon, who had defeated the English at Carham,

When at the watty of Sulway
Schyr Jhon of Jhonstown on a day
Of Inglis men wencust a gret dele.
He bare him at that tyme sa welle
That he and the lord of Gordowne
Had a sowerane gud renowne
Of ony that was of thar degre,
For full thai war of gret bounte.

Adam Johnstone (1413-1454), son and successor of Sir John, has received an adventitious prominence in the annals of the family to which his own deeds may not have entitled him. The various claims for the dormant Annandale peerage which

have been repeatedly made within the last hundred years have turned to a large extent upon the question whether this Adam Johnstone was the common progenitor of the Johnstones of Annandale and the Johnstones of Westerhall. When Sir Frederick Johnstone of Westerhall preferred a claim to the Marquisate of Annandale in 1876 he brought forward evidence to prove his descent from Adam Johnstone, and as it is impossible to enter here into the details of that famous case, it must be sufficient to state that the Committee of Privileges of the House of Lords decided that he had not made good his claim. Adam Johnstone was both a soldier and a statesman. He took part in the battle of Lochmabenstone in 1448, and several times he visited England on pacific missions to the Court. There is a romantic story of his courtship told by quaint old Sir Richard Maitland of Lethington. According to Maitland, this Adam Johnstone was in love with Janet, widow of Sir John Seton, but could not prevail upon her to wed him. Her only son, George Seton, a mere boy, had been seized by Lord Crichton, then high in power, and had been straitly warded in Edinburgh Castle. The sorrowing widow promised to Adam Johnstone that if he released her son from captivity she would lend a gracious ear to his suit. With the courage of a Quixote and the diplomacy of a Machiavelli, the Border baron succeeded in liberating the youth, and brought him safely to his own castle of Lochwood. The end of the romantic tale is thus narrated by Maitland:—

‘The said lady heiring tell that the said laird had convoyit hir sone out of the lord Crichton his handis, sho was contentit to marie him, and bair to him monie sones quhilk war all brether to lord George on the mother syde, of the quhilk the eldest was callit Gilbert, quha was efter ane valiant man, and maid knight.’

One would like to believe that a romance of this kind was veritable reality; but Sir William Fraser is inexorable. He points out that the Janet Seton whom Adam Johnstone married was not the widow of Sir John Seton, but of his son William; though he admits that George, first Lord Seton, was uterine brother of Johnstone’s family. And as Sir Richard Maitland’s own mother was a Seton, and he was born in 1496, it is pos-

sible he may have heard the story from the lips of those who knew of the episode at first hand.

The Annandale country had been under the superiority of the Douglasses, but the Johnstones, though formerly vassals of that powerful race, took the side of the King against the Earls, and actively contributed toward the downfall of Douglas supremacy. John Johnstone (1454-1493), son of Adam Johnstone, took part in no less than four battles, with the purpose of breaking down the Douglas tyranny, and was the recipient of royal favour as a recognition of his valour. He was succeeded by several Johnstones, regarding whom little is known, although they must have contributed largely to the increase of the power of the family on the Scottish Borders. With John Johnstone of that Ilk (1524-1567) the historical importance of the Johnstones really begins. He was born in 1507, and before he had attained his majority he was a member of the King's Council. The rise of the Johnstones had provoked the jealousy of the Maxwells, and during this laird's long tenure a feud was begun which continued with varying intensity for many years. James V. was disposed to favour Johnstone, and he intensified the ill-blood between the families by practically superseding Maxwell and making Johnstone responsible for the keeping of the West Marches. Fortune did not always smile upon him, for the English overran Annandale in 1547, and attacked Johnstone in his own Castle of Lochwood and bore him away to captivity in England. He was carried from place to place as a prisoner, and according to his own account, published by Sir William Fraser, his enemies several times attempted to poison him while in prison. At length through the interposition of the Queen Dowager he was liberated early in 1550, and permitted to return home. It was during his time that the lands of the Johnstones in Annandale were united into the free barony of Johnstone and entailed upon his heirs male. Though he sympathised with the Reformers (as far as a free-booting baron could distinguish between nice theological points) he did not interfere much with the progress of the Lords of the Congregation, preferring to 'keep his ain hand' on the Western Borders, and to rule from the saddle.

Johnstone was succeeded by his grandson, Sir John Johnstone (1567-1587), whose lot fell upon more troublous times. He was at first a partizan of Queen Mary, but after the hopes of her supporters were blighted at Langside, Johnstone submitted to the party in power, and gave his allegiance to successive Regents with volatile impartiality. During his time the feud with the Maxwells reached an intense degree. Outrages and reprisals were frequent. No Sicilian vendetta was ever pursued so relentlessly as this hereditary dispute between two Border barons and their followers. At length matters reached a climax when, on 6th April, 1585, Lord Maxwell, at the head of one hundred and twenty English and Scottish rebels, attacked Johnstone's Castle of Lochwood in the night-time and plundered it, afterwards setting fire to the place, and burning not only Lady Johnstone's jewels but also the charter-chest containing the family papers. But for the loss of that chest with its invaluable contents, the question of the Annandale peerage might have been settled long ago. Retaliation followed upon this outrage, and for nearly twenty years the Borders were kept aflame by the quarrels between these two families—the Montagues and Capulets of Scottish history. From 1587, when Sir John Johnstone died, till 1613, when the eighth Lord Maxwell signed a reconciliation on his way to the scaffold, constant warfare was maintained between the two clans, and the utmost exertions of King and Parliament were powerless to arrest this feud 'bequeathed from bleeding sire to son.' Referring to the rival families, Sir Walter Scott says, that during this period each of them lost two chieftains; one dying of a broken heart, one on the field of battle, one by assassination, and one by the sword of the executioner.

Some time before his death, in 1567, John Johnstone, grandfather of Sir John, showed signs of relenting towards his hereditary enemies the Maxwells, and appointed John Maxwell of Terregles to bring about a marriage with some of the Johnstone family, which was then the favourite method of terminating a feud. His grandson, Sir John Johnstone, was married to one of the Scotts of Buccleuch, but his great-grandson, Sir James Johnstone, at length fulfilled the request. Sir

James had taken part with his father in several of the raids against the Maxwells, and during the life of his father the feud had raged more fiercely than ever. Yet almost his first action when he came of age, one year after his father's death, was to enter into wedlock with Sara Maxwell, daughter of Lord Herries and full cousin of Lord Maxwell. This portentous experiment was sure to result either in complete reconciliation or in bitterer animosity. The latter was the consequence, and this fatal marriage was the indirect cause of his own assassination. In the very year of the marriage (1588) Sir James Johnstone had to take up arms against the Maxwells by the King's command, as it was known that Lord Maxwell was preparing to assist the Spaniards when the Armada had reached the shores of Scotland. Disputes followed upon Maxwell's submission, but at length in 1590 a formal reconciliation took place, and was confirmed by a Bond of Amity in April, 1592. The peace did not last long; it was only a truce before the renewal of hostilities.

As head of the Johnstone clan Sir James was summoned to meet the King and Council at Edinburgh in March 1592-3. For some unexplained reason he failed to appear, and was promptly ordered into ward in Edinburgh Castle. He managed to escape from his prison, and this was reckoned so serious a crime that he was at once denounced as a rebel. Meanwhile a raid had been made by the Johnstones of Wamphray (celebrated in the well-known ballad "The Lads of Wamphray"), upon the Crichtons of Sanquhar, and the latter appealed to Lord Maxwell as Warden of the West Marches for redress of their grievance. That nobleman was nothing loth to find an excuse for attacking his foes, and he obtained a commission of fire and sword against the Johnstones. Maxwell summoned out his forces, numbering 1500 horse and foot, and Johnstone could only muster about 800 men; yet when the combatants met at Dryfesands on 6th December, 1593, Johnstone managed his little army so skilfully that the Maxwells were defeated, and their leader fell, slain, it was said, by the hand of Sir James Johnstone. This lamentable incident still further embittered the opposing clansmen, and for several years after-

wards the strife between the Maxwells and Johnstones raged more fiercely. Sir James made repeated attempts at reconciliation, both for his own sake and that of the rival clans, but these were unsuccessful. At length, years after the conflict at Dryfesands, a meeting was arranged between Sir James and the new Lord Maxwell, but at the very moment when the feud seemed likely to be terminated, a dispute arose between two of the retainers, a pistol was fired, and Lord Maxwell, fearing some treachery, drew his own pistol and shot Sir James Johnstone, wounding him mortally. This felonious deed took place on 6th April, 1608. Lord Maxwell escaped to France, and though he was closely pursued, he eluded capture. Wearied out with the constant dread of pursuit, he returned to Scotland, a broken man, in March, 1612, and by the treachery of his kinsman, the Earl of Caithness, he was delivered into the hands of the avengers. His cousin, Sara Maxwell, the widow of Sir James Johnstone, relentlessly urged his execution, and the King wrote a letter to the Privy Council expressing his surprise at their delay in putting the murderer to death. The final act in this tragedy is thus described :—

‘On 18th May [1613] the Council issued a warrant for the execution of Lord Maxwell to the Provost and Bailies of Edinburgh. By that warrant he was to be taken from the tolbooth to the market cross on the 21st, and to be beheaded. Lord Maxwell was at once apprised of the decision of the King and Council. On the day fixed upon he was brought to the scaffold, where he acknowledged the justice of his sentence, asked mercy from God on account of his sins, and expressed the desire that the King would accept his punishment as an atonement for his offences, and restore his brother and house to the rank and place of his predecessors. He also craved forgiveness first from James Johnstone of Johnstone, his mother, grandmother, and friends, whom he acknowledged he had wronged, although without dishonour or infamy “for the worldlie part of it,” and from Pollok, Calderwood, and his other friends present, to whom he had contributed harm and discredit instead of safety and honour. After giving himself to devotion, and taking leave of his friends and the Bailies of the town, Lord Maxwell placed his head upon the block, and was executed. His lordship was buried in the cemetery of Newbattle Abbey.’

With the execution of Lord Maxwell the long-standing feud between the Johnstones and Maxwells was brought to a close, although it was not until 1623 that the murderer’s brother and

successor, Robert Maxwell, first Earl of Nithsdale, met Sir James Johnstone's son, James (afterwards first Earl of Hartfell), and in the presence of the Privy Council entered into a bond of friendship. It was not likely that a dastardly deed like the murder of Sir James Johnstone—so inexcusable as to provoke the indignation of King and Parliament even in an age when many heartless actions were tolerated—would be soon forgotten. But lest the Johnstones might forget the circumstances of the assassination, the bereaved widow caused a tombstone to be erected to the memory of her husband bearing an inscription calculated to perpetuate the desire for revenge. That 'stone of remembrance' still exists, and must have acted as a stirring call for vengeance while the murderer was at large. The quaint inscription reads thus:—

Heir lyis the Ry^t. Honorabil S^r James Iohnstone of that Ilk, Kny^t.,
Depairtit [this lyf] of 39 zeirs : Qvha vas maist tresonabillie myrtherit
vnder traist be the schot of ane pestolat behind his bak be Lord Maxvel
on the 6 day of Apryl, the zeir of God 1608 zeirs. For the crevel myrther
He vas maist ivstlie forfatit of his haile landis, his armeis rivene in
Parliament, and himself banisshit the Kingis dominiovns for the trason
don be him.

The murder of Sir James Johnstone marked an epoch in the history of the family, for from the time of that event may be dated the rapid rise of the Johnstones in the political life of Scotland. James Johnstone, son of the murdered knight, was only six years of age when that event occurred, and his nearest kinsman on the father's side was distantly related, and had neither position nor influence to take upon himself the onerous duty of guardian or 'Tutor' of the young head of the Johnstone clan. But the sad circumstances attending the death of his father had awakened the interest and sympathy of James VI. for the fatherless youth, and the King wrote several letters (printed by Sir William Fraser) commending him to the care of the Privy Council. When Johnstone was fourteen years of age he applied to the Council to have tutors appointed for him, and his kinsman, Robert Johnstone of Rae-cleuch, was not one of them. In 1622, Johnstone made an important alliance with a powerful family through his marriage

with Margaret Douglas, eldest daughter of William Douglas of Drumlanrig, afterwards Earl of Queensberry. When Charles I. visited Scotland in 1633, Johnstone was elevated to the peerage with the title of Lord Johnstone of Lochwood. He cast in his lot with the Covenanters, and was a member of the famous Glasgow Assembly of 1638 which abolished Episcopacy. He afterwards raised a regiment in his own district to oppose the advance of the King at the head of the English army, and was actively engaged with the Covenanting army under Montrose. He signed the Cumbernauld Bond along with Montrose, which certainly contemplated the protection of the King against the Covenanters; but as that document was afterwards declared treasonable and publicly burned by order of the Parliament, he joined with the other signatories in the declaration made in January, 1641, asserting that the Bond had been signed under a misapprehension. After this time, however, his ardour for the Covenant grew rather cool, and he was not with the Scottish army at Newburn.

While appreciating the honour which Charles I. had conferred upon him, Johnstone's ambition was not satisfied with the mere title of a Scottish Baron. There are several letters quoted in Sir William Fraser's work which show that he expected a much higher dignity, but he had to wait patiently for ten years ere his preferment came. In 1643 he was created Earl of Hartfell for his 'many conspicuous services' to the King. His loyalty was soon put to the test, for when Montrose—then acting as Lieutenant-General for the King—made his ill-advised raid on Dumfries in April, 1644, the Earl of Hartfell refused to join him, and was reported to the King as having 'stumbled his service.' Nevertheless the Parliament looked upon him as a dangerous person, and he was ordered into ward and confined without trial for seven months in Edinburgh Castle. Ultimately he was liberated on payment of a fine of £1000 sterling and heavy cautionry. This did not prevent him from joining Montrose at Bothwell after the battle of Kilsyth, and raising men in the Annandale district to support the Royal standard. The Earl of Hartfell was present at the battle of Philiphaugh, and though he escaped from the

scene of conflict, he was captured by some of the country people and handed over to the Parliamentary forces. He was brought to trial at St. Andrews in December, 1645, and condemned to death. He and Lord Ogilvie were ordered to be the first executed, on 6th January following. The night before the execution Lord Ogilvie escaped, and the Marquis of Argyll, deeming this evasion had been managed with the connivance of the Earl of Haddington, used his influence, on the other hand, to procure a mitigation of Hartfell's sentence, and was successful. After a year's imprisonment Lord Hartfell was liberated, but was compelled to pay the bond of caution of £100,000 Scots, which had procured his former release from confinement. The Earl of Hartfell did not again meddle with warlike politics, and even during the troubled days of Cromwell's occupancy of Scotland, he seems to have remained at home extending and supervising his estates. His death took place in April, 1653, and he was succeeded by his eldest son.

James Johnstone (1653-1672), second Earl of Hartfell, was born in 1625, and took his share of military work with his father, being also partaker in his father's imprisonments. By his marriage with Lady Henrietta Douglas, eldest daughter of the first Marquess of Douglas, he still further increased the power of his family. He had suffered both fines and captivity for the Royal Cause, and when Charles II. came to his own again he did not forget the claims of the Earl of Hartfell. On 13th February, 1661, the King bestowed upon him three new peerages, creating him Earl of Annandale, Viscount Annand, and Lord Lochmaben. The earldom of Annandale had formerly been the title held by a cadet of the Murrays of Cockpool, but had become extinct on the death of the second Earl in 1658, and had reverted to the Crown. The patent conferring this title upon Lord Hartfell expressly states that 'no one is so worthy to enjoy the said title, as well because of his merits as of the proximity of the estates of Annandale to those of Hartfell.' The title was conferred upon him 'and his heirs male, whom failing the eldest heir female of his body, without division, and the heirs male of the body of the said eldest

heir female, whom all failing, the next heirs whomsoever of the said Earl.' This very comprehensive destination of title might have been thought sufficient to secure permanency; and yet the title became extinct or dormant in less than a century and a half. The first Earl of Annandale and Hartfell died in 1672, aged 47 years, and was succeeded by his eldest surviving son, William, in whom the honours of the family culminated. Referring to the second Earl of Annandale Sir William Fraser says:—

'This great chief of the Johnstones, the greatest of all the long line of his family, lived in the reigns of six Sovereigns. Born a few years after the Restoration of King Charles the Second, and surviving till the accession of King George the First, he was thus a subject successively of King Charles the Second, King James the Seventh, King William and Queen Mary, Queen Anne, and King George the First. Annandale was too young to serve in any official capacity under King Charles the Second, but under all the other Sovereigns named he was more or less actively engaged in prominent official positions. Under King James the Seventh he first came into official life in the not very enviable position, in company with Sir Robert Grierson of Lag, of putting down the risings of the Covenanters in the western counties of Scotland, a work apparently very uncongenial to the young nobleman. King James also made him a Privy Councillor. When William of Orange made his descent upon England, the youthful Earl of Annandale warmly espoused the cause of the Revolution. But immediately after, on account of his youth and inexperience, he was easily misled and induced by his brother-in-law, Sir James Montgomerie of Skelmorlie, to join in the plot which had for its object the restoration of King James the Seventh. Annandale, speedily repenting of this political indiscretion, cordially confessed his fault, and was the means of ending that intrigue. His frank confession led to his ready pardon by Queen Mary as acting for King William. His revelations showed the extent to which King James the Seventh was ready to make concessions to recover his lost kingdoms. Annandale himself was to be Commissioner to Parliament, and a Marquis, and commissions and patents of peerages were lavishly bestowed upon Montgomerie and Ross, the other two members of the Club engaged in the plot, as well as upon their partizans.

'Escaping from this youthful error, Annandale was afterwards received into Royal favour both by King William and Queen Mary, and the Royal commissions both by these and subsequent Sovereigns granting important offices of State to Annandale, which are still preserved in the Annandale charter chest, are probably more numerous than were received by any subject at that time. The mere enumeration of these royal commissions will show the extent to which Annandale was employed and trusted by his

Sovereigns. By King William he was sworn a Privy Councillor, and appointed an Extraordinary Lord of Session in 1693, while still comparatively young, being in his twenty-ninth year. Two years later he was constituted one of the Lords of the Treasury and President of the Parliament of Scotland which met in Edinburgh in 1695. In 1701 King William appointed him Lord High Commissioner to the General Assembly of the Church of Scotland. Queen Anne appointed him in 1702 Lord Privy Seal of Scotland, and in the same year President of the Privy Council of Scotland; and in 1705 and again in 1711 she appointed him Lord High Commissioner to the General Assembly of the Church of Scotland. In 1705 the Queen also made him one of her principal Secretaries of State for Scotland. In 1714 King George the First appointed him Keeper of the Privy Seal and a Privy Councillor, and next year, when the Rebellion broke out, he made him Lord-Lieutenant of the counties of Dumfries, Kirkcudbright, and Peebles. In that office he displayed great zeal and energy in support of the Government, and contributed largely to the suppression of the Rebellion in these counties. Such in general outline is the official life of this distinguished statesman.

This quotation affords a very comprehensive panoramic view of the busy life of the second Earl of Annandale. His high rank and important offices brought him into many critical positions, and he has hastily been condemned as a waverer who gave up the Stuart Cause when the Orange party seemed likely to prosper. But the perusal of the detailed biography, written impartially by Sir William Fraser, and largely founded upon authentic documents not hitherto published, should convince every candid reader that the charge of treachery is an unjust one. A nobleman in so exalted a position had many enemies. His early connection with Grierson of Lag in suppressing the conventicles raised the feelings of the religious party against him, and Wodrow's few references to Annandale are evidently tinged with personal animus. The strong attitude which he took up against the Jacobites after he had seen how futile was their plot made them virulent in denouncing him; and even yet there are historians who accuse him of infamous treachery. Alluding to the Montgomerie Plot, Sir Walter Scott says that Annandale was secreted by Robert Ferguson the Plotter for several weeks, 'a kindness which the Marquis repaid by betraying him to the Government.' In the same strain the author of a recent book called 'Ferguson the

Plotter,' repeatedly refers to Annandale as a faithless conspirator who won favour through his treachery.

Sir William Fraser's calm and judicial examination of the chief incidents in the career of Annandale seems more worthy of acceptance than the opinions of inflammatory partizans. The papers connected with this Earl of Annandale, published by Sir William Fraser, throw much light upon the Massacre of Glencoe, and the Darien Expedition—two of the important events of that period. Lord Annandale's attitude towards the Union of Scotland and England is made very clear both by the biographical sketch of him and by the letters and papers included in the second volume. He was opposed to the Union, contending that the first step should be the regulation of the commercial relations of the two countries; and even up to the very last day of discussion upon the Treaty of Union he was ready with protests against it. But when he found he could make no way with the pro-Union Members, and was powerless to prevent or delay the Union, he resolved to do his best to make it beneficial to Scotland. This was not the wavering of a 'trimmer,' but true patriotism.

That Annandale was ambitious cannot be questioned, yet it has not been proved, though often asserted, that he was ready to take devious ways to accomplish his own preferment. Honours were liberally bestowed upon him by the Sovereigns whom he served; and it is no slight testimony to his worth and integrity that successive monarchs esteemed his moral character and highly valued his counsel.

'The personal distinctions which he received from his Sovereigns were as marked as his official appointments. He inherited all the peerages which had been conferred on his father and grandfather by King Charles the First and King Charles the Second. By King William the Third in 1701, when he represented His Majesty in the General Assembly, he was advanced to the dignity of Marquis of Annandale, Earl of Hartfell, Viscount of Annan, Lord Johnstone of Lochwood, Lochmaben, Moffatdale and Evandale. And after his appointment as President of the Privy Council in 1702, he was, in 1704, invested by Queen Anne with the ancient order of the Thistle, re-established only in December of the previous year by Her Majesty. Although Annandale enjoyed so many principal offices of State and personal dignities, there was still another office and a still higher dignity to which he aspired. The office was that of Lord Chan-

cellor of Scotland, and the dignity that of Duke of Annan. But he did not survive to receive either of these appointments.'

The Marquess of Annandale died at Bath on 14th January, 1721. By his first wife, Sophia, daughter of John Fairholme of Craigiehall, he had three sons and two daughters. His second wife, Charlotta Van Lore, daughter of John Vanden Bempde of Hackness, had two sons. James Johnstone, the eldest son, succeeded as second Marquess of Annandale, and died unmarried in 1730. As both his brothers had predeceased him, unmarried, the succession fell to his half-brother, George Vanden Bempde Johnstone, who became third Marquess of Annandale. The latter was born in 1720, and became Marquess when only ten years of age. The death of his brother, Lord John Johnstone, in 1742, deranged the mind of the Marquess, and in 1747 he was declared incapable of managing his affairs. He was never married, but he survived till 1792, when he was succeeded in the estates by his grand-nephew, James, third Earl of Hopetoun, directly descended from Lady Henrietta Johnstone, the eldest daughter of the first Marquess of Annandale. As the patent of the Earldom of Annandale provided the titles to the descendants of the eldest heir female, failing the direct male line, James, third Earl of Hopetoun, as the heir female, claimed the title by petition in 1792, but did not assume the title of Earl of Annandale. As he had only female issue the Earldom of Hopetoun passed to his half-brother, Sir John Hope of Rankeillour, great-grandfather of the present Earl of Hopetoun. Lady Anne Johnstone Hope, eldest daughter of the third Earl of Hopetoun, succeeded to the Annandale estates and claimed the titles, but she died while her case was in preparation. Her son, John James Hope Johnstone of Annandale (1796-1876), took formal proceedings to have his right to the titles of Earl of Annandale and Hartfell declared; but in 1844 the House of Lords resolved that he had not made out his claim. An important document was accidentally discovered by Sir William Fraser in 1876, which seemed to make the claim of Hope-Johnstone unimpeachable. The case was re-heard in 1876, and after a long investigation the decision of 1844 was

adhered to. Mr. Hope-Johnstone was succeeded by his grandson, the present Mr. John James Hope-Johnstone of Annandale, who has not made a formal claim for the titles. Sir William Fraser, who has been engaged in the Annandale Peerage case since 1841, and is thoroughly acquainted with all its mazes, has written a most interesting appendix to his second volume, entitled 'A Century of Romance of the Annandale Peerages,' in which he details all the proceedings, and very clearly sets out the basis of the Hope-Johnstone claim.

The second volume of *The Annandale Family Book* is entirely occupied with letters and documents connected with the history of the Johnstones. Some of these are important historically as throwing light upon obscure incidents; while others are of value as affording glimpses of social life in the seventeenth and eighteenth centuries. One of the latter may here be quoted as showing the literary taste as well as the defective orthography of ladies of the highest rank in the Scottish nobility two centuries ago. It was written by Christian Leslie, daughter of the famous Duke of Rothes, and wife of the third Marquess of Montrose, and was addressed to Sophia, Countess of Annandale. The Marchioness had married Sir John Bruce of Kinross, Bart., and she wrote her letter from Kinross House, the now deserted mansion near the town of Kinross.

'Kinross, July 4, 1693.

'Madam,—I render yow a thowsant thanks for your play, which is vere good, and I heve rettornead itt with the bearear, and if your ladyshipe heve eather enay mor good playes or novells which yow heve read, and will be plesead to lean them to me, I shall be vere fathefouell in restorenge, and teke it a great faver, for they ar vere deverting in the cuntery. Your lord did me the honouer to dayn hear yesterday, and was vere well. I hertely wished your ladyshipe had come alonge, for itt wold heve bin bott a devertisment in this good wather, and yow wold heve bin vere wellcome to, dear madam, your ladyshipes most humble servantt,

'C. MONTROSE.

'For the right honorable the Counttes of Anandeall, att hir logeng in Netherayes Waynd, Edinburgh.'

It used to be a favourite joke with both Sir Walter Scott and Lord Macaulay to ridicule the spelling of John Graham of Claverhouse, Viscount Dundee; but not the wildest caco-

graphy of that much-abused hero could surpass the epistolary style of this daughter of a Duke and wife of a Marquess.

So rarely has the reviewer an opportunity of finding an error in Sir William Fraser's works that the pointing out of the solitary mistake in these two bulky volumes may be pardoned. In his sketch of Sir James Johnstone (1587-1608) he writes:—'For the purpose of marrying the Princess Anna of Denmark, King James set sail for Denmark on 22nd October, 1589. The marriage took place at Upsal on the 23rd November, etc.' Sir William has followed Tytler and other historians in giving to the place of marriage the name of 'Upsal.' David Lindsay, minister of Leith, who accompanied the King and performed the ceremony, wrote a letter home (quoted in full by Calderwood, Vol. V., p. 69) dating it from 'Upslaw.' In the Register of the Privy Council under date 1589 the name of the place is given as 'Opsloe.' The name 'Upsal' which Tytler gives is not unlike Upsala, but that town is in Sweden, and the King of Denmark of the time had no control over that country. The whole question was examined in the *Scottish Review* for 1893 (Vol. XXI., p. 142) in an article entitled 'The Wedding Tour of James VI. in Norway,' and the town was identified as Oslö, the old Norwegian burgh now one of the suburbs of the comparatively modern capital, Christiania. Even the very house in which the ceremony of the marriage took place is still in existence.

A. H. MILLAR.

ART. II.—VICTOR HUGO, THE POET.

WHEN a great controversy has for ten years circled round a dead poet's name, we may assert without fear of contradiction that the world, with its many chisels of individual opinion, is already hewing his niche in the solid rock of fame. But it is Time alone which, in some mysterious manner, settles whether the shrine which the poet is to occupy shall be small or great. In the meanwhile a prophet may resign himself to