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5th November 1894.

Dear Sir Charles,

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Sir Charles J. Pearson, *L. B., M. P.*,
Dean of the Faculty of Advocates,
Advocates Library,
Parliament Square,
Edinburgh.

THE SUTHERLAND BOOK :

IN THREE VOLUMES QUARTO, WITH ILLUSTRATIONS

(IMPRESSION: ONE HUNDRED COPIES)

BY SIR WILLIAM FRASER, K.C.B., LL.D.

No. 40

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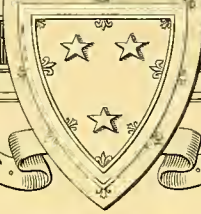
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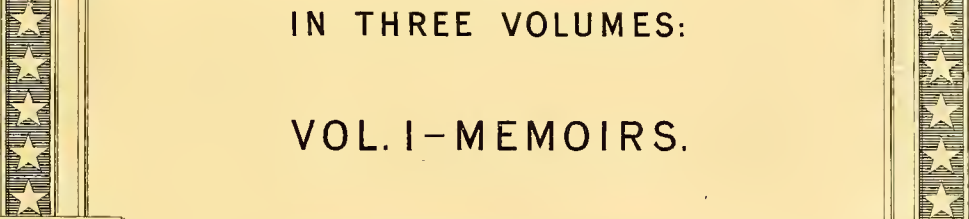
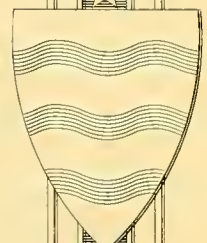
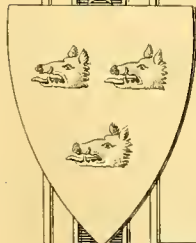
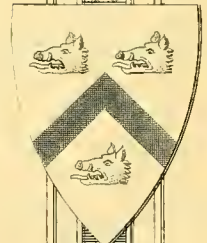
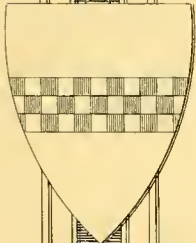
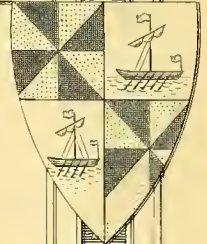
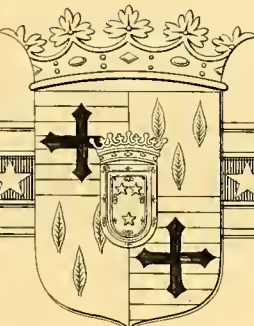


THE
SUTHERLAND BOOK

BY
SIR WILLIAM FRASER, K.C.B., LL.D.

IN THREE VOLUMES:
VOL. I—MEMOIRS.

EDINBURGH 1892.



Contents of Volume First.

	PAGE
TITLE-PAGE.	
TABLE OF CONTENTS,	i-viii
INTRODUCTION,	ix-xlv
DEATH OF THE THIRD DUKE OF SUTHERLAND— <i>postscript</i> ,	xlvi
HISTORY OF THE EARLS AND EARLDOM OF SUTHERLAND:—	
I. Freskin, the first known ancestor of the Sutherland family, c. 1130-c. 1153,	1-4
II. Hugh Freskin, first of Sutherland, c. 1171-c. 1214,	5-9
III. William, first Lord and Earl of Sutherland, c. 1214-1248,	10-14
IV. William, second Earl of Sutherland, 1248-c. 1307,	15-21
V. 1. William, third Earl of Sutherland, 1307-1330,	22-25
V. 2. Kenneth, fourth Earl of Sutherland, 1330-1333,	26-27
Lady Mary of Mar, his countess.	7
VI. William, fifth Earl of Sutherland, 1333-1370,	28-37
Princess Margaret Bruce, his first countess.	
Joanna Menteith, Countess of Strathearn, his second countess.	

	PAGE
John of Sutherland, Master of Sutherland, son of William, fifth Earl of Sutherland and the Princess Margaret Bruce, <i>c.</i> 1344-1361,	38-42
The Thanages and other Crown lands granted by King David the Second to William, fifth Earl of Sutherland, as marriage portion with the Princess Margaret Bruce, sister of the king,	43-47
VII. Robert, sixth Earl of Sutherland, <i>c.</i> 1370-1442, Lady Margaret Stewart (of Buchan), his countess.	48-56
VIII. John, seventh Earl of Sutherland, 1442-1460, Margaret Baillie (of Lamington), his countess.	57-61
IX. John, eighth Earl of Sutherland, 1460-1508, Fingole (of the Isles), his first countess. Catharine (surname unknown), his second countess.	62-69
X. 1. John, ninth Earl of Sutherland, brother of Elizabeth, Countess of Sutherland, 1508-1514,	70-73
X. 2. Elizabeth, Countess of Sutherland, only daughter of John, eighth Earl, 1514-1538, Adam Gordon of Aboyne, her husband.	74-89
XI. Alexander Gordon, Master of Sutherland, <i>c.</i> 1506-1530, Lady Janet Stewart, his wife.	90-98

	PAGE
XII. John, tenth Earl of Sutherland, 1535-1567,	99-130
Lady Elizabeth Campbell, his first countess.	
Lady Helenor Stewart, his second countess.	
Hon. Marion Seton, his third countess.	
XIII. Alexander, eleventh Earl of Sutherland, 1567-1594,	131-170
Lady Barbara Sinclair (Caithness), his first countess.	
Lady Jane Gordon (Huntly), his second countess.	
XIV. John, twelfth Earl of Sutherland, 1594-1615,	171-191
Hon. Agnes (or Anne) Elphinstone, his countess.	
Sir Robert Gordon of Gordonston, tutor of John, thirteenth Earl of Sutherland, born 1580, died 1656,	192-205
Sir Alexander Gordon, knight, of Navidale, sheriff of Sutherland,	206-208
XV. John, thirteenth Earl of Sutherland, 1615-1679,	209-280
Lady Jean Drummond (Perth), his first countess.	
Hon. Anna Fraser (Lovat), his second countess.	
XVI. George, fourteenth Earl of Sutherland, 1679-1703,	281-305
Lady Jean Wemyss, his countess.	
XVII. John, fifteenth Earl of Sutherland (Earl John Roy), 1703-1733,	306-368
Lady Helen Cochrane (Dundonald), his first wife.	
Lady Catharine Talmash (Dysart), his second wife.	
Dame Frances Travell, his third wife.	
XVIII. William, Lord Strathnaver, 1683-1720,	369-400
Katherine Morison (Prestongrange), Lady Strathnaver.	

	PAGE
XIX. William, sixteenth Earl of Sutherland, 1733-1750, . . . Lady Elizabeth Wemyss, his countess.	401-433
XX. William, seventeenth Earl of Sutherland, 1750-1766, . . . Mary Maxwell (of Preston), his countess.	434-458
XXI. Elizabeth, Duchess-Countess of Sutherland, 1766-1839, . . . George Granville Leveson Gower, Marquess of Stafford and first Duke of Sutherland.	459-504
 GENEALOGY OF THE FAMILY OF SUTHERLAND, EARLS AND DUKES OF SUTHERLAND,	
	505-509
GENEALOGY OF THE EARLS OF ELLESMERE,	510
GENEALOGY OF THE FAMILY OF GORDONSTON,	511-512
GENEALOGY OF THE SUTHERLANDS, LORDS DUFFUS,	513-516
ARMORIAL BEARINGS OF THE EARLS OF SUTHERLAND,	517-520

ILLUSTRATIONS IN VOLUME FIRST.

PORTRAITS—

	<i>to face</i> PAGE
George, third Duke of Sutherland,	xlvi
Lady Jane Gordon, Countess of Alexander, eleventh Earl of Sutherland,	168
John, twelfth Earl of Sutherland,	171
Sir Robert Gordon of Gordonston, the historian, his brother, .	192
John, thirteenth Earl of Sutherland,	209
George, fourteenth Earl of Sutherland,	281
John, fifteenth Earl of Sutherland,	306
William, Lord Strathnaver,	369
Katherine Morison, Lady Strathnaver,	369
William, sixteenth Earl of Sutherland, with Lady Elizabeth Wemyss, his Countess, and their children,	401
William, seventeenth Earl of Sutherland,	434
Mary Maxwell, his Countess,	434
Elizabeth, Duchess-Countess of Sutherland,	459
George, first Duke of Sutherland,	459
Elizabeth, Lady Alva,	460

 PORTRAITS—*continued*—

	<i>to face</i> PAGE
George, second Duke of Sutherland,	501
Lady Harriet Howard, his Duchess, with child on knee,	501
The Same—A Bust,	503
Constance, Duchess of Westminster, daughter of the second Duke of Sutherland,	504

CASTLES, VIEWS, ETC.—

Dunrobin Castle from the North,	xxx1
Do. from the East-South-East,	xxx1
Do. from South-East,	xxx1
Do. Staircase,	xxx1
Do. Armorial Panel in the Entrance Hall,	xxx1
View of Dornoch, with the Cathedral and Bishop's Palace,	13
View of Helmsdale and Castle,	77
Armorial Bearings of "Suthirland, Erle of Suthirland," and of "Gordoun, Erle Suthirland," from Lindsay's Heraldry,	517

WOODCUT SIGNATURES AND SEALS.

SIGNATURES OF—	PAGE
Adam Gordon, Earl of Sutherland, 1515,	89
Alexander, Master of Sutherland, 1529,	98
John, tenth Earl of Sutherland, 1549,	129
The same, 1562,	130
Lady Helenor Stewart, Countess of Errol, his countess, 1562,	130
Alexander, eleventh Earl of Sutherland, 1587, 1588,	169, 170
Lady Jane Gordon, Countess of Bothwell, his countess, 1616,	169
William Macleod of Dunvegan, 1588,	170
Donald Gorme Macdonald of Sleat, 1588,	170
Hugh Mackay of Farr, 1588,	170
William Sutherland of Duffus, 1588,	170
Lachlan Mackintosh of Dunachton, 1588,	170
William M'Queen of Correbrocht, 1588,	170
John, twelfth Earl of Sutherland, 1615,	191
The same (in Latin),	191
Agnes Elphinstone, his countess,	191
Sir Robert Gordon of Gordonston,	205
Sir Alexander Gordon of Navidale, 1636,	208
John, thirteenth Earl of Sutherland, 1644,	279
Lady Jean Drummond, his first countess,	280
Hon. Anna Fraser, his second countess,	280
George, fourteenth Earl of Sutherland,	305
Lady Jean Wemyss, his countess,	305
John, fifteenth Earl of Sutherland, 1715,	368
The same, as Lord Strathnaver, 1696,	368
Hon. Helen Cochrane, Lady Strathnaver, 1687,	368
Frances Travell, his third wife, 1727,	368
William, Lord Strathnaver, 1727,	400

WOODCUT SIGNATURES— <i>continued.</i>		PAGE
Katherine Morison, Lady Strathnaver, 1746,	. . . . .	400
William, sixteenth Earl of Sutherland, 1750,	. . . . .	433
Lady Elizabeth Wemyss, his countess,	. . . . .	433
William, seventeenth Earl of Sutherland, 1766,	. . . . .	458
The same, as Lord Strathnaver, 1747,	. . . . .	458
Mary Maxwell, his countess, 1761,	. . . . .	458
Elizabeth, Duchess-Countess of Sutherland, 1803,	. . . . .	504
The same, as Marchioness of Stafford, 1820,	. . . . .	504
George, first Duke of Sutherland, her husband, as Lord Gower, 1801,	. . . . .	504
SEALS OF—		
William, fifth Earl of Sutherland, 1357,	. . . . .	37
John, eighth Earl of Sutherland, 1492,	. . . . .	69
Alexander Gordon, Master of Sutherland, 1529,	. . . . .	98
John, tenth Earl of Sutherland, 1550-1567, four seals,	. . . . .	130
John, twelfth Earl of Sutherland, 1600,	. . . . .	191
John, thirteenth Earl of Sutherland, 1622,	. . . . .	280
George, fourteenth Earl of Sutherland, 1680,	. . . . .	305
John, fifteenth Earl of Sutherland (enlarged), 1729,	. . . . .	368
William, Lord Strathnaver, 1719,	. . . . .	400
William, sixteenth Earl of Sutherland, 1734,	. . . . .	433
Elizabeth, Duchess-Countess of Sutherland, 1809,	. . . . .	504
The same (monogram seal), 1809,	. . . . .	504

INTRODUCTION

I. THE MANUSCRIPT HISTORIES BY SIR ROBERT GORDON.

1. THE EARLIEST MANUSCRIPT OF 1630.

IN the early part of the seventeenth century two famous family historians were assiduously occupied on the histories of the two very ancient and renowned houses in which they were respectively interested. One of these authors was Sir Robert Gordon of Gordonston, Baronet. He was the second surviving son of Alexander, eleventh Earl of Sutherland, and his second Countess, Lady Jane Gordon, and after many years' labour, from 1615 to 1630, he completed his history of the Earls of Sutherland.

The other author was Mr. David Hume of Godscroft, who wrote his well-known work on "The Houses of Douglas and Angus." These two works, although on kindred subjects, had very different fates. The Douglas family promoted the laborious work on their great house by the learned author during his life, and made certain compensation to him before his death. The work was also soon published, although, owing to a family litigation, it at first appeared only in a small folio, indifferently printed and bound.

Between the year 1644, when the Douglas history was first published, and the present time, several editions of the work have appeared.

On the other hand, the history written by Sir Robert Gordon remained in manuscript from the year 1630, when it was finished, till the year 1813, when it was published under the auspices of the Sutherland family, in one large folio volume, including a continuation by Gilbert Gordon of Sallachy, from 1630 to 1651.

It is not irrelevant to make the above reference to the Douglas history as being a contemporary work with that of Sir Robert Gordon's Sutherland history, although the two learned authors, being engaged the one in the south and the other in the north of Scotland, were probably unaware of each other's labours. The question of the identity of origin of the Douglas and Sutherland families, as illustrated by their armorial bearings, has often engaged the attention of writers on these two houses, even in the remote days of the venerable Andrew Wyntown, one of the early historians of Scotland. My attention was necessarily directed to the question while I was engaged on "The Douglas Book," and the results of a careful investigation of the subject will be found in that work.¹

The oldest manuscript of Sir Robert Gordon's history is preserved at Dunrobin. It is a folio consisting of 228 pages, to which is prefixed—

- (1) An elaborate title-page, extending over the whole page ;
- (2) Catalogue of the principal authors consulted, including volumes collected by the learned William Camden, two pages ;
- (3) "The Epistle Dedicatorie" to John, thirteenth Earl of Sutherland, two pages ;
- (4 and 5) Descriptions of the armorial bearings of the Earl of Sutherland and Sir Robert Gordon, one page each ;

¹ The Douglas Book, vol. i. pp. 1-36.

- (6) "The description of the prowince off Sutherland with the commodities theroff," seven pages ;
(7) The Preface, one page.

Appended to the "Genealogie" proper there is "A short discourse of the Earle of Southirland his precedencie in Parliament of the Earle of Catteyness, wryten the year 1617 by Sir Robert Gordoun," twelve pages.

The volume is beautifully bound in Russian leather, and on a fly-leaf of the modern binding is the following note holograph of the second Duke of Sutherland :—"This manuscript of the History of the Family of Sutherland was given to me by Mr. Richard Gordon, descendant of Sir Robert Gordon, in 1843.

SUTHERLAND."

Underneath that note is another—"This volume is altogether in the handwriting of Sir Robert himself." This second note is in pencil by the late Mr. Cosmo Innes. His opinion is entitled to consideration. At the same time, a careful examination of every page of the original manuscript, and a comparison of other manuscripts in the Gordonston and Halmyre collections, leads me to a different conclusion. Although the family of Sir Robert Gordon, who inherited his manuscript history, may have believed it to be altogether in the handwriting of Sir Robert himself, it would appear that there had been an earlier draft of the history holograph of Sir Robert, or dictated by him to an amanuensis. Of that draft a copy was made in very neat handwriting, somewhat resembling that of Sir Robert Gordon, but which is really the work of Alexander Fiddes, who was copyist to Sir Robert Gordon at Gordonston, as appears from a will made there by Sir Robert on 26th May 1652.¹ Throughout the copy there are many additions and alterations in the undoubted handwriting of Sir Robert, extending occasionally to whole pages, while his marginal additions are numerous. These certainly show that the

¹ Original in Sutherland Charter-chest.

finely engrossed copy was made from an earlier draft which had been superseded by the copy on which the author made his additions and emendations from time to time. In this way the copy of the original draft had come to be considered as the original.

2. THE SECOND MANUSCRIPT OF 1656.

A work by so high an authority as Sir Robert Gordon, and which entered largely into the histories of the families of Gordon, Sinclair, and Mackay, as well as of Sutherland, could not fail to be copied by some one interested in these families, during the long period of nearly two centuries in which the manuscript remained unprinted. This idea is borne out by the existence at Dunrobin of another manuscript copy of Sir Robert Gordon's history. Mr. Robert Gordon of Cluny, fourth son of Sir Robert, had obtained, by purchase or otherwise, a copy of his father's history, as appears from his name on the flyleaf, "Robert Gordon, 22 Febr. 1658," to show that he was the owner of the book. That copy contains the history brought down to the date of 1630, as Sir Robert ultimately arranged it. The copy extends to 314 folio pages, and is engrossed in a plain hand of the seventeenth century. The "Short Discourse" on the precedency of the Earl of Sutherland over the Earl of Caithness is also appended to that copy. This volume further contains a continuation, styled "Historie and Genealogie off the Earles of Southerland collected together by Gilbert Gordon off Sallagh," which extends to sixty-three folios. At the end of the sixty-third folio, it is stated that "This whole booke was copied out of the author's own copies in the year 1656." This statement shows that more copies than one of the original work of Sir Robert Gordon existed in that year. On folio 64 of the copy of 1656, there are entries of the births of the children of Mr. Robert Gordon of Cluny, the possessor of the manuscript. Lady Jean Wemyss, Countess of George, fourteenth Earl of

Sutherland, acquired the manuscript volume of 1656, and made it a New Year's gift to her son, John, fifteenth Earl, on 1st January 1705, according to the holograph inscription by her at the beginning of the volume. On the back of the same leaf, Mr. Innes has noted in pencil, that the volume "is a copy by a scribe from the original [oldest] MS. of Sir Robert, made in 1656. This alone seems to have been used for the printed edition." This statement is probably correct, as the oldest manuscript was only acquired by the Duke of Sutherland in 1843.

This second copy of the history remained at Dunrobin since the presentation of it to the fifteenth Earl was made by his mother, the Countess, in 1705.¹ This Earl was afterwards much occupied in putting down the rebellion of 1715, while his grandson and successor, William, the sixteenth Earl, was similarly engaged with the rising of 1745. Until the succession of Elizabeth, Countess of Sutherland, afterwards Duchess Countess, the copy made in 1656 appears to have been little noticed by any member of the family. The Duchess Countess was the correspondent of many eminent literary gentlemen, including Sir Walter Scott, Mr. Charles Kirkpatrick Sharpe, Mr. George Chalmers, author of "Caledonia," and others. She brought her copy of the work under the notice of these gentlemen, and this ultimately led to the publication of the work.

PRINTING OF THE MANUSCRIPT OF 1656 ARRANGED WITH MR. CONSTABLE
IN 1806, AND PUBLISHED IN 1813.

After much consideration by the Duchess Countess, then Marchioness of Stafford, and her son, Earl Gower, the manuscript copy of 1656 was intrusted by them to Mr. Archibald Constable in October 1806, to be privately printed

¹ There is also a third manuscript copy, now in the Advocates' Library, Edinburgh, made by Alexander Munro, Master of the Music School at Tain, 1736.

for presentation to friends. It was then arranged to have the manuscript copied, and one hundred copies privately printed in the form of a thick quarto volume, to be finished in about six months.¹

The correspondence between Earl Gower and Mr. Sharpe contains many references to the manuscript and the arrangements as to printing it. The earliest notice occurs in a letter from Lord Gower to Mr. Sharpe, dated Dunrobin, 22d August 1806, in which his Lordship says:—"You ask me if Sir Robert Gordon's History could be sent to you. I would have been most happy *so to do*, and would have trusted itself in your hands without any fears or apprehension; but it is by this time on its way here, to be compared with an old copy of it, which I have discovered in the library here in a most deplorable condition, more than half-decayed. We have some idea, in order to preserve the book, to have it printed. If we do so you shall most certainly have a copy. If we do not, you shall certainly (if you wish it) have a reading of the MS. But at present, for the reason I have mentioned, 'tis impossible. I have been very busy copying the one I have found here, which is no easy thing, as the writing is very old and difficult to read, especially as I am not used very much to read such."²

The estimate as to the size of the volume, and the time required for editing it, were both understated. In subsequent letters reference is made to this by Lady Stafford. On 28th August 1811 she expressed her disappointment at finding Constable so slow, but she expects the book will

¹ Earl Gower, in a letter to Mr. Sharpe, dated Edinburgh, October 1st, 1806, writes that Constable had undertaken the task with a most admirable and laudable degree of zeal. [Mr. Sharpe's Letters, vol. i. pp. 279, 282.]

² A week or two later, on 7th September 1806, Earl Gower asks Mr. Sharpe, "Pray,

have you my valuable Latin genealogical manuscript of the family of Sutherland? Either Inglis, Riddel, or you have, and I think Riddel. If you have it, take the first opportunity of sending to me, as it may be of use at present." [Sharpe's Letters, vol. i. pp. 273-276.]

soon appear, and promises Mr. Sharpe a copy with a large margin. In expectation of the book being completed, Mr. Sharpe had made drawings of several persons mentioned in it, and presented them to Earl Gower, who said, in a letter of 4th December 1811, they would be great ornaments to his copy of the book, which he intended to adorn and illustrate very handsomely. He added that he thought the book must soon come out, though he had not heard from Constable for some time. Later in the same month Lady Stafford writes to Mr. Sharpe that she imagines Constable delays sending out the book till the New Year, as she had not lately heard from him, and he promised it before this time.¹ Still further delay occurred, and Lord Gower says in a letter to Mr. Sharpe, dated 29th May 1812:—"I am glad that you have, by your questions, perhaps stimulated Constable, though he has shown no signs of life yet. . . . I have bought, the Lord knows what, of prints to illustrate 'the Book,' so you must come to town next winter and assist."² The work was not entirely finished, according to the title-page, till the year 1813. There is a short preface under the heading of "Advertisement," dated from Dunrobin Castle, October 1st, 1812, and no doubt written by Lady Stafford herself. It is stated that the manuscript from which the work is printed is in the possession of the Marchioness of Stafford, and that a similar one is in the Advocates' Library at Edinburgh. These, with two others, "are all that are known to exist of this History."³

It appears from Sir Walter Scott's Journal that the editing of the "Genealogie" was intrusted, under Mr. Constable, to Mr. Henry Weber, then amanuensis to Sir Walter, and who was also engaged in literary work

¹ Mr. Sharpe's Letters, vol. i. p. 515.

² *Ibid.* vol. i. pp. 539, 540.

³ In the sub-title page in the printed volume the editor and printer have made the

mistake of giving the date of 1639 instead of 1630, as in the manuscript from which the print was made.

on his own account. This appears from letters from Sir Walter and Mr. Weber to Lady Stafford in July 1809, in which the latter acknowledges a very handsome present from her ladyship, and his most grateful acknowledgment, with the assurance that nothing on his part should be wanting to render the "Genealogie" of the Earls of Sutherland as correct as possible. Sir Walter, at the same time, in a separate letter, sent her Mr. Weber's most respectful acknowledgments for her token of liberality, adding, "I have no doubt [it] will stimulate him to every possible exertion on behalf of the work."¹ These letters were written in the year 1809, three years after the book had been intrusted to Mr. Constable to print. But it was not till four years later that the completed work appeared. At the first arrangement the printed volume was to be in a quarto size, but it ultimately appeared in folio form. In justice to Mr. Constable and Mr. Weber, in reference to the complaints made of delay in producing the work, it must be noticed that the original arrangement as to private printing was changed to that of publication in the ordinary way, at the desire of Mr. Constable himself.² In a letter from Lady Stafford to Mr. Sharpe, dated 21st December 1809, she says:—"I hope soon to send you the old *Clashmaclaver*, which Constable promised should be finished before this time; but I have not heard anything of it for some months, though I see he has advertised it. I hope it will turn out a sort of *Froissart*, which I have been reading lately, much to my amusement; but do not hope to find anything in it equal to the history he gives of the Comte de Foix, which, if you have not happened to read, I beg you may immediately, and you will find him to be a perfect model of a feudal *grand seigneur dans son château*, in spite of the accident of killing his son, and the blemish of being rather cross to his wife. The story of the Familiar Spirit and the Bear also, I fear, exceed in interest anything

¹ Vol. ii. of this work, p. 317.

² Mr. Sharpe's Letters, vol. i. p. 375.

we shall find in Sir Robert Gordon; but the description of the manners of the Scotch may be more favourable.”¹

In the following year Lord Gower again refers to the progress of printing the history. “The book, Constable says, will be ready by June. I saw some of it printing. It will be a very handsome book—large margin, etc. Constable is printing a copy—large paper, on vellum, for a present to my father.”² It is probable that Mr. Sharpe’s etchings of portraits, as illustrations for the book, which attracted the attention of Lady Stafford and Lord Gower, had required consideration, and that subsequent arrangements had been made by her ladyship, with her high artistic tastes, to illustrate the volume with engravings of portraits, castles, etc., which would occupy a very considerable time after the book was nearly completed without them, in the year 1811. The frontispiece to the book is the portrait of John, thirteenth Earl of Sutherland, known as the Covenanting Earl. The title-page contains a view of Dunrobin Castle, sketched by the Marchioness of Stafford in January 1812. There is also a drawing of the ruins of Helmsdale Castle by her ladyship, and in the same year there were added illustrations showing the armorial bearings of the Earls of Sutherland, and a facsimile of the indenture between William, Earl of Sutherland, and Archibald, bishop of Caithness, in the year 1275. All these engravings, either in steel or copper, probably occupied a great part of the year 1812, as they all bear that date. They had been the latest portions of the work finished that year, and it was completed and published in the year following.

Sir Walter Scott in his “Journal,” under date March 10th, 1826, gives a melancholy account of the fate of Henry Weber, whose name was

¹ Mr. Sharpe’s Letters, vol. i. p. 404.

proposed, and is still preserved in the library at Dunrobin.

² *Ibid.* p. 423. The copy of the history was printed on vellum and presented as here

associated with the history as the editor of the printed edition. Sir Walter says :—

“Strange enough that Henry Weber, who acted afterwards as my amanuensis for many years, had also a melancholy fate ultimately. He was a man of very superior attainments, an excellent linguist and geographer, and a remarkable antiquary. He published a collection of ancient romances, superior, I think, to the elaborate Ritson. He also published an edition of Beaumont and Fletcher, but too carelessly done to be reputable. He was a violent Jacobin, which he thought he disguised from me, while I, who cared not a fig about the poor young man’s politics, used to amuse myself with teasing him. He was an excellent and affectionate creature, but unhappily was afflicted with partial insanity, especially if he used strong liquors, to which, like others with that unhappy tendency, he was occasionally addicted. In 1814 he became quite insane, and, at the risk of my life, I had to disarm him of a pair of loaded pistols, which I did by exerting the sort of authority which, I believe, gives an effectual control in such cases. His friends, who were respectable, placed him in the York Asylum, where he pined away and died, I think in 1814 or 1815.”

In a later entry, on April 15th, 1828, Sir Walter makes the following reference to Weber :—

“It is written that nothing shall flourish under my shadow—the Ballantynes, Terry, Nelson, Weber, all came to distress. Nature has written on my brow : ‘Your shade shall be broad, but there shall be no protection derived from it to aught you favour.’”¹

¹ Sir Walter Scott’s *Journal*, vol. i. p. 149, and vol. ii. p. 160. In *Lockhart’s Life of Sir Walter*, there are numerous references to Weber, but his character is less indulgently sketched. Lockhart says he was a poor German scholar, who, escaping from misfortunes in his own country in 1804, came to

Scotland, and received occasional employment from Sir Walter as an amanuensis for ten years. His attempted duel with Sir Walter is graphically described in *Lockhart’s Life*. He died in York Asylum in 1818. [*Life of Scott*, vol. iii. pp. 109-112.]

II. MANUSCRIPT VOLUME, INSCRIBED ON THE BACK "ROSSI COMITUM SUTHERLA: ANNALES," IN THE LIBRARY AT DUNROBIN.

This is a manuscript history of the Earls of Sutherland, written in Latin by Alexander Ross. It is imperfect, beginning with p. 31. The heading to that page is "Comitvm Southerlandiæ Annales," and begins with the words:—"Regnante Corbredo Primô Scotorum Rege."

This is the Latin History referred to by Earl Gower in his letter to Mr. Sharpe, dated 7th September 1806, previously noted. The work is not an original history of the Sutherland family, but only an abstract or compend in Latin of Sir Robert Gordon's work. Ross's "Annales" have been engrossed in a very legible hand, but had been at one time seriously damaged by damp, and the volume has been carefully bound in order to remedy the defects so caused.

Through the kindness of Mr. Gordon of Halmyre, who has inherited many of the muniments of the last baronet of the original creation, Sir William Gordon of Gordonston, I have been intrusted with the inspection of these, and have discovered two copies of the "Annales" by Ross more perfect than the preceding.

The first is a folio volume, bound in leather, written in a clear and distinct hand, containing the following title-page:—

Sutherlandiæ Comitum Annales,
in quibus eorum origo et incre-
menta, vitæ et res bellô paceque
gestæ dilucide explicantur.

Multa quoque notatu digna in regionibus
Scotiæ ultra Caledonios, à Scriptoribus
nostris vel breviter tacta, vèl penitus
omissa fusius proponuntur.

Authore Alexandrô Rossæô
Aberdonense Scoto 1631.

Ross's work is dedicated to Sir Robert Gordon, with all his honours carefully described, as gentleman of the bed-chamber to the king of Great Britain, second born son of Alexander, Earl of Sutherland, tutor and administrator of Sutherland, first baronet of Scotland, sheriff of Inverness, and vice-chamberlain of Scotland.

After the dedication, Mr. Ross explains that his reasons for writing the Annals were to show a token of respect to the family of Sutherland, and to return thanks to Sir Robert for his many civilities towards him. He also notices the accidental loss of a previous copy of the Annals, in the following terms (in Latin):—

“Several years ago I would have made the public acquainted with the Annals of your ancestors collected out of monuments of ancient histories and many manuscript copies. But by some accident, I know not how (while you were preparing for a journey to Scotland), the copy was lost, and we lost the labour and oil (as the saying is). Wherefore we have again undertaken this province (nontamen ἔχων ἀεχοντί γε θυμῶ, to speak as Homer does), and we have willed these ‘Annales’ written under your auspices, now inscribed with your name, to go forth to the public.”

Many memorable actions, the author states, were explained more fully than in the previous copy, while a description of Sutherland is prefixed, taken from Sir Robert's observations, who had seen the region and travelled over it. Various etymologies from the Scoto-Hibernic language are also explained. The preface is dated “Ex musæo nostro Southamptoniæ,” 1 December 1631.¹

In the “Fearweell,” written by Sir Robert Gordon to his nephew, John, thirteenth Earl of Sutherland, he earnestly advises the Earl to preserve his own history of his family safely amongst his best writs, and also the “Compend” written in Latin by Mr. Alexander Ross.²

¹ Original volume at Halmyre. ² Original “Fearweell” at Dunrobin, vol. ii. of this work, p. 337.

The second manuscript at Halmyre is in a small quarto volume bound in parchment, containing

I. Ferrerius' History of the family of Gordon.

II. Alexander Ross's "Annales."

This volume is written in what appears to be the same handwriting as that of the earliest manuscript copy of Sir Robert Gordon's history at Dunrobin, and establishes the fact that the oldest of Sir Robert's manuscripts already described, is not in his own handwriting, but in that of an amanuensis who had been employed by him and Alexander Ross to engross fair copies of the histories of the Sutherlands and Gordons on which they were mutually engaged. The Sutherland "Annales" in this parchment volume contains several alterations on the previous manuscripts mentioned.

Mr. Alexander Ross was a well-known and voluminous author of the seventeenth century. He was a Scotchman, and connected with Aberdeen, whence he dates his dedication, but he went to England in the reign of King Charles the First. He was appointed one of his Majesty's chaplains and master of the free school at Southampton. As he was very attentive to Sir Robert Gordon, who was an influential courtier, he may have obtained his royal chaplaincy through the patronage of Sir Robert. The literary works of Ross are very numerous, dealing with theology and religion, history, the scientific topics of his time, and various other subjects. He published a continuation of Sir Walter Raleigh's History of the World, which Granger calls "his great work"; but adds, that "it is like a piece of bad Gothic tacked to a magnificent pile of Roman architecture, which serves to heighten the effect of it, while it exposes its own deficiency in strength and beauty."¹ Chalmers gives a long list of Ross's works, but the "Annales" of the Earls

¹ Chalmers's Biographical Dictionary, vol. xxvi. pp. 387-8.

of Sutherland are not included, and were probably unknown to him. The works of Ross were so numerous as to give rise to Butler's well-known lines :—

“There was an ancient sage philosopher
Who had read Alexander Ross over,
And swore the world, as he could prove,
Was made of fighting and of love.
Just so romances are, for what else
Is in them all but love and battles.”¹

III. BRIEF ANALYSIS OF SIR ROBERT GORDON'S HISTORY.

After what has been stated of the several manuscripts of the history of Sir Robert Gordon, a short analysis of the work may be given. A learned author, in a work on the Highlanders, described Sir Robert's volume as “ponderous.” It may be generally described as a *Peerage* and *Baronage* for the northern counties of Scotland, as the Gordons figure in it as fully as the Sutherlands. The work also includes detailed histories of the Stewarts, Dukes of Lennox, the Sinclairs, Earls of Caithness, the Mackays of Farr, the Gunns, the Macleods of Assynt, and many other clans; but the accounts of these families and clans are much intermixed with the general narrative. Mr. Alexander Ross, in his “*Comitum Sutherlandiæ Annales*,” above described, omitted, almost entirely, any notice of the families of Gordon and others who have been promiscuously introduced into Sir Robert's volume.

The great industry and labour bestowed by Sir Robert Gordon on his work are conspicuous from the beginning to the end of it, notwithstanding certain

¹ Hudibras, by Samuel Butler, edition by Henry G. Bohn, 1859, vol. i. p. 42. The fun of the farce is heightened by the fact that the “ancient sage philosopher” was Empedocles, who lived 2100 years before Ross.

manifest errors, which will be noticed on a later page. The work is a very valuable one for the northern parts of Scotland. He had many advantages for the compilation of such a work, and with his learning, personal qualifications and family advantages he could not fail to produce an enduring record of the very ancient house of which he was a member. The later events which he commemorates, often in quaint and graphic terms, during three generations of the family, are authenticated by his own personal knowledge, and it is delightful to read the precision with which he records events. He generally states the very day, month and year with all the minuteness of a parish register, or a recorder's death-roll.

Sir Robert could not fail to learn much from his father of the tenth Earl, the "good Earl John," whose death by poisoning was a sensational event not to be forgotten in the family. The father of the good Earl John was Alexander, Master of Sutherland, whose parents were Elizabeth, Countess of Sutherland, and her husband, Adam Gordon of Aboyne. The discussions about the succession of the heiress, Countess Elizabeth, and the peculiar circumstances of her father and brother must have been well known in the family. Her marriage to Adam Gordon was an epoch in the Sutherland history, and their descendants for several generations bore the surname of Gordon. Sir Robert Gordon may therefore be accepted with credit as a historian of the House of Sutherland for the six generations from Elizabeth Sutherland, Countess of Sutherland, who succeeded her brother John, the ninth Earl, in 1514, down to his own day, and the close of his history in 1630.

Continuing the analysis of Sir Robert's work, we have next to notice the nine generations of the Sutherland family previous to the succession of the heiress, Elizabeth Sutherland, Countess of Sutherland. It would be unreasonable to expect that Sir Robert Gordon, with all his learning and

research, could write with the same accuracy on those of his ancestors who figured in the twelfth, thirteenth, and fourteenth centuries, as on those who existed in his own day, and we have been obliged, in the Memoirs of these early Sutherland ancestors, to take serious exception to several of the early chapters in his work. In his time, it was the fashion, in writing histories of Scottish families, to commence them in pre-historic times, with a fabulous founder, who was said to have performed some prodigy of valour or other memorable action. No family history at that period would have been accepted if it had commenced with any commonplace ancestor. An instance of this is afforded in the work already referred to by the learned Mr. David Hume of Godscroft, who represented his "black grey man," "Sholto Douglas," as having turned the tide of battle on behalf of his sovereign, King Solvathius, in the year 767, when he was almost vanquished by Donald Bane the usurper. But this imaginary hero "Sholto Douglas" has long been discarded as purely fictitious. Family histories of modern times have very properly discarded similar fables, and endeavoured to rest upon the solid foundation of strictly legal evidence.

Following the fashion of the period, Sir Robert Gordon claimed as his early ancestors Thanes and Earls of Sutherland who never had any existence. The first of these he describes as "Alane Southerland, Thane of Southerland," who in the year 1031, in the days of King Malcolm the Second, fought a cruel battle at Criegh, in Sutherland, against the Danes and Norwegians, who had invaded Sutherland to destroy the inhabitants. After a long battle the Danes were overthrown.¹ Sir Robert adds that among other nobles against whom Macbeth, during his reign, had exercised tyranny, was this Alan Sutherland, who was slain on the pretence of justice, leaving

¹ Genealogy, p. 22.

a son, Walter Sutherland,¹ who was created Earl of Sutherland by Malcolm Canmore in a parliament at Forfar in the year 1061. Sir Robert says: "From that Walter, Earl of Sutherland, the Earls of Sutherland do lineally descend, and do continue successively, without interruption of blood, unto this day."²

The next Earl of Sutherland introduced by Sir Robert is Robert, the first of that name.³ The author is not so precise in his dates with this Robert the second Earl, as he was with Alan the Thane and Walter the first Earl, but gives him credit as the first founder and builder of the Castle of Dounrobin, so called from his name: Doun-Robin signifying the hill or moat of Robert.⁴

These three generations, however, are unauthenticated, and the first ascertained owner of Sutherland, of the Sutherland family, was Hugh Freskin, son of Freskin, their first known ancestor. In his original manuscript of 1630, Sir Robert states: "Alexander, the first of that name, Earle off Suthirland." But that statement is altered by Sir Robert's own hand to Hugh, Earl of Sutherland, "called Freskin." These statements and corrections show the difficulty which Sir Robert felt in regard to Hugh Freskin. Notwithstanding his great research, Sir Robert Gordon failed to trace even the existence of this Freskin the first. Sir Robert, indeed, describes Hugh Sutherland as the third Earl of Sutherland, nicknamed "Freskin." But nowhere has he stated in his book that Hugh was the son of Freskin, nor is the existence of Freskin mentioned.

One other important point in Sir Robert Gordon's History requires to be noted for correction. In dealing with William the third of that name and the "seventh" [fifth] Earl of Sutherland, he is represented as having attained to that high degree of favour with his prince as to obtain in

¹ Genealogy, p. 23.

² *Ibid.* p. 24.

³ *Ibid.* p. 26.

⁴ *Ibid.* p. 26.

marriage the Princess Margaret Bruce, daughter of King Robert Bruce, by whom Sir Robert says he had two sons, Alexander and John Sutherland. Sir Robert Gordon makes Alexander die in London while there as a pledge for the ransom of his uncle, King David the Second, while the second son, John, is described as "eighth" Earl of Sutherland and the father of Nicholas Sutherland, the "ninth" earl, who again was the father of Robert Sutherland, the "tenth" earl, and the ancestor of the subsequent Earls of Sutherland, the descent of the whole being thereby derived from the marriage of Earl William and the Princess Margaret Bruce. This line of descent has been adopted in most of the modern peerage books, when treating of the Sutherland family, but the following memoirs show it to be erroneous. Lord Hailes, when engaged on his elaborate case for Elizabeth, Countess of Sutherland, was at first misled into the belief that John Sutherland, the son of Earl William, was the ancestor of the subsequent Earls of Sutherland. But the mistake was pointed out in the pleading of a rival claimant, and Lord Hailes admitted and corrected his error. There is abundant evidence in regard to Earl William and his two marriages to prove that the issue of the royal marriage became extinct, while that of the second marriage, which was unknown or unnoticed by Sir Robert Gordon, carried on the line of the family.¹

IV. STATISTICAL ACCOUNTS OF SUTHERLAND PARISHES.

Although Scotland is not so well supplied with valuable county histories as England, it possesses histories of all the parishes into which it is ecclesiastically divided, known as the Old and New Statistical Accounts of Scotland. The first, which was superintended by Sir John Sinclair of

¹ Vol. i. of this work, pp. 36-42.

Ulbster, Baronet, was commenced in the year 1791 and completed in twenty-one volumes octavo in the year 1799.¹ The New Statistical Account was commenced in the year 1834 and completed in the year 1845 in fifteen octavo volumes, under the superintendence of the Rev. John Gordon, a very competent editor. The history of the county of Sutherland was included in the last or fifteenth volume, according to the thirteen parishes into which the county is ecclesiastically arranged.

All the accounts of these thirteen parishes, as well in the Old as in the New Statistical Account, have been carefully examined for the purpose of ascertaining if such a wide circle of local writers disclosed any information bearing on the history of the family of Sutherland; but with a few exceptions the search has been unsatisfactory. One of the longest and most laborious of the contributions to the Old Statistical Account is that on the parish of Assynt, by the Rev. William Mackenzie, minister of the parish.² He says, "Tradition and even documents declare that the property of the parish was a forest of the ancient Thanes of Sutherland. One of these prime Thanes gave it in vassalage to one Mac-Kry-cul, who, in ancient times, held the coast of Coigach, that part of it at the place presently (1793) called the village of Ullapool.³ The noble Thane made Assint over in

¹ The history of each parish was, for the most part, written by the parish minister, and the profits, as well as the property of the work, were generously assigned to the Society for the Benefit of the Sons and Daughters of the Clergy.

² It is number 8 of volume xvi., and extends to 48 pages, being from pp. 163-211, which is far more than the average length of description bestowed on other parishes, although the portion referring to the family of Sutherland is comparatively small.

³ "Larich Teay MacKry-cul is still known

at Ullapool village, *i.e.* that very spot where Mac-Kry-cul had his house is known. He is reported by the people here to be the potent man of whom are descended the Macnicols, Nicols, and Nicholsonsons (p. 192)."

Mr. Skene, in his "Highlanders," refers to the grant in favour of Mac-Kry-cul as being substantially confirmed by an old manuscript dated 1450, upon which Mr. Skene frequently founds, and in which the descent of the clan Nicol is traced from a certain Gregall, plainly the Grycul of the reverend minister of Assynt. [Highlanders of Scotland, vol. ii. pp. 297, 298.]

the above manner, as Mac-Kry-cul had recovered a great quantity of cattle carried off from the county of Sutherland by foreign invaders. Mac-Kry-cul's family, by the fate of war in those days of old, being reduced to one heir female, she was given in marriage to a younger son of Macleod, laird of Lewis, the Thane of Sutherland consenting thereto; and also making this parish over to the new married couple, together with its superiority. The result of this marriage was fourteen successive lairds here of the name of Macleod."¹

In the New Statistical Account, the Rev. Charles Gordon supplies an omission of his predecessor's notice of the charter by the Thane of Sutherland to Mac-Kry-cul by stating that the term of endurance of the grant was "as long as a cow gives milk, and waves beat on a rock."² This is certainly unique, and is no doubt to be taken with the same seriousness as the alleged charter by Malcolm Canmore to Norman Hunter of Polmood of the lands of Hope, "as free to thee and thine as ever God gave it to me and mine."³

In the last volume of the Old Statistical Account, Mr. William Keith, then minister of Golspie, sent a second account of that parish, in which he states "that it was of old called Culmalie, from a village, two miles west of Golspie, near which the kirk stood. There are vestiges of that old kirk remaining, and a burying-place on the same spot, where it is said that sixteen

¹ Old Statistical Account, vol. xvi. pp. 190, 191. The date of the first grant of Assynt to Torquil Macleod, whether he acquired it through an heiress or not, is in 1369, during the reign of King David the Second. [Robertson's Index, p. 100.]

² New Statistical Account, vol. xv. p. 110. The late Mr. Cosmo Innes did not highly appreciate the Old Statistical Account. In a letter to Mr. James Loch, dated 2d

June 1833, he writes, "No terms can be too bad for the Statistical Account of Scotland. With a powerful machinery actively set in motion it is difficult to imagine how so unsatisfactory a result was produced. I hope (though not confidently) the new one in progress may be better." [Original letter at Dunrobin.]

³ Old copy of charter, and History of Peeblesshire, by William Chambers, 1864, p. 426.

of the Thanes of Sutherland are buried.”¹ In the *New Statistical Account* the Rev. Alexander Macpherson has a short notice of the family of Sutherland, including the thanes of that name and the lineal descent of the present family as from Robert the Bruce, King of Scotland, through the marriage of William, third [fifth] Earl of Sutherland, to the Princess Margaret. Mr. Macpherson also explains that in Celtic the title of the Earls of Sutherland is *Morfhear Chatt*, and that of the Countess, *Bana Mhorfear Chatt*, *Bana* being the feminine prefix. Both the Celtic titles are expressive of nobility in any degree; and thus they still continue applicable.²

From these it is pleasant to turn to the more accurate account of the Sutherland family in the general observations on the county of Sutherland in the *New Statistical Account*. It was written by the late Mr. George Sutherland Taylor, writer in Golspie, the local law-agent of the second Duke of Sutherland. His Grace also asked Mr. Taylor to prepare a detailed history of the family, which he undertook, and the results are contained in a manuscript volume, but in the form of memoranda or notes rather than of a connected history.

V. ORIGINES PAROCHIALES SCOTIÆ.

The “*Origines Parochiales Scotiæ*,” or the *Antiquities, Ecclesiastical and Territorial, of the Parishes of Scotland*, was projected by the late Mr. Cosmo Innes, but it was never completed. Two volumes of this important work were edited by himself, the late Mr. Joseph Robertson, and other charter scholars. The second volume was divided into two parts, and Part II. was the contribution to the Bannatyne Club of his Grace, the second

¹ *Old Statistical Account*, vol. xxi. p. 215.

² Vol. xv. p. 29.

Duke of Sutherland, and the Right Honble. Sir David Dundas, who were both much interested in the county of Sutherland, the one as its chief landowner and the other as its representative in Parliament. The work contained, among other dioceses, that of Caithness, in which were included the parishes of Sutherland. The chapter on the parish of Golspie, among others, was intrusted to the late Mr. James B. Brichan.¹ He was permitted to inspect the Sutherland charters at Dunrobin, and made good use of them, in the history of the district. Mr. Brichan gives an account of the Earls of Sutherland from William, the first Earl,² who, he says, was so created by King Alexander the Second about the year 1237, and dismisses the earlier Earls and Thaners stated by Sir Robert Gordon as "imaginary." The history of the family is brought down to John, the thirteenth Earl. For all the generations of the family from the first Earl in the thirteenth century to the thirteenth Earl in the seventeenth century, Mr. Brichan refers to the family charters and other legal evidence; and, upon the whole, his account of the family is correct. At one portion of it, however, his account of the succession of Earls is somewhat obscure. In dealing with the two marriages of William, the fifth Earl,³ first with the Princess Margaret Bruce, and secondly with Johanna Menteith, Countess of Strathern, Mr. Brichan made an earnest effort to get at the real facts. But owing probably to his not having seen the whole of the evidence now disclosed in the present work, his notes on the theories which have been started in reference to Earl William, his two marriages, and the issue and descent of each, have left that portion of his work without that clearness which he has thrown around the other portions of his labours.

Mr. Brichan also takes notice of the Castle of Dunrobin, sometimes

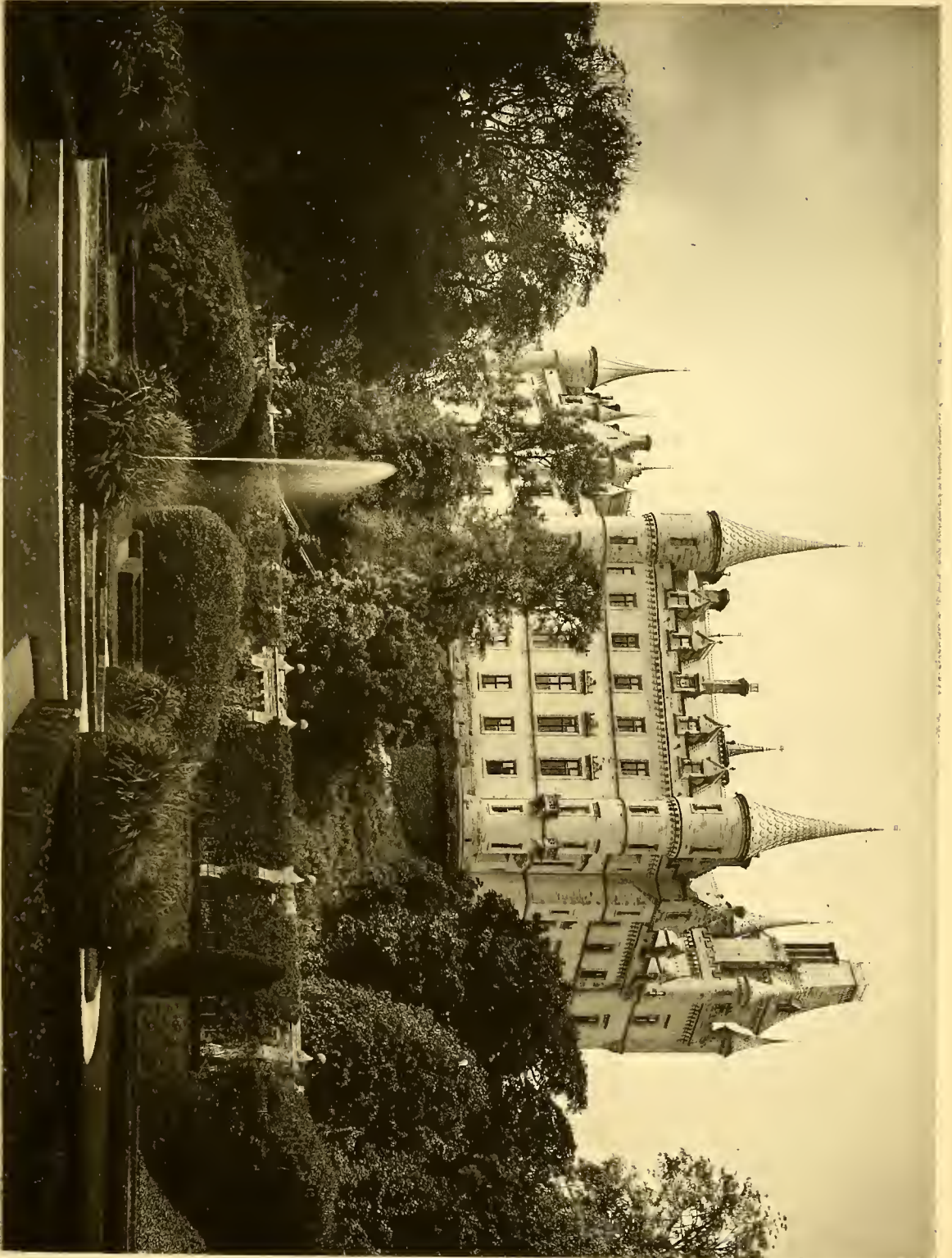
¹ *Origines Parochiales*, vol. ii. pp. 648-683.

² *Ibid.* pp. 654-655.

³ *Ibid.* p. 660, footnote 2.

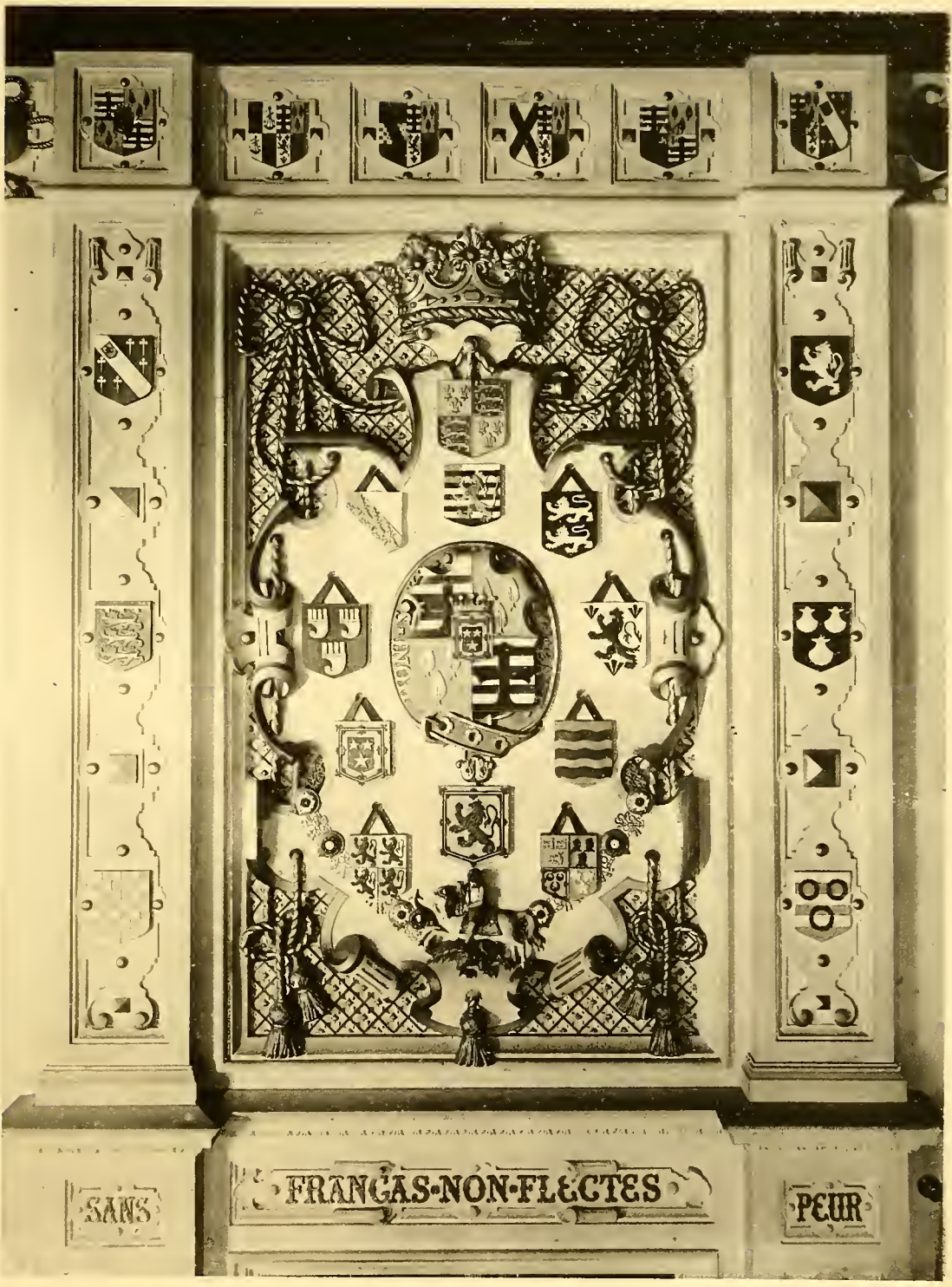












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spelled "Dunrabyne" and "Drunrabyne,"¹ and dismisses the statement of Sir Robert Gordon that the castle was built by and named after an Earl Robert who never existed. As explained in the Memoir of Robert, sixth Earl of Sutherland, he granted a charter at the Castle of Dunrobyn,² in the year 1401, which is the earliest notice of the castle in authentic record. His son and successor, John, seventh Earl, granted a presentation on 10th May 1448 at Dunrobin.³ John, eighth Earl, granted a precept on 29th March 1492 at his castle of "Dwnrobbyn."⁴ In the sixteenth century there are notices of successive constables of the Castle, and the chaplain of St. Andrew of Golspie was bound, according to the foundation of the chaplainry, to officiate, when possible, in the place or fortalice of Dunrobin.⁵ In the midst of the court within the castle there is one of the deepest draw-wells in Scotland, all lined with ashlar-work, which was built and finished before the house was begun. The well was known as that of St. John. In the year 1512 sasine of the earldom and castle was taken at the well. At other times sasine was taken at the castle, at its gates, or near the well.⁶

VI. THE CARTULARY OF MORAY.

The first Duke of Sutherland through Mr. James Loch gave a commission to Mr. Cosmo Innes to edit and print the Cartulary of Moray. This was in the year 1833, and the book was not completed when the Duke died in December of that year. The work was continued by Mr. Innes for the second Duke of Sutherland, and was completed in the year 1837, when it

¹ *Origines Parochiales*, vol. ii. p. 681.

² *Forse and Sutherland Charters*, quoted by Mr. Brichan, *ibid.* p. 681.

³ Vol. iii. of this work, p. 27.

⁴ *Ibid.* p. 37.

⁵ *Origines Parochiales*, vol. ii. pp. 650, 682.

⁶ *Ibid.* pp. 661, 681.

appeared under the title of "Registrum Episcopatus Moraviensis." It was presented to the Bannatyne Club by the first and second Dukes of Sutherland, and forms a very valuable volume, particularly for the history of the district of Moray. Mr. Innes entered upon his task of editor with zeal and ability. His family was long connected with the Moray district, and the work was very congenial to him. His preface to the Cartulary is very interesting, but in the tabular pedigree printed by Mr. Innes of the descendants of Freskin, only four generations are given.¹ Five generations of the family of Sutherland are stated by Mr. Innes, including the first to the fifth Earls, but he has made one generation too many by inserting a William de Moravia, Lord of Sutherland, before the first Earl, thus making the latter the grandson instead of the son of Hugh Freskin. Mr. Innes ends his account with William, fifth Earl of Sutherland, who married Margaret, daughter of Robert the First, adding, "the family name in his time was still De Moravia or De Murrif. His son and successor was called during his father's life William De Murrif. It is only necessary further to mention that this earl" (meaning the fifth earl) "married secondly Joan, Countess of Strathern."² For that statement he refers to a very important document, which affords ample evidence of the second marriage. That document is in the charter-chest of the Duke of Athole, and is printed in the present work.³ In regard to his assertion above quoted that the family name was still De Moravia in the time of the fifth Earl, and that his son and successor William was so called during his father's lifetime, the contrary is shown in the present work.⁴

Other points of interest to the Sutherland family may be noted from Mr. Innes's letters. In one dated 13th March 1835 he writes to Mr. Loch,

¹ Registrum Episcopatus Moraviensis, p. xxxix.

² *Ibid.* pp. xxxii.-xxxiv.

³ Vol. iii. p. 18.

⁴ Vol. i. p. 23 *et seq.*

“Are you aware of half-a-dozen *transumptis* (under the attestation of Sir John Skene) of the old Sutherland earldom charters (reg. Rob. I. and Dav. II.), and of that curious charter of the marriage of the daughter of Malis, Earl of Stratherne, etc., 1334 [1344], which you sent me a copy of from Dunrobin? They are in our Register House, and should be perhaps at Dunrobin, as I presume they must have come from there.”¹ These are now in the Sutherland charter-chest and are printed in another volume of this work,² but unsuccessful search has been made for the precept by John, eighth Earl of Sutherland, dated 29th March 1492, the terms of which have been ascertained from a transcript of the writ, with drawing of the seal appended, made by Mr. Innes while the original precept was preserved in the Register House.³

VII. CORRESPONDENCE BETWEEN MR. JAMES LOCH, MR. COSMO INNES, MR. W. F. SKENE, AND OTHERS, ON THE HISTORY OF SUTHERLAND. 1833-1835.

The late Mr. James Loch took an intense interest in the antiquities of Sutherland, Moray, Caithness, etc. He endeavoured to ascertain whether Freskin, the first known ancestor of the Sutherland family, was a native of Moray by descent from the more ancient chiefs of Moray, or of Flemish origin. With this view he entered into communication with various learned historians and antiquarians, including Mr. Cosmo Innes, Mr. William Forbes Skene, Mr. Long, Professor of Greek in London University, Mr. James Chalmers, nephew of Mr. George Chalmers, author of “Caledonia,” and others. That correspondence embraced the period from May 1833 to April 1835, and discloses much research and

¹ Original letter at Dunrobin.

² Vol. iii. of this work, pp. 13-19, 21, 23.

³ *Ibid.* pp. 36, 37.

ingenuity on either side, as well as conflicting opinions.¹ Mr. Skene, in particular, was very decided in his opinion in favour of a native Moravian descent for Freskin, while, on the other hand, Mr. Chalmers insisted that Freskin was a Fleming, and that the name was certainly Flemish. He says he never could find its being applied in any instance but to a Fleming.

Mr. Innes, in a letter dated 31st March 1833, said "that he looked on the native origin as improbable, but certainly never hoped to demonstrate it to be false. Chalmers's dictum of the *Frisian descent* is one instance of the rash confidence of assertion which sometimes succeeded with him. If they were of native and Morayshire descent, how do we find them having their earliest descent in Linlithgow?" In another letter, dated 19th May 1833, he says:—"I cannot say upon what authority the author of 'Caledonia' brought Friskin from Flanders. Chalmers had a passion for Flemish descents, and did not examine the evidence on which he asserted them too narrowly. I doubt whether he had any better proof than the sound of his name, which has a *Frisican* air about it. I think it is quite possible he might have been a foreigner, a Fleming or Frieslander, but it is rather too much to state it as a certainty." This groping for the true origin of Friskin, the first known Sutherland ancestor, as disclosed by the correspondence, was very decided and very contradictory. Even at the present day the question remains much in the same unsatisfactory state as when, half a century ago, so many eminent investigators were at work to settle the point.

In a letter from Mr. Loch to Mr. Skene, dated March 1835, he discusses the history of the Mackays, Murrays, Mathesons, who were Gunns, and who prevailed until they were interfered with, in Dornoch and Creich, by the Rosses. Mr. Loch adds:—"I have collected a vast body of curious local

¹ Copy Correspondence at Dunrobin.

information on these points, intending to throw them together some day in the shape of a county history." In reference to this collection, as the result of his long-continued researches in north-country history, I made particular inquiries of Mr. William Loch, of London, son of Mr. James Loch, if his father had left any detailed history or genealogy of the Earls of Sutherland. After making many searches amongst papers left by his father, and his son, the late Mr. George Loch, who succeeded him as commissioner in Sutherland, Mr. William Loch reported to me that he could find no such history or genealogy of the Sutherland family.¹

During the progress of printing and editing the Cartulary of Moray, Mr. Innes corresponded with Mr. Loch. His letters are sometimes of very great length. One of them in particular, in June 1833, when Mr. Innes was staying on holiday at Aberdour, in Fife, extends to eleven quarto pages. He states "that the greater part of this letter was written in a steamboat crossing from Fife, without books or necessary quietness. It has run to such an extravagant length that I should hesitate to send it if I saw a prospect of soon writing another in its stead."

In the same month, while Mr. Innes was still on holiday at Aberdour, he wrote another long letter to Mr. Loch, commencing: "I again devote the quiet of a Sunday morning in the country to writing to you of the subjects in which we take a common interest." He then proceeds to explain the particular form in which he intends to arrange the Cartulary of Moray, including the tracing the connection of the southern Morays of

¹ From a letter by Mr. Innes to Mr. Loch, dated Edinburgh, 9th February 1834, it appears that a plan had been submitted to Mr. Loch for the printing of this county history. Mr. Innes did not approve of the plan, and thought that Mr. Loch "might in many

cases have occasion to differ from the opinions of the gentleman who had suggested the plan of co-operation, and that would have an awkward and pyebald effect within the bounds of one volume." [Original letter at Dunrobin.]

Athole with the earlier Morays in Elgin, and adds: "Partly with a view to the early and dark part of the history, and partly that I might collect any notices likely to be of service to your important work, I am digging in the northern historians and sagas. I have Pinkerton here, but at the risk of repeating him, or, what is more dangerous, of contradicting his account of the Norse colonisation of Scotland, I will set down what seems to me fairly to be gathered from those sources of the history of the mainland of Scotland, *i.e.* as one indites a history on a sheet of letter-paper." Mr. Innes then discusses Sigurd the First as Jarl of the Orkneys and Shetland, and his successors.¹

VIII. ACQUISITION OF THE REAY COUNTRY IN THE WESTERN DISTRICT OF SUTHERLAND, AND OTHER ESTATES IN THE COUNTY.

During the lifetime of the Duchess-Countess of Sutherland large acquisitions of territory were added to the ancient earldom. After her marriage to Lord Gower, who afterwards became Marquis of Stafford and first Duke of Sutherland, he in 1829 purchased from Eric, Lord Reay, the whole of the Reay country, at a cost of £300,000. He also at different times acquired the following lands: the estate of Bighouse, from Major Colin Mackay; the barony of Skelbo, in the parish of Creich; the lands of Armadale and Strathy, in the barony of Farr; the barony of Torboll; the lands of Uppat, near Dunrobin; the estate of Carrol, in the parish of Clyne; that of Ardross, with fishings on

¹ Original Letter at Dunrobin. Another letter to Mr. Loch, without date, but apparently in or about the year 1834, shows Mr. Innes's feeling on the subjects of investigations in charter-chests and field sports:—"If I go down to the North this autumn I shall ask you for a circular billet on all and sundry, especially on Lord Cawdor, after he

himself and his family are gone, for leave to shoot—of which I am only less fond than of old charters. I must say I never found any day's sport so exciting as a hunt through a well-filled and unexplored charter-chest. The other amusement, however, is more healthy, and becomes very necessary for a man of sedentary pursuits." [Letter at Dunrobin.]

the Shin; part of the Kyles of Oykel and the Dornoch Firth; the lands of Inveran, from Macleod of Cadboll; with the superiority of the burgh of Wick and certain properties in Dornoch. Besides these purchases by the first Duke, his son, the second Duke, prior to 1835 purchased the lands of Creich, also the lands of Langwell, being part of the Skibo estate, another part of the same estate, Sandycroft or Captain's Park, being acquired by an excambion with Mr. Dempster of Skibo; likewise the lands of Teabreck, near Tain, and the lands of Embo, with various properties in the burghs of Tain, Wick, and Dornoch.

These acquisitions of lands by the first and second Dukes were of great value and extent, and consolidated by far the greater portion of Sutherland in their possession. Originally the Sutherland interest lay on the east coast, stretching northwards from the Dornoch Firth, and the acquisition of the western portion of the country gave them a continuous stretch from Dornoch on the east to Tongue and Cape Wrath on the west.

The Sutherland estates have always been administered with great liberality towards the tenants and other dependants, and, as is well known, the Duke of Sutherland has vied with his predecessors in taking measures for the welfare of the people. Besides opening up Sutherland, Caithness, and other parts of the North of Scotland, at great expense, by railways, he laid out over a quarter of a million of pounds sterling in reclamation works at Lairg and Kildonan. By these efforts he endeavoured to bring land hitherto waste into fertility, and to provide farms for many additional families on his estates. At first appearances were hopeful, and crops of great promise were made to grow where formerly were only sterile wastes; but these, it was found, could not be sustained with ultimate profit. By reopening the long disused coal-mines at Brora, and inaugurating other works for brick-making, sawmills, and other industries, the Duke provided employment for

numbers of his people, and did much to develop the resources of his country of Sutherland. Instances of this were brought out by the Commission which was appointed by the Crown to inquire into the agitation carried on for many years by the small tenants and crofters in the Highlands and Islands of Scotland. It was proved that, under the management of the Duke and his father, the second Duke, the expenditure for the thirty years from 1853 to 1882 on what was properly estate works amounted to £1,295,000. The revenue for the same period was also stated to the Commissioners, and, deducting the revenue from the expenditure, there remained a deficiency of £254,000.

IX. THE SUTHERLAND MUNIMENTS, AND THE ALLEGED BURNING OF THEM BY GEORGE, EARL OF CAITHNESS.

The Charter-chest of the Earls of Sutherland and its contents seem to have been subjected to more vicissitudes than usual with family writs. A great gap certainly occurs in the continuity of the feudal progresses of the writs of Sutherland from the time of King William the Lion through several generations of the Scottish sovereigns, for which it is not easy to account after the lapse of time. But it may be interesting to mention here some of these vicissitudes of the Sutherland muniments.

During the minority of Alexander, the eleventh Earl of Sutherland, or about the year 1577, Sir Robert Gordon tells us that the Earl of Caithness endeavoured to destroy the family writs. He purchased the right of guardianship over the young Earl, and for some time resided with his family at Dunrobin. There, it is said, he did "burne and destroy all the infeftments and evidents perteyning to the house of Sutherland which he could find within the cuntrey, becaus they semed to advance the honor and profite of that familie."¹ It

¹ Genealogie of the Earls of Sutherland, 1813, pp. 151, 152.

would appear, however, that the tenth Earl of Sutherland, to prevent injury to his writs, had deposited his principal charters in the keeping of his friend, the Laird of Carnegie.

Sir Robert Gordon also states that the writs were restored by Carnegie's successor to himself when he became tutor of Sutherland, for the use of his nephew and ward, John, thirteenth Earl of Sutherland. On this point, however, Sir Robert's memory must have failed him, as we find from a letter to him by his brother the twelfth Earl that the writs were before that time at Dunrobin. The Earl writes from Edinburgh: "As concerning suche thingis as ye wreit wnto me to send yow anent our genelogie, ye knaw I can do lytill in that matter, being still heir. . . . Ye knaw it wilbe hard to try the particular dayis and yeiris of suche affaires, and if I wer at home I knaw ther is amangst the wreittis that wer in Kynnairdis custodie that wald do you goode."¹ It is thus evident that the writs were at Dunrobin some time before Sir Robert Gordon's tutorship began, as the Earl lived for some months after the date of his letter.

The death of the twelfth Earl led to another change in the custody of the Sutherland muniments. Whether Sir Robert, when entering upon his tutorship, was afraid of any harm attending the charters owing to his enforced long absences from Scotland, or whether the change was made for the sake of some special convenience, does not appear. But the Sutherland writs were removed to Kildrummie Castle in Mar, then in the possession of Lord Elphinstone, the brother-in-law of the deceased twelfth Earl. The time of their removal cannot be precisely stated, but in April 1618 Sir Donald Mackay wrote to Sir Robert Gordon that Lord Elphinstone would not meet him in Mar, but had ordered any writs to be delivered to Sir Robert that he pleased, a statement which indicates that the writs were then at Kildrummie.

¹ Holyroodhouse, 23d February 1615. Vol. ii. of this work, p. 115.

So early as the year 1616 frequent references are made to Lord Elphinstone and his interest in Sutherland affairs, especially in cases of litigation, which suggest that he may then have been the custodier of important Sutherland writs.¹ The writs remained at Kildrummie for some time, such papers as were needed by Sir Robert being taken out upon receipt.² Sir Alexander Gordon of Navidale wrote to his brother Sir Robert in June 1628 expressing anxiety about the Charter-chest, which was still at Kildrummie. One of the young Earl's curators, James Elphinstone of Barns, had died; and though the Master of Elphinstone had promised to be answerable for the care of the writs, Sir Alexander urges his brother to advise "quhat best cowrs to take thairwith, seing it is ane mater off so gryt importans."³

About that time Lord Elphinstone had to surrender the castle of Kildrummie to John, Earl of Mar, when the Sutherland writs were apparently transferred to Lord Elphinstone's house in Stirlingshire. But in October 1640 they were again at Dunrobin, though in great confusion—so much so, that their owner, the thirteenth Earl, wrote to his law-agent that he could get no writs out of his "charter kist" till "it be red up, and that I have some understanding man by me to drawe up ane inventar off the wryts."⁴ Even then it would appear that some of the Earl's valuables remained at Elphinstone, as Airth was then called.

Some injury to the Charter-chest, however, occurred a hundred years later, when the Highlanders under the Earl of Cromartie occupied Dunrobin Castle for some time in March and April 1746. They broke open all lock-fast places, and among other things carried away a number of charters and

¹ Vol. ii. of this work, p. 137. 1st April 1618. Cf. pp. 126, 127, 134, 135.

² Cf. a list of some "Sutherland charters taken from the chest at Kildrummie Castle, 1620, signed by Sir Robert Gordon and his

brother Sir Alexander Gordon," in Sutherland Charter-chest.

³ Vol. ii. of this work, p. 147.

⁴ Vol. i. of this work, p. 232; cf. also p. 278.

papers of importance, one of which, a sasine of the year 1573, fell into the hands of Mr. James Fraser, minister of Alness in Ross, many miles away from Dunrobin, and was restored to the Earl of Sutherland.¹ Probably other writs also were scattered abroad, and restored in a similar manner.

Yet, notwithstanding all the changes of custody and vicissitudes above related, the contents of the Sutherland Charter-chest are, as regards the older writs, practically the same as when Sir Robert Gordon was tutor of Sutherland. He made more than one list of the principal documents belonging to the Earls of Sutherland, and the writs mentioned in these are all now in the charter-chest and are printed in another volume of this work, with a few exceptions, which appear really to belong to other charter-chests. These were noted by Sir Robert Gordon, not as being in the Sutherland Charter-chest, but only as being producible to prove the precedency of the title of Sutherland over that of Caithness.² Even the agreement with the Earl of Caithness in 1516, the original of which Sir Robert Gordon declares was destroyed with other writs in 1577, appears in the form of a contemporary copy, which still exists to show the terms of the transaction. Further, in regard to the Sutherland writs after Sir Robert's time, and which might have suffered, as indicated, in 1746, there is evidence that they also have been preserved. An "Inventory of Writs of the Earldom of Sutherland," printed in 1813, in which the last entry is of date 27th May 1707,³ contains all the writs as now printed with the above exceptions, thus showing that, whatever may have happened before the time of Sir Robert Gordon, since his day the Sutherland writs have successfully survived their various adventures and changes of custody.

¹ Vol. i. of this work, pp. 422, 423; vol. ii. pp. 261, 262.

vol. iii. of this work, pp. 192-195; cf. also pp. 11, 17, 24, 33, 37, 67, 72.

² Genealogy, etc., Ed. 1813, pp. 426-432;

³ Genealogy, etc., Ed. 1813. Appendix II. pp. 566-572.

X. THE "REGISTRUM HONORIS DE SUTHERLAND" PROPOSED BY
MR. COSMO INNES IN 1848.

At the request of the second Duke of Sutherland, the late Mr. Cosmo Innes made an inspection and general arrangement of the Sutherland muniments at Dunrobin. No catalogue or inventory of them was then made, and the arrangement and docqueting of bundles was not very complete. Mr. Innes had in his mind at the time a scheme for a "Registrum Honoris de Sutherland," and soon after his return from Dunrobin he submitted it to the Duke. The proposal so submitted was very comprehensive, and the work would have been one of great value for the family. The idea was suggested by the "Registrum Honoris de Richmond," published by R. Gosling, London, in 1722, which contains the genealogies of the Earls of Richmond after the conquest of England, and many muniments relating to them. The scheme of Mr. Innes, with his explanatory letter to the Duke, was transmitted by the latter to Mr. James Loch, his commissioner, for his consideration. Mr. Loch reported that "it would form a work of intense interest, and would supply a very important gap in the history of the North of Scotland." He added that "some book of the sort would be an addition to the antiquarian history of Scotland which is never likely to occur if not now done. . . . You see how the original sin creeps out. You must not be influenced by what I am now going to say, that it would be a comfort to the rest of my life to think that such a work was likely to be produced."¹

About the same time Mr. Innes edited for the Bannatyne Club the "Registrum Honoris de Morton," which includes the ancient charters and correspondence of the Douglas Earls of Morton. That work was projected by Mr. Thomas Thomson, sometime Deputy Clerk Register of Scotland, who intended to

¹ Original proposal by Mr. Innes, and relative letters by him and Mr. Loch, at Dunrobin.

include in it a dissertation on the great house of Douglas. But this was never completed by him. In his preface to the Morton Book Mr. Innes referred to several prominent members of the Morton-Douglas family, but does not include in the work any detailed history of that historical branch of the illustrious house of Douglas.

The proposal made by Mr. Innes was, as we have seen, carefully considered by the second Duke of Sutherland, and heartily recommended by his commissioner Mr. Loch, whose eagerness for the preparation of such a work is very apparent in his correspondence. The projected work, however, was not authorised at the time of its proposal, although it was not abandoned, but merely delayed. After the second Duke had passed away, and also his commissioner, Mr. James Loch, they were succeeded in their respective positions by their eldest sons. The Marquis of Stafford became third Duke of Sutherland, and Mr. George Loch succeeded to his father's position as commissioner on the Sutherland estates. The third Duke, with the approval of Mr. George Loch, was pleased to intrust to me two separate family histories—one on the Earls of Sutherland, and the other on the Earls of Cromartie, who were represented by the late Anne, Duchess of Sutherland, created Countess of Cromartie, Viscountess of Tarbat, etc., in her own right. The Cromartie Book was completed by me in the year 1876, in two large quarto volumes, profusely illustrated with family portraits, facsimiles of ancient charters and correspondence, and views of castles, mansions, etc. And now, after an interval of sixteen years, a delay for which I am not altogether responsible, the Sutherland Family History has been completed in three quarto volumes.

The FIRST VOLUME includes the HISTORY of the SUTHERLAND FAMILY, from Freskin, their first known ancestor in the twelfth century, down to his lineal descendant and representative, Lady Elizabeth, Duchess-Countess of Suther-

land. It also contains detailed genealogies of the Sutherland family down to the present day.

The SECOND VOLUME contains a selection from the CORRESPONDENCE of the Sutherland family. The first letter is one by King Edward the First of England to William, second Earl of Sutherland, thanking him for his good faith and good will, dated from St. Andrews, 4th April 1304. There are many other royal letters in the collection, including among the writers Mary of Guise, Mary, Queen of Scots, Queen Elizabeth, Kings James the Sixth, Charles the First, Charles the Second, William the Third, George the First, and William, Duke of Cumberland. Besides these there are the separate sections of the State and Official Letters and the Family and Domestic Letters. One of the most remarkable letters in the latter class is the letter of advice by Sir Robert Gordon, the historian, to his nephew, the thirteenth Earl of Sutherland, which, for worldly wisdom, emulates the Proverbs of Solomon. The printed CORRESPONDENCE comprises three hundred and forty-seven letters in all, among which are several by Sir Walter Scott and two by the first Duke of Wellington.

The THIRD VOLUME of this work is a selection from the SUTHERLAND CHARTERS, which extends in all to one hundred and forty-three writs, and embraces several by King William the Lion and King David the Second. Facsimiles of some of these are given as illustrations in the volume. An abstract in English of each charter is given at the beginning of the volume, and at the end of it there is an INDEX, comprehending the names of all persons and places mentioned in the three volumes.

In the course of the present Introduction allusion has been made to the vast expenditure of the three Dukes of Sutherland in the improvement of the Sutherland estates by railways, reclamations, harbours, and various other ways. When urging the necessity for the establish-

ment of a Highland book-club at Inverness, a late member of parliament, and author of several valuable books connected with that district, referred to the literary contributions by the Sutherland family as having been "princely." He added: "But there are yet at Dunrobin, as well as at Tarbat," and other places specially referred to, "treasures of papers." The charter treasures at Tarbat were opened up to the public in the two volumes of "The Earls of Cromartie," as previously explained; and the charter treasures at Dunrobin being now also made available to the public through the present three volumes, it is hoped that they may be as indulgently received as the former literary contributions of the Sutherland family, to which reference has been made.

In the preparation of the present work much valuable assistance has been afforded in every department of it by many friends, to whom my best thanks are due. In the "Earls of Cromartie," in 1876, I acknowledged the service which I received in that work from the Rev. Dr. Joass of Golspie, who is well known for his great learning in connection with the history and antiquities of Sutherland and the other northern counties. Again, in the present work, Dr. Joass has generously given the benefit of his learning and knowledge by a careful revision of all the memoirs of the Sutherland family which are contained in the first volume. He has also materially assisted in the selection of the charters and correspondence in the charter-room, which form the subject of the second and third volumes.

WILLIAM FRASER.

EDINBURGH, 32 CASTLE STREET,
1892.

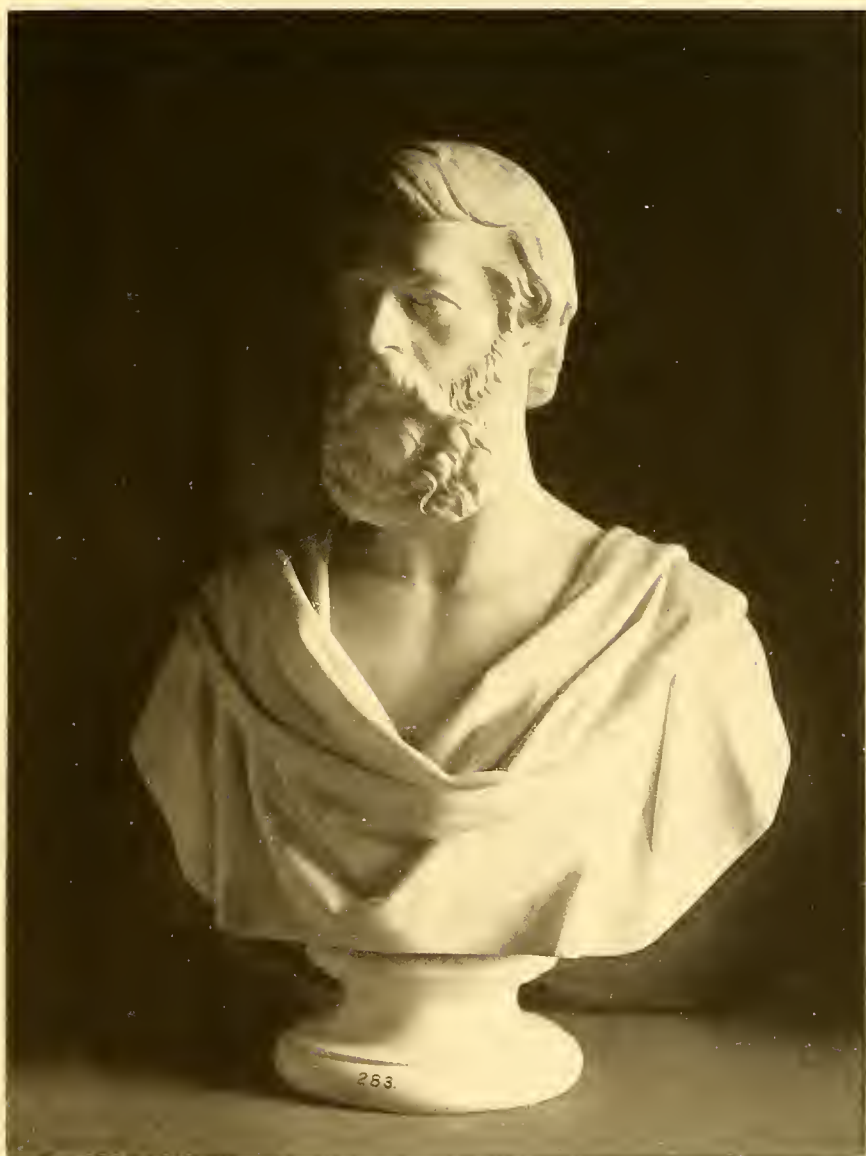
DEATH OF THE THIRD DUKE OF SUTHERLAND.

POSTSCRIPT.

THE foregoing Introduction was written by me in September 1892. On the 16th of that month I was able to write to the Rev. Dr. Joass, for the information of his Grace the Duke of Sutherland, who was then at Dunrobin Castle, that the family book was now practically completed in so far as I was personally concerned. On the day following my communication I went to one of the southern counties of Scotland to organise a family history similar to that of Sutherland. Within a few days, while I was actually engaged in that new work, I received a letter from Dr. Joass, giving me the sad account of the sudden death of the Duke on the 22nd. The event naturally created a great gloom, not only over the whole north of Scotland, with which the Duke was so intimately connected, but also in the southerly portion of the kingdom.

During my intercourse with his Grace, as well in reference to the Cromartie Family History as to that of Sutherland, he always extended to me great courtesy and consideration, and the most generous confidence in intrusting to me his valuable muniments. In the year 1875, when I was at Dunrobin investigating the charter-room there, and other rooms in the Castle into which I thought it possible documents might have strayed, his Grace often said to me, "Be sure that you get everything you want;" and he always expressed satisfaction with my work both to myself and to others.

WILLIAM FRASER.



anointing shall not be neglected." He afterwards reported to her ladyship their progress, which he appears to have watched with interest. On different occasions Sir Walter sent copies of his poems to the countess, and he also corresponded with her about his son-in-law, who was, in 1825, anxious to obtain the sheriffship of Sutherland. Speaking of Mr. Lockhart, he says, "Lady Sutherland would be gratified with his acquaintance, as he is perfectly a gentleman, and with a very uncommon share of talent and information." But on 5th November 1825, Sir Walter intimates to her Mr. Lockhart's acceptance of the management of the Quarterly Review, the appointments of which were about £1500 yearly, as well as securing favourable openings for professional employment. In this letter he mentions a visit he had from Tom Moore, the poet. There are also repeated references in Sir Walter's Journal to Lady Sutherland, and to his visits to her.

In 1826 Lady Sutherland and her husband, on the occasion of their visit to Dunrobin, received a piece of plate, and an address from the tenantry of the ten parishes of the county of Sutherland. The piece of plate, which cost eight hundred guineas, subscribed in small sums, had the following inscription:—

"This piece of plate was presented to the most noble George Grauville, Marquis of the county of Stafford, K.G., and Elizabeth, Marchioness of Stafford and Countess of Sutherland, on their return to Sutherland, in June 1826, by the tenantry of the earldom of Sutherland, amounting to one thousand two hundred and ten, in testimony of the attachment of a people advanced to independence, industry and comfort, and supported amidst the calamities which oppressed agriculture by the wisdom, the justice and the generosity of their beloved landlord."

The address, which accompanied the plate, after congratulating Lord and Lady Stafford on their return to Sutherland, proceeds:—

"When your ladyship succeeded to these domains, you found it without roads, without a regular post, without a single harbour, nearly without houses, without trade, the people bound to indefinite service, and the rents payable beforehand at Whitsunday

and Martinmas, the first half for the crop scarcely sown, the last half for the crop scarcely secured in harvest, far less converted into money. We who are Lord Stafford's and your ladyship's tenants now find, thro' the wisdom and magnanimity of your ladyship and your illustrious lord, roads made, the mail coach established, harbours built, trade flowing in upon us, the people lodged in comfort, their children educated, services abolished, leases conferred, and rents postponed and abated according to a just and generous standard. By all which means, stimulating us to successful industry, we and our families are preserved from the calamities which oppress agriculture in every other part of the united kingdom. We cannot be blind to Lord Stafford's and your ladyship's goodness, which, setting your people free from so many disadvantages, has bound their hearts with the ties of sincere gratitude and attachment, as a humble expression of which we request that you will do us the honour to accept the piece of plate which accompanies this address." ¹

The address and names are written on four large skins of parchment. There are eight columns on each skin for the ten parishes represented in the address, the first and last column each containing two parishes. There are upwards of twelve hundred signatures of tenants appended to the address, which, with the piece of plate, was presented at a suitable entertainment, and congratulatory speeches made. The proceedings of the tenants in this matter could not fail to encourage the countess and her husband with regard to the estate improvements which they had carried out, and which were now shown to be appreciated by those whom they had designed to benefit.

The coronation of King William the Fourth and his consort took place at Westminster on 8th September 1831. Lord and Lady Stafford were present at a ball in honour of the occasion, given by the king in the evening. At the ball Lady Harriet Gower sat next Lady Stafford, and Lord Byron between Lord Gower and Lord Stafford.²

The year following, Lady Stafford and her husband, notwithstanding

¹ Address in Sutherland Charter-chest.

² Stafford House Letters, edited by Lord Ronald Gower, p. 165.

his delicate health, resolved to spend the summer at Dunrobin. As he was unable to travel any other way, they chartered a steam vessel, and sailed on the 30th of June, resolving to remain at Dunrobin till September. Lady Stafford writes to Mr. Sharpe, "I am glad to go on any terms, though I regret the loss of the land journey, and of being a few days in Edinburgh, which I should have liked, but willingly submit to the privation, in order to get to Dunrobin."¹ Mr. Sharpe, writing to a lady in August, says—

"Lady Stafford had an alarming adventure on her landing : immediately after her leaving the steam vessel, two people in it died of cholera ; but though she had a great train of servants, nothing fatal has taken place at Dunrobin—a great miracle and mercy, doubtless, though I still have my own fears, which I did not choose to express to her friends when here."²

The fears of Mr. Sharpe were happily not realised.

The high character and position held by the Marquis of Stafford led King William the Fourth to raise his lordship to the rank of a duke in January 1833. The king conferred the new honour in the most gracious manner, and his majesty's prime minister, Earl Grey, announced it with the greatest pleasure. The latter asked Lord Stafford the title which he might wish to take. To this request his lordship at once replied : "If I may be allowed to take the title of Sutherland, I should prefer it to any other, on account of my possessing much more extent of property there than elsewhere."³ The title of Duke of Sutherland afforded general satisfaction, and many hearty congratulations were offered to the duke and duchess. The following is the official announcement of the creation which appeared in the London and Edinburgh Gazettes of 15th and 18th January 1833 respectively :—

¹ Charles Kirkpatrick Sharpe's Correspondence, vol. ii. pp. 460, 461.

² *Ibid.* p. 463.

³ Correspondence at Dunrobin.

“Whitehall, January 14, 1833.—The king has been pleased to direct letters patent to be passed under the Great Seal, for granting the dignity of Duke of the United Kingdom of Great Britain and Ireland unto George Granville, Marquess of Stafford, Knight of the Most Noble Order of the Garter, and the heirs-male of his body, lawfully begotten, by the name, stile, and title of Duke of Sutherland in that part of the said United Kingdom called Scotland.”

The Duke and Duchess of Sutherland again resolved to spend the summer of this year, 1833, at Dunrobin, whither they went. Upon their arrival the burgh of Tain presented an address to the duke congratulating him and the duchess on the honour so recently accorded them. The address is in the name of the provost, magistrates, and town-council of the burgh, and of the heritors, householders, and other inhabitants. It refers to the duke's being pleased to consider the burgh worthy of his regard by having lately made an extensive acquisition of property within its precincts, an event which they considered promised well for the future of the community, as, when they contemplated the improvements which had taken place in the county of Sutherland, they deemed it impossible to doubt that the burgh of Tain would eventually participate in the advantages which must necessarily flow from the exercise of so beneficent an influence similarly applied to property situated within its royalty. The address concludes with the prayer that the duke and duchess might continue to enjoy their distinguished rank.¹

So far as the Duke of Sutherland was concerned the desire just alluded to was not to be fulfilled. His grace died at Dunrobin on 19th July 1833, and was buried in Dornoch Cathedral. The number of persons gathered to witness or take part in the funeral was estimated at upwards of ten thousand. Every honour was paid consistent with that absence of pomp and pageantry which his grace had expressly desired.

¹ Original address in Sutherland Charter-chest.





The death of the duke was a severe affliction to the duchess countess, as they had been partners in life for the long period of forty-eight years—almost half-a-century. A letter from her daughter-in-law, the Marchioness of Stafford, written to the duchess after the event, is expressive of the tender sympathy which was felt for her grace :—

“However prepared, the shock and emotion that your dear and valued letter caused has been very great. I long to hear that your health has not suffered from the exertions that are made while life lasts, and by the misery that death must cause. My dearest duchess, it is comforting to think that he died in your arms, and that the struggling spirit is at peace. I have copied your letter for Elizabeth, for I could not part with it ; and I have written to Francis. God bless you, dearest. I regret very deeply that George and Charlotte could not be with you at such a time.”¹

Other family letters relating to the bereavement are printed in the Stafford House Letters, and need not be quoted here. The people of Tain agreed to the cessation of all business in the burgh on the day of the funeral by shutting their shops and public offices between the hours of one and three o'clock, the time when the remains of the duke were conveyed to Dornoch Cathedral, and there consigned to the tomb. A minute of agreement to this effect, bearing forty-four signatures, and dated 30th July 1833, is in the Sutherland repositories. The duchess, before her death, desired her son, the second Duke of Sutherland, to erect a statue of his father in the choir of Dornoch Cathedral. This he afterwards carried out.²

Upon the death of the Duke of Sutherland, George Granville, his eldest

¹ Stafford House Letters, p. 178.

² On the pedestal of the statue is inscribed the following—“This statue was erected by George Granville Sutherland Leveson Gower, second Duke of Sutherland, K.G., in pious recollection of his father’s memory, and in fulfilment of his mother’s wishes, to George Granville Leveson Gower,

first Duke of Sutherland, K.G., who was born in London, IX January MDCLVIII, and who died at Dunrobin XIX July MDCCCXXXIII, amidst the universal grief of his Scottish and English tenantry, who have testified their attachment to him by the erection of monuments to his memory in the counties of Stafford, Salop, and Sutherland.”

son, succeeded him in his title and estates as second Duke of Sutherland. The duchess countess, however, besides retaining her own estates in Sutherland, had also the liferent of the whole of the estates in Scotland purchased by the duke, her husband. When her son, the Duke of Sutherland, and his sister, Lady Charlotte, arrived in the north after the decease of their father, they persuaded the duchess countess to continue at Dunrobin during the summer instead of leaving it with the intention of returning in the autumn. The duke was able to report that she was as well as he could expect, but that the shock had affected her very much. The kind feeling and excellent conduct of the people on her estates had a great effect in soothing her affliction. The duke acknowledged that their sympathy had been very remarkable.¹ At the close of the year her grace was at Trentham for several weeks, and afterwards at London. Soon after this she took for her London residence a mansion in Hamilton Place, where she continued to reside, when in London, until her death. The year after her husband's demise she intimated her purpose to restore the west aisle in Dornoch Cathedral which had been long in ruins, and to make it serviceable for public worship.² She also undertook to repair the other aisles of the cathedral in which the poor were to be provided with free sittings. The whole work was to be proceeded with in the spring of 1835.³

The duchess countess had great comfort and happiness in her family, whom she saw well settled in the world, and between whom and herself there was much affection. She survived her husband six years, and died, after a brief illness, at Hamilton Place, on the evening of Tuesday, 29th

¹ Charles Kirkpatrick Sharpe's *Correspondence*, vol. ii. p. 464.

² On a slab in the nave there is the inscription—"This antient cathedral having fallen into decay and ruin, was re-edified,

decorated and restored to religious service by Elizabeth, Duchess and Countess of Sutherland, in the year MCCCXXXV, VI and VII. The Lord is in His holy temple.—PSALM XL."

³ *New Statistical Account*, vol. xv. p. 13note.



January 1839, in the seventy-fourth year of her age. Her son, the Duke of Sutherland, who, with his wife, was at the time at Rome, was apprised of her illness by herself and by Mr. Loch. After her death, Lady Charlotte, Duchess of Norfolk, wrote to her brother, the Duke of Sutherland, and her letter discloses somewhat of the private life and character of the duchess countess, and the affection for her which prevailed in her family :—

“MY DEAR GEORGE,—I open this to say something from myself which I am sure will be a very consolatory accompaniment to what you will hear from Mr. Loch, for I doubt not you will feel or think, as I do at this moment, that one should have done more if one had it to do again. I suppose everybody feels so when they lose a dear relation. She expressed but the other day to her maid (having herself from the beginning believed this to be her last illness) how fortunate she was and happy in her children being all good and affectionate ; and to Mr. Loch at Dunrobin, how glad she felt it was to go to one after her who she was in every way so pleased with, and who would do it justice. She said to me the evening I arrived, before the wandering came on, that she thought she would not recover, that it was very well that it should be so, for she had had a long spell of life, and was perfectly ready to go ; that she left her family all in best possible condition, and all friends with no chance of their being otherwise. A more entirely easy, placid, contented and serene last illness never can have been. The beauty of her character has shone conspicuously in it—never one word of complaint, or impatience, but as long as the power of speech remained always something considerate and kind to say to everybody that came near, and always the most gracious pleasing way with regard to every thing that was done for her. It is evident, as Lady Clarendon observed to me, how beloved she is by her servants of every degree. The queen has been very kind in sending to enquire.”¹

The duchess countess having expressed a desire that she might be buried in the same vault with her husband and a long line of ancestors, her remains were removed from Hamilton Place on Saturday morning, 9th February, and conveyed by steamer to Aberdeen, where, on their arrival on Monday the 11th, in the morning, amidst the tolling of the church bells, they were placed

¹ The Stafford House Letters, p. 249.

in a hearse drawn by six horses and brought to Dornoch Cathedral, in the choir of which they were interred.¹ A mural tablet, subsequently placed there, bears an inscription which narrates the chief events of her life, and concludes with the words—

“Eminent in the exercise of a strong intelligence, and excelling in various accomplishments, she enjoyed, through a long life of energy and usefulness, the admiration and love of her family and friends. She died in London, XXIX January MDCCCXXXIX, having on her death-bed desired that her remains might rest by the side of her husband in the cathedral church of Dornoch, the burial-place of her ancestors.”

Of the marriage of Elizabeth, Duchess Countess of Sutherland, and George Granville Leveson Gower, first Duke of Sutherland, there were, besides three sons, who died young, four surviving children, two sons and two daughters. These, with their descendants, are given in the tabulated genealogy.

¹ The Edinburgh Evening Courant, February 7, 1839; The Caledonian Mercury, Edinburgh, February 14, 1839.

Elizabeth

G. Gower

Gower



HISTORY OF THE EARLS AND EARLDOM OF SUTHERLAND

I.—FRESKIN, THE FIRST KNOWN ANCESTOR OF THE SUTHERLAND FAMILY.

c. 1130-c. 1153.

THE long ennobled and illustrious family which takes its surname from Sutherland is more fortunate than many other noble and baronial houses of Scotland. Its high antiquity and splendid lineage are established in an unbroken line from the days of King David the First in the twelfth century, while the dignity of Earl of Sutherland is nearly contemporary with the first known ancestor of the family. The earldom was created by King Alexander the Second of Scotland about the year 1235, and has long been recognised and ranked as the most ancient in that kingdom.

The earliest historian of the Sutherland family was Sir Robert Gordon of Gordonston. He was the second surviving son of Alexander, the eleventh Earl of Sutherland, and his history of the family, after many years of labour, was finished in the year 1630. A contemporary copy of the original manuscript is still preserved at Dunrobin, along with a later copy from which the printed edition of 1813 was made, and a continuation of the history down to the year 1651 by Gilbert Gordon of Sallachy. Sir Robert Gordon's book is a well-known historical and genealogical work, and has been largely quoted by later historians.

In regard to the earlier generations, and especially as to the origin

of the family of Sutherland, Sir Robert Gordon does not escape from the prevailing fault of the historians of his day. In his desire to assign a greater antiquity to the family than that which they have from the twelfth century, he ventures far beyond the domain of authentic record. He tells us that in the year A.D. 63 a "certain people called Morrayes," expelled from Germany, arrived in the Firth of Forth, and finding favour in the eyes of Corbred, king of Scotland, were settled in the region between the Spey and the Ness, thereafter called Morayland from its inhabitants. Thirty years later, in A.D. 91, another company of Germans arrived, who received lands to the north of Morayland, and gave their own name to the locality, calling it Cattey. But as they were of the same kin as their predecessors in Morayland, these Cattean Germans were also in time styled Morrayes, and "divers thaines and cheiftaynes of that stok and surname did successivelie governe and rule ther, one efter another."

Sir Robert further relates the story of an Alan, Thane of Sutherland, who was killed by Macbeth, and a Walter, Earl of Sutherland, who was created by Malcolm Canmore. But these are fabulous, and must be discarded from the true history of the Sutherland family.¹ Their earliest known ancestor was FRESKIN, who under King David the First, in the twelfth

¹ Lord Hailes, in writing his additional case against the claim of Sir Robert Gordon of Gordonston to the Sutherland peerage, 1766-1771, refers to this in letters to the family law agent. He says:—"There is a passage in our case about the Thanes of Sutherland and Earls of Sutherland created by Malcolm Kanmore. It is an unlucky one, and is more so, because I remember it was taken from the first draught, and it never was my opinion to use it." And again he says—Sir Robert Gordon (the claimant) has "found it more for his account to argue

upon our foolish theory of Thanes of Sutherland afterwards made earls by Malcolm III. For my own part I am satisfied that there was no *comitatus* of Sutherland till well on in the reign of Alexander II. Nothing has given me more trouble than to change our ground in that particular. Great part of the learning in Sir Robert Gordon's Case is bestowed upon our concession about thanes and earls. Our cause was murdered in the beginning of that century." [Original letters to Mr. Alexander M'Kenzie, clerk to the Signet, in October 1770, in Sutherland Charter-chest.]

century, held the barony of Strabrock in West Lothian, with Duffus and other lands in Morayshire. To these possessions his son William succeeded, and to him King William the Lion confirmed them by charter on the same terms as his father Freskin held them under King David.

In the history given in Nisbet's *System of Heraldry*, of the family of Murray, Earls, Marquises and Dukes of Athole, who were descended from William, son of Freskin, the writer states that the charter included the lands of Strabrock, Duffus, Roseile, Inchikel, Macher, and Kintrai, "*quas terras pater suus Freskin tenuit tempore regis David avi mei.*" The charter has no date, but must have been granted between 1165 and 1171, as Felix, bishop of Moray, who died in 1171, is a witness. To authenticate his description the writer states that the charter was under the great seal of King William the Lion, and adds:—"The original charter I have seen, and copied it from the original in the custody of Dame Katherine Stewart, Lady Cardross, who was proprietor of the lands of Strabrock, as is also her son, the present Earl of Buchan, who has still the charter in his charter-chest."¹

The learned editor of the *Cartulary of Moray*, which was presented in the year 1837 to the Bannatyne Club by the first and second Dukes of Sutherland, specially refers to this charter as affording direct evidence that William was the son of Freskin, and that Freskin himself was the first known ancestor of the Sutherland family. Mr. Innes says, "*Willielmus filius Freskin* witnessed a charter granted by Malcolm IV. to Berowaldus Flandrensis of the lands of Innes at Christmas 1160. Between 1162 and 1171 he obtained a charter from that king of the lands of Strabrok, Duffus, Rosile, Inchikel, Macher and Kintrai, '*quas terras pater suus Freskin tenuit tempore regis David avi mei.*'" In a footnote Mr. Innes adds,—"*This charter certainly existed in the middle of last century in*

¹ *A System of Heraldry*, by Alexander Nisbet, Ed. 1804, vol. ii., Appendix, p. 183.

the charter-chest of the Earl of Buchan, the proprietor of the lands of Strabrok in Linlithgowshire. Though now missing, it is still in the inventory of his lordship's title-deeds, and it was seen and copied by Nisbet, from whom the words above are quoted [Nisbet, Appendix, p. 183].” In these quotations, Mr. Innes correctly states the terms of the charter, and the proper place of its deposit—the charter-chest of the Earl of Buchan, the earl being then owner of the lands of Strabrock. Mr. Innes has, however, inadvertently stated that the charter was granted by King Malcolm the Maiden, instead of his brother, King William the Lion.¹

As already indicated, Mr. Innes supposed the description of that important charter to be written by Nisbet himself. In the preface to the second edition of Nisbet's work, it is explained that many memorials of private families are printed in the work, which neither “Mr. Nisbet nor the publisher are any ways answerable for. They must stand upon the faith of those who gave them in, and the vouchers they adduce for their support.” But, from a knowledge of his style, we have no hesitation in saying that the history of the Murray family and the special notice of the charter in question were written by George Crawford, author of the “Pecrage,” “Officers of State,” etc., and may be relied upon as accurate. From its importance in establishing Freskin as their first known ancestor, this charter by King William the Lion must be said to be the foundation charter of the Sutherland family.

Freskin had three sons, from one of whom, Hugh, is descended the family of Sutherland. Of him a memoir follows.

¹ This is not the first instance in which Mr. Innes has been unfortunate in his reference to King Malcolm the Fourth. In the translation of the famous charter by that king to the abbey of Kelso, Mr. Innes makes King David uncle to Malcolm instead of grandfather. [National MSS. of Scotland, Part i. No. xxxii.]

II.—HUGH FRESKIN, FIRST OF SUTHERLAND. C. 1171-C. 1214.

AS Hugh Freskin was the first known owner of the territory of Sutherland, and the direct and immediate ancestor of the Sutherland family, it was natural to expect that Sir Robert Gordon would give a full and detailed account of him. Sir Robert, indeed, does devote a full chapter to "Hugh Sutherland, Earl of Sutherland, nicknamed Freskin," under the eighth section of his history, but only a small portion is pertinent to Hugh Freskin.¹ The writer was ignorant of the existence of Freskin, the father of Hugh Freskin, and places the latter immediately after Robert, the second earl, as the third earl, implying that he was the immediate successor of Robert, the second earl. But this Robert, his title of Earl of Sutherland, and the title of earl assigned to Hugh Freskin, are all alike apocryphal.

Hugh Freskin first occurs as a witness to a grant by Robert, bishop of St. Andrews, in favour of Herbert, bishop of Glasgow, of the church of Lochorwart, now Borthwick, in Midlothian. This charter was made in presence of King David the First, his son Prince Henry, and a large number of clergy and barons; Hugh, son of Freskin, being the last person named.² In a charter by King William the Lion of the church of Kingussie, two of the witnesses are Hugh Freskin and William his brother.³ In another charter by King William the Lion to the abbots and monks of Kinloss, of the lands

¹ The larger portion of Sir Robert Gordon's chapter on Hugh Freskin is occupied with notices of Bertram, or Bertrand Gordon, and Roger Gordon, his father, who were concerned in the killing of King Richard the First of England. Sir Robert Gordon was very partial to all of the name of Gordon, and he omits no opportunity of introducing them into the history of the Sutherland family,

centuries before the real connection with the Gordons was formed by the marriage of Adam Gordon of Aboyne to the heiress of Sutherland.

² *Registrum Episcopatus Glasguensis*, vol. i. p. 13. This charter must have been granted before 1152, when Prince Henry died.

³ *Registrum Moraviense*, p. 14, No. 19.

of Strathisla, two of the witnesses are thus designated, "Willelmo filio Freskyn, Hugone filio Freskyn."¹ These separate and independent charters thus establish that Hugh Freskin was a son of Freskin.

The charter or grant by which Hugh Freskin acquired the territory of Sutherland has not been preserved; but there is evidence still extant to show that he was the owner of that district. He granted to Gilbert, archdeacon of Moray, the lands of Skelbo, Invershin, and Fernebucklyn, which are described as part of the granter's lands of Sutherland, towards the west.² These lands probably included the whole parish of Creich. That charter was confirmed to the grantee by King William the Lion.

Gilbert the archdeacon was a member of the family of De Moravia, and was probably a relative of Hugh Freskin himself, although no relationship is indicated in the grant. It was made to Gilbert, not as representing the church, but as an individual, to himself and to his heirs of his kindred to whom he should give the lands. Availing himself of that destination, Gilbert, when he became bishop of Caithness, granted the lands of Skelbo and others to Richard Moray, his brother.³

In noticing these grants of Skelbo and other lands, Sir Robert Gordon inspected the original charter by Hugh Freskin, and the confirmation of it by King William the Lion, which are still extant among the Earl of Sutherland's writs.⁴ He must therefore have seen that Hugh Freskin is never in any one of these designated Earl of Sutherland, but only and invariably Hugh Freskin, which plainly proves that he never held the title of Earl of Sutherland attributed to him by Sir Robert.

The territory of Sutherland which was possessed by Hugh Freskin did not comprehend the whole, but only a portion of the modern county. From

¹ Shaw's Moray, Appendix, p. 406.

² Vol. iii. of this work, p. 1.

³ *Ibid.* p. 6.

⁴ Genealogy of the Earls of Sutherland, p. 28.

the Norse writers we learn that at an early period the earldom of Caithness, when held by Norwegian earls, included both the modern counties of Caithness and Sutherland. The district known as Sudrland, Sutherland, or the south part of Caithness [Cataibh], was, speaking broadly, that territory which lay south of the great chain of hills which runs across the county from the hill of Ord to Forsinard, and thence westward to Suilven in Assynt. It embraced only the modern parishes of Dornoch, Creich, Golspie, Rogart, Clyne, and Loth, with part of Kildonan and Lairg, thus excluding the districts of Assynt, Edderachillis, Durness, and Strathnaver or Farr, which now form part of the modern county. These parishes are the most thickly populated, and probably in Hugh Freskin's day they represented the more cultivated and civilised portion of the neighbourhood.

We further learn from Norwegian sources that about the year 872 Caithness and Sutherland were conquered by a combination of Norse earls, who also held sway over Ross and Moray. A century later, Earl Sigurd, the Stout, is said to have ruled Caithness, Ross, Moray, and both divisions of the modern Sutherland. He married, as his second wife, a daughter of Malcolm the Second of Scotland, by whom he had a son, Thorfinn. In 1014, on Earl Sigurd's death, Thorfinn, then only five years' old, was made earl of Caithness and Sutherland by his grandfather, King Malcolm, who also assisted him in the government. King Malcolm died in 1034, and his successor demanded from Earl Thorfinn a tribute for his earldom of Caithness. The earl refused, and war broke out. Yet though the district then known as Sutherland was apparently at the time estranged from the earl's allegiance, as the Scottish king was able to raise an army there against him, Thorfinn subdued the country and overran Ross and a great part of Scotland, even, it is said, to Fife.¹

¹ Torfaeus, Book i, caps. 4, 10, 12 and 13.

Earl Thorfinn held all his acquisitions together until his death, the year of which event is variously stated as 1057 or 1064, but after that we learn that many provinces which he had subdued fell off from the authority of his successors, and their inhabitants sought the protection of those native chiefs, who were territorially born to rule over them.¹ One of these districts appears to have been that called Sutherland, as more than once it was overrun by adherents of the Norwegian earls, who were being gradually obliged to confine their dominion to Caithness and the Orkneys. So late as 1136, the inhabitants of Sutherland took part in a war between two competing claimants for the earldom of Orkney, and, in revenge, the country was laid waste in 1139. This date was some years later than the confiscation by King David the First of the Lands of Moray, and it may be that his attention was at the same time directed to the disturbed state of the district of Sutherland. A total absence of authentic information renders it impossible to determine the point, but it is not improbable that King David in his desire to civilise his kingdom, and to form another bulwark against the Norwegian earls, took advantage of the subdued state of Sutherland to plant new settlers there.² Hugh Freskin may, therefore, not have been the first of his family to hold land in Sutherland, although the first on record. His father, Freskin, may have held the territory, insecurely perhaps, but fortified therein by his large possessions in Morayshire, which were more under control. And this may account for the Morayshire lands passing apparently to the younger son

¹ *Collectanea de rebus Alhanicis*, p. 346.

² We learn from the Register of Dunfermline that, between 1146 and 1153, King David had sufficient hold over Sutherland so called as to grant lands near Dornoch to Andrew, bishop of Caithness, to be held by no other tenure

than that of the king's service, which implies that the district was then subject to the Scottish Crown, and not to the Norwegian earls. [*Registrum de Dunfermelyn*, pp. 14, 15.]

of Freskin, the more extensive property in Sutherland being held by the elder. That the Norwegian sagas, or historians, do not take notice of Freskin and his family does not affect the question, as they preserve to us no names of native chiefs or rulers, except two, who seem to have favoured the invaders. A few persons who made themselves obnoxious to the reigning earls are named, but peaceful settlers, however prominent, were not worthy of notice. Besides, the sagas as they approach the end of the twelfth century record events much more briefly, and in many cases show a total ignorance of Scottish affairs.

Lord Hailes suggests that the family of Freskin may have received a grant of South Caithness or Sutherland on the forfeiture of Earl Harald Maddadson in the reign of King William the Lion. But it does not appear that Harald was forfeited. He had occupied the district of Moray, and, about 1196, King William led an army north to the borders of Caithness to drive him out, when Harald, finding himself too weak to resist, submitted, and was permitted to retain half of Caithness, while the other half was given by the king to a younger Harald. In 1202, it is said, Earl Harald, being again threatened with punishment, made a second submission;¹ but in the account nothing is said of forfeiture, nor is there mention of Sutherland as being under Harald's rule. As already stated, that province was never strong in its allegiance to the Norse earls, and was by this time an integral part of the Scottish kingdom.

Hugh Freskin probably died about the year 1214, and was succeeded by his only son, William, of whom a memoir follows.

¹ Hoveden, quoted by Skene, *Celtic Scotland*, vol. i. p. 482.

III.—WILLIAM, FIRST LORD AND EARL OF SUTHERLAND. C. 1214-1248.

HUGH FRESKIN was succeeded by his son William, of whom the earliest notice on record is the charter granted by him under the designation of William, Lord of Sutherland, and son and heir of the late Hugh Freskin. William thereby confirms to Gilbert, archdeacon of Moray, the lands of Skelbo and others.¹ The charter is undated, but it must have been granted before the year 1222, when Gilbert was made bishop of Caithness, his promotion being doubtless due to the influence of his kinsman.

William, Lord of Sutherland, probably attended King Alexander the Second when he marched north in the end of the year 1222 to punish the men of Caithness, who had murdered their bishop. The king and his nobles then honoured with their presence the election of Gilbert de Moravia, the new bishop of Caithness.² It is sometimes asserted that it was at that date that William, Lord of Sutherland, was created Earl of Sutherland, but there is no evidence of this, and it is more probable the creation was made some years later.

According to Bower, the continuator of Fordun, a local rebellion occurred in the district of Moray, headed by a certain Gillescop, who probably claimed descent from a native chieftain. He burned several wooden strongholds and attacked suddenly the mansion of Thomas Thirlstane, baron of Abertarff, whom he killed. He also burned a great part of Inverness, and carried off spoil from the king's lands adjoining that town. King Alexander committed the punishment of this marauder to the Earl of Buchan as justiciary, furnishing him with a considerable force for the purpose. This occurred in the year 1228, and Gillescop, with his two sons, was captured in the following year,

¹ Vol. iii. of this work, pp. 2, 3.

² Fordun & Goodall, vol. ii. pp. 46, 47.

and their heads sent to the king.¹ Chalmers and other authorities state in connection with this rising that "the Freskins . . . probably contributed their assistance" in crushing it. Chalmers adds—"It was on this occasion perhaps that the gratitude, as well as the policy, of Alexander the Second thought fit to raise William Freskin to the dignity of Earl of Sutherland, in order to balance the power or overawe the turbulence of the Earl of Caithness."² But in the narrative of Bower nothing is said of any share in the matter taken by any one save the king and the Earl of Buchan. The Lord of Sutherland as a vassal of the king may have been called upon to aid the justiciary, but there is no evidence on the point.

Another hypothesis as to the date of the creation of the earldom of Sutherland is that it was granted to William, the son of Hugh Freskin, after the death in 1231 of John Haraldson, the last of the ancient Earls of Orkney and Caithness. An account of the Earls of Orkney, dated about 1443, states that Earl John was succeeded by Earl Magnus the second, from whom Alexander, King of Scots, took the earldom of Sutherland.³ "It is," says Lord Hailes, "the opinion generally received that Alexander II. granted the earldom of Caithness to Magnus, the second son of Gillibrade, Earl of Angus, in 1222."⁴ Sir James Dalrymple also states that the earldom of Caithness was given to Magnus, son of Gillibrade, Earl of Angus.⁵ John Haraldson, Earl of Caithness, died in 1231, and was succeeded by Magnus, a son of the Earl of Angus, not however of Earl Gillibrade, but of Earl Malcolm, who became Earl of Angus before 1226. Earl John Haraldson had issue one daughter, who was given into the custody of King William the Lion as a hostage for her father's good behaviour. Her name is said to

¹ Fordun a Goodall, vol. ii. pp. 57, 58.

² Caledonia, vol. i. p. 606.

³ Liber Insulæ Missarum, pp. liii, liv.

⁴ Annals, vol. i. p. 148. Lord Hailes, how-

ever, admits that the date 1222 must be erroneous, and he expresses his sense of the obscurity of the whole subject.

⁵ Historical Collections, p. lxxiii.

have been Matilda, and it is possible that she was married to Malcolm, Earl of Angus, and that Magnus was her son. Magnus, however, may have been her husband, but in any case, whatever claim he had to the earldom of Caithness arose through her.¹

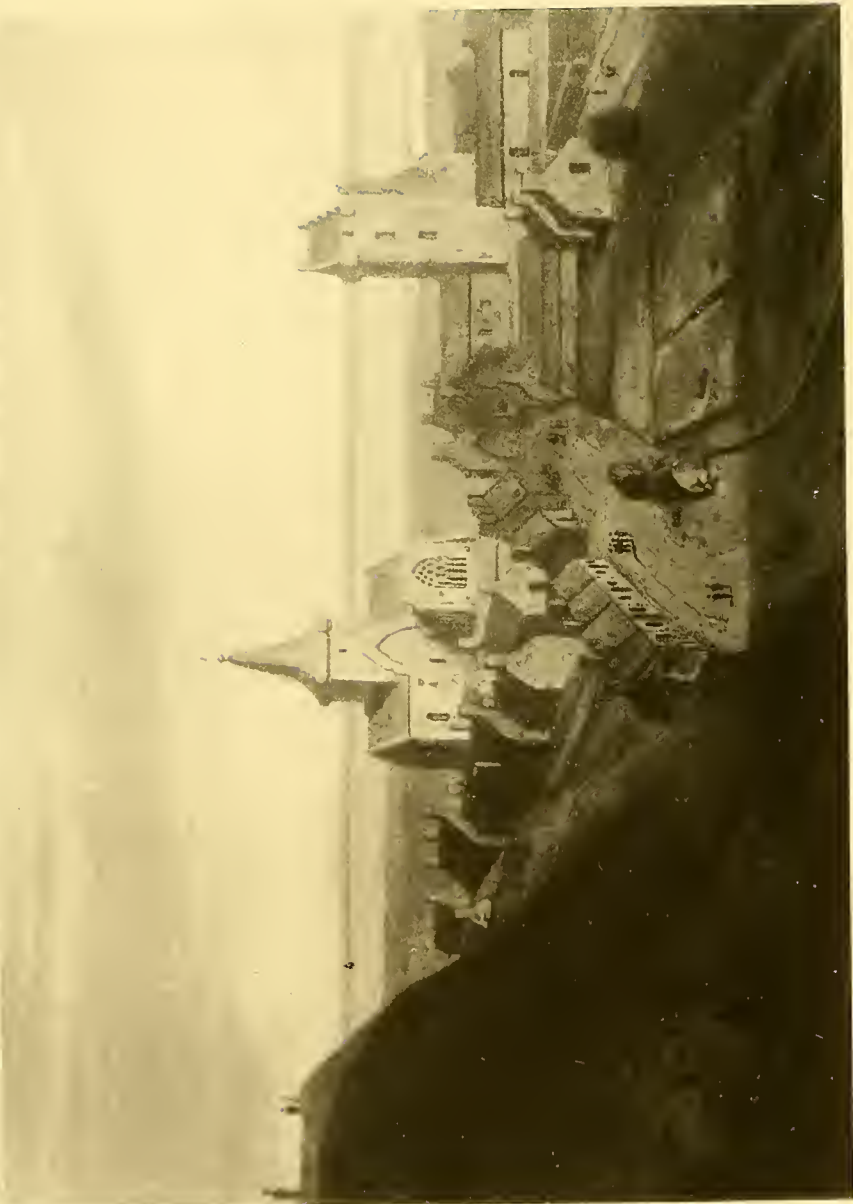
But though King Alexander the Second thus created or accepted Magnus as Earl of Caithness, it cannot be said that he deprived him of the earldom of Sutherland. The territory known by that name had, as already shown, long passed from the allegiance of the Norwegian earls, and had been in the possession of Hugh Freskin and his son William for some time. It is probable that it was at this period that King Alexander conferred the title of earl upon William, Lord of Sutherland. He may have thought it well to consolidate power in the hands of a family who had always been attached to the Crown, and he no doubt considered the occasion favourable for defining the separate territories of Sutherland and Caithness. But, be this as it may, the creation of the earldom of Sutherland may be held as having been made in the year 1235, and the grantee enjoyed it for the following thirteen years till his death in 1248. No patent or charter of creation of the earldom has been traced amongst the family muniments, though these include a few charters of lands of an earlier date, and the want of it gave rise to a keen competition for the title of Earl of Sutherland in the year 1766. Lady Elizabeth Sutherland, the heir of line of the family, was preferred to the title as heir of the body of William who was Earl of Sutherland in the year 1275. He was the second Earl of Sutherland, being the son and successor of William the first Earl of Sutherland, but the same

¹ Mr. Skene, *Celtic Scotland*, vol. iii. p. 450, suggests that Johanna, Lady of Strathnaver, who married Freskin de Moravia, Lord of Duffus, about 1240, was the daughter of Earl John Haraldson. He also suggests that

Magnus of Angus was the son of a sister of a former Earl of Caithness. His arguments are plausible, but there is no very good evidence in support of them.



View of the city of



instrument which was taken as proof of the existence of an Earl of Sutherland at that date, also refers to Earl William, his father, who was then dead, and thus establishes an earlier creation.

Even after the creation of William as Earl of Sutherland he appears seldom in contemporary record. Under his influence, however, his territory became more civilised and settled, a result partly due to the greater hold over Caithness which was attained by the king's policy. Proof of this is found in the constitution drawn up by the new bishop of Caithness some time after his appointment to the diocese. The cathedral church was situated at Dornoch, within the earl's territory of Sutherland, but the bishop tells us that owing to the poverty of the place, and because of frequent hostile commotion, only a single priest had hitherto ministered there. To remedy this the bishop resolved to build a cathedral church at his own expense, dedicating it to the Virgin Mary, and in proportion to his means to make it conventual. He therefore ordained that there should be ten canons in the church, over whom the bishop should preside as head, five of the others holding the dignities of dean, precentor, chancellor, treasurer, and archdeacon. For the maintenance of these and the other canons, and for the lighting of the cathedral, the bishop assigned fourteen parish churches with their teinds, and reserved six for episcopal uses.¹ These churches included the whole of the present parishes in the modern counties of Sutherland and Caithness, and it is evident the bishop felt he could now rely on securing the payment of teinds and other church dues over a district so lately in a disturbed condition. Sir Robert Gordon states that Earl William was a great help to Bishop Gilbert in the building of the cathedral, and in the erection of the canonries, by appointing them lands and tithes, to the earl's "great cost and charges."²

¹ Vol. iii. of this work, pp. 3-6.

² Genealogy, p. 33.

The bishop and the earl did not, however, always agree, as before the bishop's death, in 1245, a controversy took place between them as to certain lands. An agreement was made at the time, but the dispute was not settled in their day. It was left as a legacy to their successors.

Sir Robert Gordon relates an encounter between the men of Sutherland under this earl's command and an invading force of Norwegian marauders. The earl, it is said, first despatched his retainer, Richard Moray, brother of Bishop Gilbert, to keep the invaders in check until he himself could raise a sufficient force to give them battle. Richard Moray finding the enemy careless, attacked them, and was killed in the conflict, but the earl coming up with reinforcements, defeated the Norwegians, killing their leader, and driving them to their ships. Sir Robert adds that the earl erected to the memory of his vassal the tomb with recumbent figure still in Dornoch Cathedral. Embo is said to have been the scene of the conflict, which was commemorated by a cross, now no longer in existence.¹

Sir Robert Gordon states that William, first Earl of Sutherland, died at Dunrobin in 1248, and was buried in the south aisle of the cathedral church of Dornoch, which from thenceforth was the usual burial-place of the earls of Sutherland.² He left issue, so far as is known, only one son, William, second Earl of Sutherland, who succeeded him, and of whom a memoir follows.

¹ Genealogy, pp. 32, 33 ; *Origines Parochiales*, vol. ii. p. 647.

² Genealogy, p. 33.

IV.—WILLIAM, SECOND EARL OF SUTHERLAND. 1248-C. 1307.

ON the death of William, first Earl of Sutherland, in 1248, he was succeeded by his only son, William, as the second Earl of Sutherland, who, according to the tradition in the family, was young at the time of his father's death, and as he survived till the year 1307, he was thus in possession of the earldom of Sutherland for about sixty years. Sir Robert Gordon devotes to this Earl of Sutherland a large space of his work. The reason of this arises partly from the author's having confounded the earl with his son, the third earl, but chiefly from large digressions about the Gordon family.¹

The first recorded notices of the second Earl of Sutherland appear in the Exchequer Rolls for 1263 and 1266, when the sheriff of Inverness, whose jurisdiction then included Sutherland and Caithness, accounted in each year for £20 as part of the fine due to the king from the Earl of Sutherland. Similar fines were also paid at the same time by the bishop of Ross and Earl of Caithness. Why these sums were exacted does not appear. They may have had some reference to the Norwegian invasion of 1263, but it is to be noted that at a later date £15 was exigible from the earldom of Sutherland every seven years.²

Earl William, in the beginning of the year 1269, was at Nairn, and

¹ Thus an entire folio page is devoted to the account of a single combat in 1267, between Sir Adam Gordon and Prince Edward of England, better known as Edward the First, or "the Hammer of Scotland." Notwithstanding the strength, manhood and valour displayed by his ancestor on that occasion, Sir Robert shows that the great personal combat only resulted in a drawn battle. Similarly he extols the bravery of Sir William Gordon, who was slain in the Holy Land, and of Sir Adam Gordon, son of Sir William,

for assisting Sir William Wallace "in his most dangerous exploits." Sir Adam, it is said, died in 1312, and his widow built the chapel of Huntly in the Merse, in the same place "wher the boar was slain by the Gordon in King Malcolm Kean Moir his dayes." This refers to a fable as to the origin of the great family of Gordon, who carry, as part of their armorial ensigns, three boars' heads coupéd, in commemoration of the alleged exploit. [Genealogy, pp. 34, 35, 37, 38.]

² Exchequer Rolls, vol. i. pp. 13, 19, 570.

witnessed a charter by William, Earl of Ross, who confirmed to the church of Moray a grant of lands made by his brother-in-law the late Freskin of Moray, Lord of Duffus.¹ One of the other witnesses to the same writ was Archibald Heroch, archdeacon of Moray. A few years later the archdeacon was elected bishop of Caithness, and one of his first acts in his new sphere was to enter into an agreement with the Earl of Sutherland to put an end to a controversy about certain lands, which had continued from the days of Bishop Gilbert. The lands in question were the castle and lands of Skibo, Sytheraw now Cyderhall, Migdell, Sordell, Creich, with the fishings of Bonar, Evelix, Proncy, Thorboll, Lairg and others. The bishop's predecessors had claimed right to these lands and the castle of Skibo, in the name of the church of Caithness, a claim which had been disputed both by the present earl and his father, to the great expense of both parties. Matters had become so serious that for the sake of the church a number of prelates and noblemen now interposed, and after some discussion, the controversy was settled by the earl agreeing to give to the church the castle of Skibo, the lands of Skibo, Cyderhall and others, while Evelix and all the other lands were resigned by the bishop to the earl and his heirs. The bishop also, to secure the benefits conferred, granted to the earl the lands of Owenes, valued at half a merk, and the privilege of presenting a chaplain to celebrate perpetually at the altar of St. James, in the church of Dornoch, for the souls of the earl, his predecessors and successors, assigning to the chaplain five merks a year for his maintenance. The agreement was made and sealed in the cathedral church at Dornoch, 22d September 1275, by the bishop, dean, archdeacon, precentor, and chancellor of Caithness on the one side, and Earl William, Sir William of Montealto, Sir Andrew Moray, Sir Alexander Moray, and Sir David of Inverlunan on the other side.²

¹ *Registrum Moraviense*, pp. 278, 279.

² Vol. iii. of this work, pp. 7-9.

Probably about the same date the earl witnessed a charter by Sir David of Inverlunan to the monks of the priory of Beaully.¹ About 1284, he was also a witness to a charter by John Moray, son of Malcolm Moray, to his brother, William Moray, of the lands of "Culnacloich" and "Ruthrelen" in Strathbogie.² The granter held these lands of the Earl of Sutherland, and we thus learn that the latter possessed lands in Aberdeenshire, though there is no evidence as to how or when they were acquired.

In the same year we find the earl making his first appearance in affairs affecting the whole kingdom. King Alexander the Third, owing to the deaths, within a short space of one another, of his eldest son and his daughter, was left without an heir, except his infant granddaughter, popularly known as "The Maid of Norway." He therefore summoned a meeting of Parliament at Scone to consider the state of the succession. At this assembly the Earl of Sutherland was present, and along with the other barons of the realm, bound himself to accept the infant Margaret, daughter of Princess Margaret of Scotland and the King of Norway, as queen of Scotland, failing any issue of King Alexander or of his lately deceased son.³ As is well known, any hopes of such issue were disappointed, and Scotland was threatened with all the evils of a long minority by the death of its monarch and the youth of its future queen.

What part the Earl of Sutherland took immediately after the sudden death of King Alexander, or whether he sided at first with either of the factions which then began to contend for the succession, is nowhere on record. But we find him joining with the other nobles and magnates of the kingdom in the letter which they addressed to King Edward the First from Birgham

¹ History of Beaully Priory, by E. C. Batten, pp. 60, 61.

² Registrum Moraviense, p. 462.

³ Acts of the Parliaments of Scotland, vol. i. p. 424.

on 17th March 1290, consenting to the proposed marriage between the young Prince of Wales and the infant Queen of Scotland. The Estates had already agreed to the treaty arranged at Salisbury in the previous November, stipulating that the young queen was to be brought from Norway, either to Scotland or England.¹ A later meeting of the Estates was held at Birgham on 18th July 1290, when the marriage was finally arranged, and a treaty made with Edward in terms which secured the independence of Scotland. The Earl of Sutherland was probably present at this parliament, but there is no detailed record of its proceedings.²

The hopes entertained regarding the proposed marriage were frustrated by the death of the "Maid of Norway" while on her way to Scotland. Dissensions then arose among rival claimants to the throne, but in connection with these and the proceedings which followed, the name of the Earl of Sutherland does not occur. He would appear to have betaken himself to his own country of Sutherland, as in the summer of 1291, when Edward the First visited various towns of Scotland, exacting homage from the places where he stayed, and appointing officers to receive the oaths of those who lived in remote districts, the castellan of Inverness was directed to take the oath of the Earl of Sutherland. The earl was to give his oath of fealty to the constable, Sir William Braytoft, and then they were jointly to receive the homage of the sheriff, bailies, and others of the county.³ It is not stated whether this was done, but probably it was, and, as will appear, the earl did homage personally at a later date to the English king. The report upon the claims of the rival competitors for the crown of Scotland was to be given in on 2d June 1292. The final decision was fixed for the 15th of October, and, after some delays, decree was given for John Baliol

¹ At Birgham, 14th March 1290. Stevenson's Historical Documents, vol. i. p. 129.

² Cf. *Fœdera*, vol. i. pp. 735, 736.

³ *Fœdera*, vol. i. p. 774.

on 17th November 1292. Between these dates there appears in the English records an attestation by the Earl of Sutherland that he had sworn to assist Robert Bruce, lord of Annandale, with all advice and aid in prosecuting his claim to the throne.¹ The earl had evidently, whatever his previous opinions, been won over to the party of Bruce.

During the next few years the Earl of Sutherland's name is not mentioned in any record. His attachment to the party of Bruce may have indisposed him to pay court to Baliol. He does not appear to have joined the army of the northern earls who in 1296 revolted against Edward's tyranny, and indeed he would seem to have remained constant to the English party, as at this date did Bruce himself and many of his adherents. The earl, however, gave his oath of fealty to King Edward at Berwick on 28th August of that year, his name being conjoined with those of the Earls of Strathern, Buchan, Mar, Menteith and Lennox, and other magnates, including Brian Fitz Alan, who had been one of the regents of Scotland.² In May of the following year the king issued to the earl as well as to Bruce and a number of Scottish nobles a letter requiring him to give special credence to the instructions and statements made by Hugh Cressingham, the treasurer, and other officers as to the king's expedition to Flanders. These statements referred to the benefits and favours to be bestowed upon such Scotsmen as chose voluntarily to accompany the expedition.³

It does not appear that the Earl of Sutherland accepted the invitation to go abroad, as a few months later another royal missive was directed to him in cordial terms, making no reference to Flanders, but giving him special thanks that he had always, and particularly in these days, conducted himself

¹ Calendar of Documents relating to Scotland, vol. ii. No. 643.

² *Ibid.*, vol. ii. p. 196; Historical Documents, vol. ii. p. 66.

³ *Fœdera*, vol. i. p. 866; Historical Documents, vol. ii. p. 169.

well and faithfully in Scotland. The letter further informed the earl that Brian Fitz-Alan, who had sworn fealty along with him at Berwick, was appointed Guardian of Scotland, and he is enjoined by his homage, fidelity and love to King Edward, and the peace of the realm, to assist the new governor. He is desired to continue, as he had begun, manfully and laudably, from good to better, and to aid with his horses, arms, and whole power in repressing the malice of the king's enemies in Scotland, as often as was necessary, and as he should be required by Fitz-Alan.¹ The terms of this missive indicate that up to that time the Earl of Sutherland had continued faithful to his oath of homage; and he was still an adherent of Edward in the beginning of 1304. This we learn from a letter written by the king, then at St. Andrews, addressed to him as the "faithful and loyal William, Earl of Sutherland." The king accepts his fidelity and thanks him for his good faith and good will so often shown, expressing willingness to serve him in return.² This early royal letter is now in the Public Record Office, London, and a facsimile of it is given in volume second of this work. It is rare that missive letters of so early a date are preserved, and this is one of the earliest of such documents addressed to a nobleman of Scotland. Two years later we find the earl's name inscribed among those adherents of Edward to whom he promised lands as a reward for their services in his last campaign. The lands requested by the earl were those of Thomas of Dolays, apparently in Moray.³

Sir Robert Gordon states that the second Earl of Sutherland was at the battle of Bannockburn, and manfully assisted Bruce in his brilliant victory, and that he died in the year 1325 at a great age; but this is disproved by contemporary evidence recently discovered. In a letter or petition from

¹ *Rotuli Scotiæ*, vol. i. p. 50.

² Vol. ii. of this work, p. 1.

³ *Palgrave's Documents*, p. 314.

William, Earl of Ross, to King Edward the Second, which, though undated, must from its contents have been written in the spring or early part of the year 1308, the earl says, "Be pleased to know that William, formerly Earl of Sutherland, was at the faith of our lord, your father. And when he died, Sir Aymer de Valence, then Guardian of Scotland, granted the ward of that earldom to our younger son John to answer for the issues of the earldom, saving his expenses."¹ There is a further reference to the heir, but the letter will again be cited in the next memoir. Sir Aymer de Valence was appointed Guardian of Scotland in April 1306, and was superseded in September 1307. The death of the second Earl of Sutherland must therefore have taken place between these two dates, and may have preceded that of King Edward the First, who died in July 1307. It is probable that the earl was buried in the cathedral church of Dornoch, the erection of which his father, the first earl, did so much to promote, and to which he himself had contributed.

The second Earl of Sutherland had issue two sons:—

1. William, who succeeded as third Earl of Sutherland.
2. Kenneth, who succeeded his brother as fourth Earl of Sutherland. Of these two earls memoirs follow.

¹ Vol. iii. of this work, p. 10.

V.—1. WILLIAM, THIRD EARL OF SUTHERLAND. 1307-1327.

WILLIAM, the third Earl of Sutherland, succeeded to the earldom in 1307, and was then under age. As stated in the previous memoir, his ward was granted to John, the younger son of William, Earl of Ross. That earl wrote to King Edward the Second, reminding him of the grant, and desiring that as the son of the deceased Earl of Sutherland was not of sufficient experience to govern the earldom, the king would empower the writer and his son to receive the fealty of the young heir, and to uplift the relief duty of the earldom for their great expenses in its defence against the king's enemies.

Though the young Earl of Sutherland was under age, he was not far from his majority.¹ The anxiety of the Earl of Ross about securing the fidelity of the heir of Sutherland, and as to the defence of his territory, is explained by another part of the letter. He informs King Edward that Robert Bruce had advanced northward with a great force which he and the supporters of Edward in that district were unable to withstand; that for a fortnight Bruce with three thousand men had remained on the borders of Ross, Sutherland and Caithness at their expense, and that these earldoms were threatened with utter destruction. They had made a truce with the enemy to last till the coming Whitsunday, when he hopes that succour may arrive from King Edward, on whom all their hopes of freedom rest. The earl adds that they would not have made the truce, but the Guardian of Moray was at a distance, and his men refuse aid without having the king's orders. He has, therefore, no hope of assistance but from the king.²

¹ He must have been about nineteen, as he seems to have attained his majority before March 1309.

² Vol. iii. of this work, p. 10.

The reference to the advance of Bruce and to the coming Whitsunday fix the date of the letter as written in April or the beginning of May, 1308. There is considerable uncertainty among historians as to the movements of Bruce at that time, but the foreboding in the letter of utter devastation of the country unless a truce had been made, seems to imply that King Robert had carried out his terrible harrying of Buchan. According to Barbour, he

“ gert his men brin all Bouchane
Fra end till end, and sparit nane,
And heryit tham on sic maner
That eftir that wele fifty yher
Men menit the herschip of Bouchane.”¹

With such an example before his eyes, no wonder that the Earl of Ross dreaded the approach of the conqueror. It does not appear that King Edward sent the desired assistance,² and Barbour adds—

“ The king than till his pes has tane
The north cuntre that humilly
Obesit till his senyhory.”³

Barbour does not tell us of King Robert's advance to the borders of Sutherland, and we know nothing of the campaign there, but the Earl of Ross formally submitted to Bruce at Auldearn in Moray, on 31st October of the same year.⁴ The original deed narrating the homage is still preserved, and from it we learn that the king received the earl very graciously and con-

¹ Barbour's "The Brus," Spalding Club, pp. 202, 203.

² On 20th May 1308 King Edward addressed to the Earl of Ross, and his son Hugh, letters thanking them for their fidelity to his late father, and desiring the continuance of their service and assistance [Fœdera, vol. ii.

p. 45]. He could not therefore at that date have known the straits they were in.

³ Barbour *ut supra*.

⁴ Original in General Register House, printed in Acts of the Parliaments of Scotland, vol. i. p. 477. The earl's two sons Hugh and John append their seals.

firmed to him all his possessions. He also bestowed upon his new vassal the lands of Dingwall, and those of "Fernerroskry" in the earldom of Sutherland. The last-named lands appear to have been in the parish of Creich, and may have been granted in lieu of the wardship of the young Earl of Sutherland.

There is no reference to the young earl in the deed above recited, nor does he appear as a witness to it. But a few months later he was present at a parliament held at St. Andrews, on 16th March 1308-9, from which it may be presumed that he had attained his majority in the interval. The chief recorded result, and perhaps the principal occasion of that parliament, was a letter addressed by the nobles and barons of Scotland to Philip, King of France, who by an ambassador had asked assistance in his crusade against the Saracens. This was the first diplomatic recognition which King Robert Bruce had received, and it is evidence how far his power was consolidated in Scotland. The letter sent by the Scots in reply to the King of France, thanked him for recalling the former alliances between the nations, and for his expressions of kindness towards King Robert. They, however, while expressing sympathy with the crusade, declined to join it until Scotland was delivered from oppression and the storms of war.¹

The next recorded event in the life of William, third Earl of Sutherland, is his presence at the parliament at Arbroath as one of those who joined in the famous letter to the Pope in the year 1320, asserting the independence of Scotland. Sir Robert Gordon's statement that the Earl of Sutherland fought at Bannockburn probably refers to this earl, though of this there is no record. The earl, however, may have attended the king on this and other important

¹ Acts of the Parliaments of Scotland, vol. i. p. 459. The original of this writ is still preserved in the General Register House. It is mutilated, and what appears to be the Earl of Sutherland's name is partly obliterated,

but Sir Robert Gordon, who had evidently seen the writ, tells us the earl was present, and describes the armorial bearings, "thrie starres or mulettis," on his seal, which is now wanting.

occasions, including, perhaps, the assembly at Ayr in 1315 which settled the succession to the crown. But he is specially named as one of the eight earls who, with the other nobles, sent the letter to the Pope referred to.¹ Sir Robert also implies that he was a member of the so-called Black Parliament in August of the same year, when Sir William Soulis and others were found guilty of treason. Giving Fordun as his authority, he adds that William, Earl of Sutherland, with other nobles who were not guilty of that treason, "perceaveing the king to beir them some grudge for that which was done at the Black Parliament, did write unto Pope John shewing how King Robert had delt hardlie with them," and that as the result of the Pope's good offices they, and especially Earl William, were received again into favour. This statement, however, is not warranted by anything in Fordun's history, and seems to be founded on a misreading.

According to Sir Robert Gordon, Earl William was with King Robert Bruce at Biland in 1322. He is also said to have died in 1325, but it is permissible to believe he may have lived a few years longer, and was, perhaps, the Earl of Sutherland who is referred to in the Exchequer Rolls as guardian of the bishopric of Caithness in the year 1327. Unfortunately, the earl's christian name is not given.²

In any case William, third Earl of Sutherland, was dead before December 1330. He was succeeded by his brother Kenneth, as fourth Earl of Sutherland, of whom a Memoir follows.

¹ The name of the Earl of Sutherland is written at the foot of the letter above the tag for his seal. But the seal itself is wanting.

² Exchequer Rolls, vol. i. p. 114.

V.—2. KENNETH, FOURTH EARL OF SUTHERLAND. 1330-1333.

LADY MARY OF MAR, HIS COUNTESS.

KENNETH, Earl of Sutherland, succeeded to his elder brother, William, the third Earl, and not to his father as is usually stated. His tenure of the earldom was brief, as he fell on the fatal field of Halidon Hill in 1333.

He appears first on record in December 1330, when he granted to Reginald Moray of Culbin a writ renouncing all claim over Moray's possessions within the earldom of Sutherland. This writ, in which Earl Kenneth describes himself as the son of the late William, Earl of Sutherland, that is, the second Earl, was made for the amiable purpose of settling all disputes which had arisen between their respective forefathers, and securing concord and friendship between themselves and their families. To this end Earl Kenneth resigns and renounces all rights and exactions which he could claim from Reginald's lands within the earldom, remitting all such wholly, and makes over to Moray the whole relief of his lands in Sutherland on account of a matrimonial connection between Gilbert Moray, son and heir of Reginald, and Eustachia, the earl's own eldest daughter. The earl concludes by offering to furnish all writs necessary for securing the obligations thus made.¹

How far the Earl of Sutherland took part in the struggles against English invasion after the death of the Regent Randolph in 1332, is not known, but he was present at the battle of Halidon Hill, fought on 19th or 20th July 1333. Sir Robert Gordon states that he and the Earl of Ross commanded

¹ Vol. iii. of this work, pp. 11, 12. The phraseology of the writ implies that the marriage had taken place, which confirms the view that Earl Kenneth was the brother of Earl William the Third.

the van of the Scottish force, but he was really one of the leaders of the reserve. He is also said to have been one of those who prudently advised the Regent, Archibald Douglas, not to attack the English in the strong position they held. But when this advice was disregarded, and the attack made, Sir Robert says the earl did his duty gallantly, and he and the Earl of Ross were killed in leading their men against that wing of the English army which Edward Baliol commanded. Sir Robert pays the tribute to Earl Kenneth as an expert and judicious commander, that "peremptorie hazarding all, and therwith his lyff, he lossed the same in the midst of his enemies, with the pryce of a number of ther deaths; haveing couragiouslye ther ended his dayes with great honor for the righteous quarrell of his cuntrey; leveing his memorable actions and end as ane excellent ornament to his posteritie."

According to Sir Robert, Earl Kenneth married Lady Mary, daughter of Donald, tenth Earl of Mar, and had issue two sons and a daughter:—

1. William, who succeeded as fifth Earl, and of whom a memoir follows.
 2. Nicolas, who received from his brother, Earl William, sixteen davochs of land within Sutherland, in the free barony called Torboll, as bounded and described in the writ, dated at Aberdeen 13th September 1360.¹ On 10th December 1362, Nicolas received a safe-conduct to go into England for one year.² He married a daughter and co-heiress of Sir Reginald Cheyne and Mary de Moravia, and with her obtained part of the ancient barony of Duffus in Moray. He was the ancestor of the family of Sutherland of Duffus. See separate pedigree of the Sutherlands of Duffus and their cadets.
1. Eustachia, who married Gilbert Moray, younger of Culbin, and had issue.

¹ Vol. iii. of this work, pp. 18, 19. The charter was confirmed by King David the Second on 17th October 1362. *Ibid.* p. 20.

² *Rotuli Scotiæ*, vol. i. p. 867.

VI.—WILLIAM, FIFTH EARL OF SUTHERLAND.

- (1) Princess MARGARET BRUCE, HIS FIRST COUNTESS.
- (2) JOANNA MENTEITH, COUNTESS OF STRATHERN, HIS SECOND COUNTESS.

1333-1370.

AMONG all the members of the house of Sutherland, Sir Robert Gordon ranks the fifth earl as very famous. His loyalty to his sovereign King David Bruce, who was his brother-in-law, was conspicuous.

William, fifth Earl of Sutherland, succeeded to his father, Earl Kenneth, in 1333, and must then have been of age or nearly so, as he took an active part in the endeavours of the patriotic party in Scotland to drive the English out of the country. Sir Robert Gordon states that the young earl joined Sir Andrew Moray, the Earl of Dunbar, and other leaders, in their march to raise the siege of Kildrummy in Mar, and took part in the battle of Kilblene on 30th November 1335, where David Comyn, Earl of Athole, was slain. This statement does not rest on any other evidence, but in the following year, according to an English chronicle, the earl, with the Earls of Fife and Dunbar or March, laid siege to the castle of Cupar-Fife, then held by William Bullok, a warlike ecclesiastic, in the English interest. The siege, however, failed, owing to the activity of Sir John Stirling, Constable of Edinburgh Castle, who, assembling a flotilla of 32 boats, secretly crossed the Forth with 120 men, nearly his whole garrison. He arrived at Cupar in the early morning, set fire to some houses close to the castle, and with his force rushed suddenly upon the besiegers. These, bewildered with the smoke and the sudden onset both from within and

without the castle, fled precipitately, leaving behind them their military engines, arms and provisions, which Sir John Stirling, after pursuing the Scots for some distance, seized and appropriated, burning the engines used in the siege. The chronicler attributes the panic of the Scots to their belief that a large army, then on the march from England, had come upon them by surprise.¹ The chronicler is corroborated by Sir John Stirling's account, rendered to the English Exchequer, where he refers to his visit to Cupar, which only occupied four days.²

The Earl of Sutherland, whose exploits on behalf of his country even reached the ears of Froissart, again distinguished himself in the year 1340 by a foray into England along with the Earl of March. They were repulsed by Sir Thomas Gray, who himself records the fact in his "Scala Cronica," but his manuscript unfortunately is defective at this point. Sir Robert Gordon states that the expedition did much damage in England, but that when returning home heavily laden with spoil, it was beset by an ambush under Thomas Gray and other English leaders, and the Scots were put to the worse, though not till after a sore fight. Sir Robert Gordon adds some other particulars which are incorrect, but his statement that the earl's force did much damage is corroborated by official documents. In 1344 a complaint was made to King Edward the Third that the sheriff of Northumberland insisted on gathering the usual tax from the men of certain districts, although their whole crops, stock, etc., were completely destroyed, burned, or carried off in the Scottish invasion of 1340.³ As this complaint was made by the men of Carham, Branxton, Ford, and twenty-one other parishes, it shows the extent of the raid, and the energy with which it was conducted.

King David the Second, who had been nine years in France, returned to

¹ Chronicon de Lanercost, p. 385.

² Calendar of Documents relating to Scotland, vol. iii. p. 354.

³ *Ibid.* p. 262.

his native kingdom in 1341, and appears to have taken the Earl of Sutherland into high favour. If, as Sir Robert Gordon alleges, the earl took part in the successful attack on Roxburgh Castle, which was captured on 30th March 1342, the king's favour might be increased. But no other writer names the earl in connection with Roxburgh, which was surrendered to Sir Alexander Ramsay of Dalhousie, and, moreover, Sir Robert Gordon apparently misdates the event about two years, placing it immediately after the foray of 1340.

The royal favour resulted in the earl's marriage to the king's sister, the Princess Margaret, for which a papal dispensation was issued in the end of the year 1342. It is in similar terms to documents of the same character at that date, and shows the relationship between the parties. The following is a translation of the document:—

Clement, etc., to a venerable brother Bishop of Caithness, greeting, etc.—
A petition, shown to us on behalf of a beloved son, a noble man, William, Earl of Sutherland, of the diocese of Caithness, and a beloved daughter in Christ, a noble woman, Margaret, sister-german of our very dear son in Christ, the illustrious David, King of Scots, sets forth that between the said earl and Margaret and their forefathers and friends, by the wicked means of the old enemy, there have arisen wars, disputes, and many offences, on which account murders, burnings, depredations, forays and other evils have frequently happened and cease not to happen continually, and many churches of these parts have suffered no small damages, and greater troubles are expected unless prevented by an immediate remedy. Wherefore, with the consent and will of the king, the said William and Margaret, who are related to each other in the fourth degree of consanguinity, descending from the same stock, wishing to prevent so many and so great dangers, desire to contract each other in marriage, and thus it is believed it may be possible to prevent these perils; and the foresaid king, William, and Margaret have humbly petitioned us that for the good of peace we would deign to provide the said William and Margaret with the benefit of a fitting dispensation. We, therefore, who freely furnish the benefits of peace to the faithful in Christ, desiring to prevent these perils so far as we can in the Lord, having yielded to their prayers, commit and command by apostolic writs to your fraternity, in which we have full confidence, that if it be so with the said William and Margaret, you may by our authority dispense, notwithstand-

ing the impediment arising from their consanguinity, that they may lawfully contract marriage together, declaring the issue to be born of such marriage to be lawful. Given at Avignon the Kalends of December in the first year of our pontificate¹ [1st December 1342].

The marriage probably took place in the following year. What the papal dispensation refers to when it describes the wars and feuds formerly existing between the parties and their friends is not clear. But such a statement is not uncommon in similar documents relating to Scotland at that period, and in this case it may refer to the disturbed condition of the country, or, perhaps, of Sutherland. The ancestor from whom the degree of consanguinity is traced has not been ascertained.

After the marriage, King David the Second conferred upon his brother-in-law and sister various charters of lands in rapid succession. In September 1345 they received a grant of the thanage of Downie in the shire of Forfar; the thanages of Kincardine, with Fettercairn, and of Aberluthnot or Marykirk, all in the shire of Kincardine; also half of the thanages of Formartine and Kintore in Aberdeenshire; to be held by the grantees and the heirs of their bodies in fee, heritage, and free barony. The charter contains this condition, that should there be no surviving heir at the death of the grantees, all the lands were to revert to the Crown, saving the right of Matilda Bruce, the king's older sister, to the other half of the thanages of Formartine and Kintore, should she happen to survive her sister Margaret. In October of the same year, the earldom of Sutherland was erected into a free regality, and in November the barony of Cluny in Aberdeenshire was added to the earl's possessions.²

In March of the following year, 1346, the earl and his countess received a grant of the important stronghold of Dunnottar in the Mearns. The

¹ Theiner's *Vetera Monumenta*, etc., p. 278.

² Vol. iii. of this work, pp. 12-15.

charter conveys the whole rock or crag of Dunnottar, and gives special licence to build a fortalice upon it in whatever manner the earl may think most expedient.¹ This permission pointed to the erection of a new or a stone castle on the crag, for there is evidence of a fortification on it long before this date. It is referred to in the reign of King William the Lion.² In 1297, according to Blind Harry, it was held by the English, and was attacked by Sir William Wallace, who burned it, and the church which then also stood upon the rock.³ In 1336 King Edward the Third gave special orders for its repair, and a strong garrison to hold it,⁴ but shortly afterwards it was retaken by the Scots, and demolished that it might be useless to the English. A recent writer asserts that it then belonged to the Earl of Sutherland.⁵ He may have mistaken the date of the grant to the earl, but on the other hand, the earl may have been in possession of the territory for some time previous, and if so, it was natural he should rebuild it as a stronghold for Scotland. It does not appear whether the Earl of Sutherland fortified the crag, or built any part of the castle, the ruins of which have still a very picturesque appearance on that bold rocky coast. That building is usually assigned to Sir William Keith, Marischal of Scotland, and it is probable that the Earl of Sutherland parted with Dunnottar in the year 1358, as will be noted on a later page.

The earl's name is not connected by historians with the raids into England which King David the Second made before the year 1346. In that year, however, the king, encouraged by the absence of Edward the Third in France, and instigated by letters from the French king, resolved to lead a large army to invade England. He gave orders for a great muster, which

¹ Vol. iii. of this work, pp. 15, 16.

edition, p. 162.

² Acts of the Parliaments of Scotland, vol. i. p. 373.

⁴ *Rotuli Scotiae*, vol. i. pp. 411, 414, 416.

³ Wallace, by Blind Harry, Jamieson's

⁵ Memorials of Angus and Mearns, by A. Jervise, p. 443.

took place at Perth, and among other northern magnates the Earl of Sutherland joined the army. Froissart, in an account of the Scottish muster at Perth, which appears to refer to this date, says: "The Earl of Orkney was the first who obeyed the summons; he was a great and powerful baron, and had married King David's sister. There came with him many men-at-arms."¹ The French historian was probably not well versed in Scottish names, and it is no doubt the Earl of Sutherland whom he thus describes. As is well known, the advance of the Scottish army into England was, after much devastation on their part almost to the gates of Durham, brought to a close by the battle of Neville's Cross, in which the Scots were totally defeated, their king and many nobles being made prisoners.

Among the captives was the Earl of Sutherland. An English historian ranks him among the slain, but this is erroneous, and the Scottish writers unite in placing him among those taken prisoner. He is, however, not² named in any official list of the magnates taken at Durham, nor in any other notice of the Scottish captives, and it is probable that he fell into the hands of some one who speedily put him to ransom, or who allowed him to escape.² He makes no appearance in Scottish record for the next few years, and his name does not occur in connection with the negotiations in 1348 and 1349 for King David's ransom. In June 1351, however, he is named in a safe-conduct granted that he might attend a conference on that subject to be held at Newcastle.³ In September of the same year he received permission, as one of a party, to escort King David into Scotland, there to remain for a few months, while John, son of the earl, and nephew of the king, and other hostages, were given in the king's stead.

¹ Froissart, ed. 1842, vol. i. p. 98.

² In December 1346, a commission was issued by the English king for inquiry in Lancashire concerning those who had re-

leased, either for ransom or otherwise, their prisoners, or had allowed them to escape. [Fœdera, vol. iii. pp. 98, 99.]

³ *Ibid.* p. 225.

The king remained in Scotland till May 1352, when he returned to captivity, and the hostages were released. In June 1354, the earl was again one of the Scottish commissioners to treat for ransom, but does not appear to have been present at the completion of the treaty signed at Newcastle on 13th July of that year, when the terms of the king's release were arranged, and the earl's eldest son, John Sutherland, was again named as a hostage.¹ Early in the following year, however, the truce between England and Scotland was broken, and the negotiations for the ransom ceased. In 1357 the treaty was renewed, and the Earl of Sutherland was one of the plenipotentiaries specially deputed by the Scottish parliament to complete the negotiations. The treaty, by which the Scots agreed to ransom the king for 100,000 marks sterling, payable in ten yearly instalments, was arranged at Berwick on 3d October 1357, and two days later the Earl of Sutherland and the other plenipotentiaries ratified the document.²

One condition of the treaty was that three out of six great lords were to place themselves by turns in the hands of the English, in addition to the twenty heirs of noble families who were the ordinary hostages for the keeping of the agreement. The Earl of Sutherland was one of the magnates who were exchanged for King David in October 1357, and he and his son John travelled to London together to remain under the care of the Chancellor of England. The earl remained in England for more than ten years, and the notices of him during that time are chiefly safe-conducts at intervals for himself or his servants passing backwards and forwards to Scotland.

In 1358 the earl resigned all his lands which he had received in Kincardine—including probably the castle of Dunnottar—into the hands of the

¹ *Fœdera*, vol. iii. pp. 279, 281.

² *Ibid.* pp. 372-374, 376, 377. The earl's seal is still attached to the ratification, and is described as of red wax. "On a raised shield

within interlaced pointed tracery 3 mullets, 2 and 1: 'S.' Wil'mi Comitis Suthyrland.'" [*Vide* Engraving on p. 37.]

king, who in exchange conferred upon him and his son John Sutherland the barony of Urquhart, with its castle, in the county of Inverness. Later, however, the king confirmed to the earl the former grant of the baronies of Downy, Kincardine, Aberluthnot, and others.¹ In September 1360 the earl granted a charter to his brother Nicholas, the dating of which would imply he was then at Aberdeen, though according to the entries regarding him in the English records he was not then in Scotland. He appears to have been allowed to visit Scotland in the spring of 1359 and in 1362. In 1362 he granted the chapel of St. John the Baptist at Helmsdale to the monks of the abbey of Kinloss in Moray.² In December 1363, he and his second countess, Joanna, received permission to visit the shrine of St. Thomas at Canterbury. In December 1364 the earl had a safe-conduct into Scotland, which, by extensions, lasted till September 1367. Apparently from the terms of a safe-conduct in March 1367 the earl and his countess were then returning to England. This seems to be the last safe-conduct granted, and it has been supposed that he was finally liberated not long afterwards.³

During one of the earl's visits to Scotland, he granted a charter to John of Tarale or Terrell of six davochs of land in Strathfleet, confirmed by King David the Second in 1363.⁴ In 1365 the king granted to the Earl of Sutherland and the heirs-male of his body, the half thanage of Formartine in Aberdeenshire, which had already been granted to him for life.⁵ Between 1360 and 1365 also, the earl received various sums of money, amounting to £267, 6s. 8d., paid to him by the Exchequer in addition to £80 paid by King David towards his expenses in England.⁶

According to Sir Robert Gordon, William, fifth Earl of Sutherland, died in

¹ Vol. iii. of this work, pp. 17, 18.

⁴ 24th July 1359. Vol. iii. of this work, pp. 20, 21.

² Stuart's Records of Kinloss, p. xl.

⁵ *Ibid.* pp. 21, 22.

³ Origines Parochiales, vol. ii. pp. 658, 659.

⁶ Exchequer Rolls, vol. ii. pp. 79, 82, 113, 130, 144, 166.

1370, and this statement appears to be corroborated by the fact that the castle of Urquhart, which had belonged to him, was in 1371 in the hands of the Crown.¹ But the evidence is not conclusive, and he may have survived longer, though he does not appear on record after 27th February 1369-70. On that date the king granted to Walter Lesly, knight, the reversion of the thanage of Kincardine, and others, of which the frank-tenement then existed in the hands of William, Earl of Sutherland.² He was dead, however, before 1389, when Robert, his son, was Earl of Sutherland.

William, fifth Earl of Sutherland, was twice married. As already stated, his first countess was the Princess Margaret Bruce, daughter of King Robert Bruce, and sister-german of King David Bruce, whom he married in 1343. She died before 1352. The earl's second wife was Joanna Menteith, Countess of Strathern, widow of Maurice Moray, who was created Earl of Strathern in 1343, and was killed at the battle of Durham in 1346. Her marriage to the Earl of Sutherland must have taken place between that year and 1352, when she is named as his countess.³

William, fifth Earl of Sutherland, had issue three sons :—

1. John Sutherland, Master of Sutherland. Of him, the only son of the Princess Margaret Bruce, who predeceased his father, a memoir follows.
2. Robert Sutherland, who became sixth Earl of Sutherland in succession to his father, the fifth earl. Of him a memoir follows.
3. Kenneth Sutherland. He received, in 1401, a charter from his brother, Earl Robert, of the lands of Drummoy, Backies and others, which was confirmed by Robert, Duke of Albany, in 1408.⁴ Among the Forse charters, quoted by Lord Hailes, is one by Mary Cheyne on 16th June 1408, "Kenetho de Sutherlandia filio quondam Willielmi comitis Sutherlandiæ."⁵ He was

¹ On 19th June 1371, King Robert the Second granted the barony and castle of Urquhart to his son David, Earl of Strathern [Registrum Magni Sigilli, vol. i. p. 85].

² Registrum Magni Sigilli, vol. i. p. 71,

No. 242.

³ Vol. iii. of this work, pp. 16, 17.

⁴ *Ibid.* p. 22.

⁵ Sutherland Additional Case, p. 12, note *n*.

ancestor of the family of SUTHERLAND OF FORSE, of which a separate pedigree is given in this work. The descendant of Kenneth in 1766, as heir-male of the first Earl of Sutherland, claimed the peerage. But the heir of line, Lady Elizabeth Sutherland, was the successful claimant.¹

¹ A William de Murriff or Moray, described as a son of William, Earl of Sutherland, received a safe-conduct from King Edward the Third in the year 1367. He has been claimed as the successor of William, fifth earl, and the father of Robert, sixth earl. It is, however, unnecessary to insert a generation between William and Robert. The three sons of William, fifth earl, John, Robert, and Kenneth, had the surname of Sutherland; their uncle Nicholas had also the surname of Sutherland,

so there must have been some peculiarity connected with the birth of this son, who is surnamed Moray. A William of Moray is mentioned among the prisoners taken at Durham in 1346, and if he be identical with this William, he may have been the son, not of William, fifth, but of an earlier Earl of Sutherland. If, otherwise, then he was probably illegitimate, and received the surname of Moray to make a distinction between him and his three legitimate brothers.



JOHN OF SUTHERLAND, MASTER OF SUTHERLAND, SON OF WILLIAM, FIFTH EARL OF
SUTHERLAND, and the PRINCESS MARGARET BRUCE. c. 1344-1361.

WE have now arrived at a very important epoch in the history of the Sutherland family. William, the fifth Earl of Sutherland, died in or about the year 1370, having had issue by his first and second wives, three sons, John, Robert, and Kenneth. A detailed memoir of the eldest son, John, Master of Sutherland, is here given, in which all available evidence bearing upon him is carefully considered.

It was long a belief in the Sutherland Family, which was fostered, if not originated, by Sir Robert Gordon, that by the marriage of William, the fifth earl, to Margaret Bruce, the blood of the royal family of Bruce ran in their veins. That this belief was held by the family in the beginning of the eighteenth century is shown by the grant of the addition of the double tressure to their arms by King George the First in 1719.¹ In the light of later investigations there is good grounds for rejecting the belief, and even then the Lyon king-at-arms questioned the ground on which the grant was claimed, although it was ultimately conceded. While the case was pending, the family law-agent, Alexander Ross, writing to the Earl of Sutherland, reports the substance of a conversation he had on the subject with the Lyon and his deputed. He says: "The difficulty they had formerly will still remaine. For tho' they be satisfied of Earl William's mariage with the king's daughter, nothing appears to instruct your lordship's descent of that mariage. I observed to your lordship formerly, that as your lordship has it likewise, our historians all agree that the name of the hostage sent for his uncle was Alexander; and yet Rhymer, in his letters to the bishop of Carlisle (as noticed also in your own information in the precedency), calls him John. From this they seem to think Earl William had two sons, and perhaps of two different mariages. If so, any retour which instructs your lordship's descent from Earl William, might as well be by another mariage as that with the king's sister."²

The dispensation for the marriage of William, Earl of Sutherland, and Margaret, daughter of King Robert the Bruce, by Lady Elizabeth de Burgh, daughter of the Earl of Ulster, as already stated, was obtained towards the end of the year 1342. She and her elder sister, Matilda, were probably born after 1315, as neither of them is named in the settlement of the crown made by their father in April of that year.

¹ Vol. iii. of this work, pp. 220-222.

² Original letter, 21st November 1717, in Sutherland Charter-chest.

From the record of the king's household expenses it appears that the two princesses lived at Cardross in family with King David the Second and his queen, and went with them to their coronation at Scone in 1331. Four sergeants of the chambers in waiting upon the king, the queen, the lady Matilda and her sister, while going towards Scone to the parliament, receive as wages for thirty-nine days' staying and returning, each four pennies per diem, 52s. The rents of the thanage of Kintore and of the burgh of Crail were in 1341 set apart for the support of the two sisters of the king. Payment is made to their tailors and those of the queen at Aberdeen for making their clothes. Roger Tiphill, customar of Inverkeithing, in 1342 brings thence to Dumbarton the clothes and furs of the king's sisters, who then, for apparel and divers expenses, receive from the chamberlain the sum of £93, 16s. 8d. The last entry about the princesses when together refers to the king and queen and his sisters staying at Banff for one night between May 1342 and July 1343, as if they had then been convoying their sister to her northern home. In 1330 payment is made for sundry head-dresses for Lady Margaret alone, 26s. 8d., and for a bed for her is paid 33s. 4d.¹

The exact date of the birth of John, son of William, Earl of Sutherland, and the Princess Margaret has not been ascertained, but it was probably in 1344, and Fordun says that his mother died in childbed. Certain it is that the married life of the princess was short; and that John, the Master of Sutherland, her son, while only six or seven years of age had to become a hostage for his uncle, King David the Second, who had been made prisoner at the battle of Durham. Some years later, in 1351, it was resolved that King David should be liberated to visit Scotland, but only after a number of hostages, sons and heirs of the principal families of the country, were given up as security for his return; and in choosing these the son and heir of Princess Margaret, and nephew of the king, was not overlooked.

King Edward the Third accordingly granted a safe-conduct to John, son and heir of the Steward of Scotland, John of Dunbar, son and heir of the Earl of March, John, son and heir of the Earl of Sutherland, and others, to come to Berwick-upon-Tweed, with a hundred horsemen, and to go to other places assigned to them in England, in exchange for David of Bruce, the exchange to take place at Berwick or Newcastle-on-Tyne, while no action was to lie against the hostages for any deed done by them against either the nation of England or Scotland till the return of the king. The

¹ Exchequer Rolls, vol. i. pp. 339, 340, 359, 381, 382, 384, 389, 390, 484, 493-495, 505, 516.

safe-conduct was afterwards extended to the 1st of May following, when the hostages were released. Instructions were given to the constable of Nottingham Castle, and the sheriff of York, to receive the hostages from Henry de Percy and Randolph de Nevill, and to keep them safely.¹

In a convention made on 13th July 1354 for King David's release, the son and heir of the Earl of Sutherland is the first named of the twenty hostages proposed for payment of the ransom ;² but this convention, owing to the outbreak of hostilities, never took effect. The final agreement for his release was made at Berwick-on-Tweed on 3d October 1357, the ransom being fixed at 100,000 merks. Twenty hostages were required as security for its payment, and again John, son and heir of the Earl of Sutherland, occurs as one of them.³ In the memorandum of the names and destinations of the hostages, the entry regarding the earl's son is—John, son and heir of the Earl of Sutherland, was sent to London in company with his father to abide with the chancellor—who at this time was William Edington, bishop of Winchester.⁴ William, Earl of Sutherland, as already stated, was one of the three noblemen who were selected to be hostages “*eu afforcement*,” or as an additional security for the payment of the ransom, and so father and son travelled together to London, and no doubt resided together in the house of the chancellor.

The Master, however, fell a victim to a pestilence which raged in England in 1361,⁵ a fact specially commemorated by the historians of Scotland, and it is from them we gather the most important facts regarding him.

John of Fordun, in his *Gesta Annalia*, written between 1363 and 1385, gives in one chapter the issue of King Robert by his first wife, Isabella, daughter of Gartney, Earl of Mar ; and in the following chapter his issue by Elizabeth, daughter of Aymer de Burgh, Earl of Ulster. He mentions that by her he had two daughters Matilda and Margaret, and states that Margaret wedded the Earl of Sutherland, of whom he begat an only son, John by name, who was a hostage in England along with his

¹ 5th September 1351, Rymer's *Fœdera*, edition 1825, vol. iii. Part i. p. 231.

² *Ibid.* p. 281.

³ *Ibid.* p. 372.

⁴ *Ibid.* p. 367. Bain's *Calendar of Documents relating to Scotland*, vol. iii. p. 435.

⁵ In 1360 and 1361, the chamberlain of Scotland twice pays for the expenses of John of Sutherland, the sum of £6, 13s. 4d. But

this John of Sutherland was not the earl's son. There was another John Sutherland at the time, who, with Nicholas of Crichton, of Scotland, on 14th May 1360, receives a safe-conduct to visit William, Earl of Sutherland, when in England. [*Exchequer Rolls of Scotland*, vol. ii. pp. 49, 78; Rymer's *Fœdera*, vol. iii. Part i. p. 494.]

father, for the deliverance of David the Second, King of Scotland, but that his mother departed from this life immediately after his birth.¹

Wyntoun, who was made prior of St. Serf's Inch in Lochleven previous to the year 1395, and whose Chronicle was finished between 1420 and 1424, when he was an old man, also refers to Earl William's marriage. When enumerating the children of King Robert Bruce and Elizabeth de Burgh, he says of the Princess Margaret—

The Erle of Swthyrland in his lyf
Tuk this Margret til his wyf:
A swne on hyr this Erle gat,
That Jhon he cald eftyr that :
He ostage for his Eme wes send
In Ingland, for that he wes kend
The Kyng Dawys systyr swne :
Thare ware all hys dayis dwne.²

"A.D. 1361. That ilke yere in-til Yngland
The second Dede was fast wedand
Of the ostagis hydand thare
For the King Dáwy dede than ware :
The Erlys son of Suthirland
In that Ded deit in Yngland :
And of Moraue Schir Thomas
Dede that yere in London was."³

Bower, writing much later than the two authors named, simply amplifies Fordun's account, adding that John, Master of Sutherland, died at Lincoln about the 8th of September 1361.⁴ From the statements of these writers, the first of whom was actually a contemporary, it is impossible to doubt that John, Master of Sutherland, was the only child of Princess Margaret Bruce, and that he died without issue.⁵

¹ Fordun's History, edition 1871, vol. i. p. 318; vol. ii. p. 312.

² The Orygynal Cronykil of Scotland. Be Andrew of Wyntoun. Edited by David Macpherson, vol. ii. pp. 66, 67, Book viii. cap. vii. lines 125-132.

³ *Ibid.* Book viii. cap. vii. lines 91-98.

⁴ Fordun à Goodall, vol. ii. p. 366.

⁵ In the celebrated Sutherland Peerage Case, between the years 1766-1771, the

counsel for Lady Elizabeth Sutherland, the successful claimant, at first adopted the view that the Sutherland family were descended from John, the son of Princess Margaret and William, Earl of Sutherland. In the tabular genealogy appended to the printed Case John is stated as the fifth Earl of Sutherland, and ancestor of the subsequent earls. Sir Robert Gordon, the opposing claimant, pointed out in his Supplemental Case that

There is another consideration, which of itself conclusively proves that after the death of John there was no issue surviving of the marriage of Earl William with the Princess Margaret. The earldom of Sutherland was erected by King David the Second, in 1345, into a regality in favour of them and the heirs of their marriage, but this privilege of regality entirely lapsed upon the death of Earl William. As it affected merely the earldom of Sutherland, and was entirely distinct from the other territorial grants of thanages and lands made on this occasion by the king, the right of regality should certainly have continued to the descendants of this marriage had any existed other than John. But it entirely disappears from the family after Earl William's death, until it was restored in 1601, by a regrant in express terms from King James the Sixth in favour of John, twelfth Earl of Sutherland, for his own personal services to the king, and not as inheritor of the regality through descent.

Besides, the fifth Earl of Sutherland, in 1365, obtained from King David the Second a regrant of the half-thanage of Formartine, in Aberdeenshire, which he had in possession at the time. The first grant was made, as formerly stated, in 1345, to the earl and the Princess Margaret, and the heirs of their marriage. But on this occasion it is to the earl and the heirs-male of his body. This alteration in the destination, coming thus after the death of the princess and her son, John, corroborates the other evidence already stated, that there was no issue then surviving to fulfil the former destination, and that the lands were intended by the new and extended grant to descend to the earl's issue by any other marriage.

John, the *only* son of Princess Margaret, died without issue while a hostage in England, and then Lord Hailes, in writing the Supplemental Case for Lady Elizabeth, omitted John as an Earl of Sutherland. In letters to the law-agent of the Sutherland family he says: "It is impossible for us to retain John, the hostage, *i.e.* the fifth earl. I have made the best excuse I could for our former error." And again, "I wish we had not

meddled with John, the hostage. I suspect that he did not carry on the line of the family, but that his brother William, mentioned in Rymer, did, and that the Robert in our pedigree was *his*, not a son of John." [Letters in Sutherland Charter-chest.] In this, however, the eminent counsel was again in error, for, as has been already shown, this William was apparently illegitimate.

THE THANAGES and other CROWN LANDS granted by KING DAVID THE SECOND to WILLIAM, FIFTH EARL OF SUTHERLAND, as marriage portion with the PRINCESS MARGARET BRUCE, sister of the King.

IN his memoir of William, fifth Earl of Sutherland, Sir Robert Gordon enumerates at great length the thanages and other lands which King David Bruce granted to the earl in order to testify his great favour and goodwill towards him. He states that immediately after King David was ransomed and returned into Scotland, he called a parliament, wherein he disinherited Robert Stewart, his eldest sister's son, as heir-apparent to the crown, because he was the chief instrument of the overthrow at Durham, and resolved to adopt Alexander, son of the Earl of Sutherland, as heir to the throne; and that on the appointment of his son, Alexander, as heir-apparent of the crown of Scotland, the earl gave away many of his lands to his friends, including the thanages of Formartine, Aberluthnot, Kintore, Kincardine, and Fettercairn, and the Crag of Dunnottar, to the Hays, Frasers, Gordons, Sinclairs, and others, thinking that in return they would support his son Alexander in his title to the crown. But in that, adds Sir Robert, the earl was disappointed, for his son Alexander, being given in pledge to remain in England until the ransom-money for the king, his uncle, was paid, died at London.¹

These statements of Sir Robert Gordon are inaccurate, and he is indebted for them to Hector Boece, who, however, correctly gives John as the name of the son of the sister of David the Second, though he incorrectly gives her name as Jane. But in chronicling the death of this John, Boece buries the hopes and expectations of the Earl of Sutherland that his son would succeed to the Scottish crown, which Sir Robert tries to support by giving the princess another son, the Alexander referred to, who is an entirely mythical personage. Sir Robert also probably accepted Boece's narrative as a sufficient explanation why the lands which were given in dowry with the Princess Margaret Bruce did not descend to the heirs of Earl William.² It may, however, be interesting and instructive to consider in fuller detail the history of the several thanages and other crown lands in question. They were—

- (1) The thanage of Downy, in the shire of Forfar;
- (2) The thanage of Kincardine, with the castle or manor place and park thereof;
- (3) The thanage of Fettercairn;
- (4) The thanage of Aberluthnot, in the shire of Kincardine;

¹ Genealogy, pp. 51, 53.

² Bellenden's Boece, Ed. 1822, vol. ii. p. 448.

- (5) The half of the thanages of Formartine and Kintore, in the shire of Aberdeen ;
- (6) The barony of Cluny in Aberdeenshire ; and
- (7) The Crag of Dunnottar in the county of Kincardine.

All the thanages were granted under the condition that they should, in terms of their constitution as thanages, revert to the Crown, if the earl and the Princess Margaret deceased without leaving a surviving heir of their bodies ; but reservation was made to Matilda de Bruce, the king's sister, of her right to the half of the thanages of Formartine and Kintore, according to the king's grant to her thereof, if she survived her sister Margaret. The barony of Cluny and the Crag of Dunnottar were granted without any proviso of reversion to the Crown.¹

On the return of the king from his captivity in England, provision required to be made for the royal household. In the parliament held at Scone on 6th November 1357, an act was passed that the king should resume into his own hands all lands, rents and possessions which had been granted by him to any person, and that all such lands and rents that anciently belonged to the Crown should remain wholly and perpetually in his hands, so that the community which was burdened with his ransom should not be further oppressed for his expenses ; that the king should renew his oath not to alienate his lands, and that no revoked lands should be alienated without mature counsel.²

King David did not, however, resume possession of the lands of the Earl of Sutherland, who was then, along with John his son, a hostage in England for payment of the king's ransom. The accounts of William Meldrum, sometime sheriff of Aberdeen, and his successor in office, in 1359, show that the Exchequer had received no receipts since the year 1348 from the thanages of Formartine and Kintore, because these baronies had been in the hands of the Earl of Sutherland and of Thomas Ysaac, who had married the Princess Matilda.³ Similarly no receipts were obtained from the thanages

¹ Vol. iii. of this work, pp. 12-15.

² Acts of the Parliaments of Scotland, vol. i. p. 492.

³ Exchequer Rolls of Scotland, vol. i. pp. 546, 551. These two baronies of Formartine and Kintore are stated in Robertson's Index of Missing Charters to have been given at first to Matilda de Bruys, "To Mauld Bruce, sister to the king, of the lands of Fromerteine and thanage of Kintore," p. 36,

No. 2. They are mentioned as in her hands by the will of the king in 1348 [Exchequer Rolls, vol. i. p. 542], when her husband is not alluded to. An earlier grant was made of these and other lands to Ranald More, chamberlain (in 1329). He receives a charter of the lands of Formerteine, Akintor, Oboyn, Meikle Morfy, Douny and Caverays, which was Isabel Baliol's, heir to Thomas Balliol." [Robertson's Index, p. 53, No. 6.]

of Aberluthnot, Kincardine, Fettercairn, the Park of Kincardine, the castle and kaim of the same, because these were in the hands of the Earl of Sutherland by grant of the king.¹ A similar entry for the three terms preceding Easter 1359, occurs as to the thanage of Downy, because of the marriage of the king's sister, while it is stated in the same account that nothing was got from the fourth part of Monyekby, because of the unjust alienation thereof, which was to be reserved till the coming of the Earl of Sutherland into the kingdom.²

As already narrated, King David granted to the Earl of Sutherland the barony of Urquhart in Inveruess-shire in excambion for all the lands in Kincardine which the earl had obtained with the king's sister. The charter of Urquhart does not now exist, and no other record has been discovered of the earl's connection therewith. But he remained in possession of the Kincardineshire lands, for soon afterwards the king fully ratified the grant which he had made to William, Earl of Sutherland, and the late Margaret Bruce, his dearest sister, of the barony of Downy, etc.³ In this second charter of the lands thus granted to the earl in free marriage, they are all, with the single exception of Kintore, called baronies. In the earlier charter they were called thanages, and they are afterwards occasionally so called. At this time also the king made a re-grant to the earl and the heirs-male of his body, of the half of the thanage of Formartine.⁴

In the parliament held at Seone in September 1367, an act was passed for the purpose of making provision for the king's household, and one of its resolutions was that all dominical and other lands, rents, kaims, offices, etc., which belonged to the Crown at the time of King Robert's death, and during the time of King Alexander the Third, should be resumed; and that the grants made, even by King David himself, should be revoked.⁵ As a consequence, at the next audit of Exchequer, questions arose as to the payment of rents due from the lands revoked, and in the Exchequer Court held at Edinburgh in January 1367-8, it is stated that, by the king's will, various entries in the accounts of the sheriffs rendered at Perth in January were left dependent till the next council meeting to be held at Edinburgh on the 17th of February. A

¹ Account of William de Keth, sheriff of Kyncardine, from Martinmas 1357 to 5th April 1359. Exchequer Rolls, vol. i. p. 585.

² Exchequer Rolls, vol. i. pp. 589, 590.

³ Perth, 24th July 1359. Vol. iii. of this work, p. 17. Robertson's Index, pp. 49, 63,

No. 53.

⁴ Dundee, 30th July 1365. Vol. iii. of this work, p. 21. Robertson's Index, p. 66, No. 2.

⁵ Acts of the Parliaments of Scotland, vol. i. p. 501.

list is given of the lands revoked, in which the Earl of Sutherland, along with the Steward of Scotland, Sir William Keith, the Earl of March, Sir Walter Leslie, and many others, is named as affected by this revocation, and the sums he had paid to the Crown are stated. Besides £15 for the assize of the earldom of Sutherland itself, the fermes of the thanages of Formartine and Kintore are stated, the first extending to £83, 3s. 2d., and the second to £48. In Kineardine, the kiau of the lands of Aberluthnot was 20s. ; the dominical lands of Kineardine, with the mill of the thanage, and two towns of Cragnorthtoun, are worth of old £25, 9s. 4d. ; the thanage of Aberluthnot was worth of old, besides the lands gifted by King Robert, £30, 13s. 4d. ; the thanage of Fetterearn was of the value of £26, 3s. 4d., and the thanage of Downy £20, 13s. 4d.¹

The Crown lands for which these rents were exigible are, with the exception of Formartine and Kintore, of which the ownership is not stated, described as lately in the hands of the Earl of Sutherland, showing that they were revoked in terms of the act. This was the second act of revocation passed by the parliament of King David. The first, in 1357, did not affect the earl's possessions, but this act did, though how far this was owing to the fact that John Sutherland, the son of Lady Margaret Bruce, was then dead, is not certain. It is probable that the revocation would have taken effect in any case, but his death doubtless affected the future disposition of the lands. Certain of them were regranted to, and continued to be held by, the Earl of Sutherland, but evidently only in life, which sufficiently explains why the lands did not descend to his heirs. Thus King David, in the last year of his reign, granted to Walter Leslie, knight, the fee and reversion of the thanages of Kineardine, Aberluthnot, and Fetterearn, in the sheriffdom of Kineardin, "of which the frank-tenement now exists in the hand of William, Earl of Sutherland"; to be held by him and Eufamia of Ross, his spouse.² These thanages, accordingly, on the death of Earl William, passed into the possession of Sir Walter Leslie; and he is soon after found exercising his rights. King Robert the Second, in 1378, granted to Patriek of Innerpeffer, burgess of Dundee, the king's lands of Balmaleddy, Balmethnaeh, Smythyhill, Haltoun, and Aberluthnot, in the shire of Kineardine, which belonged to Walter of Lesly, knight, and

¹ Acts of the Parliaments of Scotland, vol. i. pp. 528-531. The last entry appears to indicate that the Earl of Sutherland had the frank-tenement of Downy.

² Perth, 27th February 1369-70. *Registrum Magni Sigilli*, vol. i. p. 71, No. 242. Robertson's Index, p. 65, No. 15, also p. 89, No. 242.

Eufamia, his spouse, and were resigned by the said Walter.¹ The king regranted the same in free barony a few years later.²

The disposition of the rest of the lands given to Earl William, and resumed by the Crown, may be briefly noted. King Robert the Second granted to Alexander of Lyndesay the thanage of Downy, in the shire of Forfar, as a barony, and to John, Earl of Moray, his son-in-law, the thanage of Kintore, reserving to the king all tenants, kains, etc., due to him.³ And he regranted the latter, with tenandries and kains, etc., except the lands of Thaynstoun, at Kincardine, 23d January, twelfth year of reign [1381-2].⁴ Formartine was first given to John, Earl of Carrick, the king's eldest son, to whom the barony of Urquhart had also been given. This is ascertained from a statement by King Robert the Second in a council held at Perth on 7th June 1382, that it was not his intention, in giving the lands of Formartine to his eldest son, to transfer to him the second tithes due from the rents to the church and bishop of Aberdeen; nor was it his son's intention to do so in bestowing them on James of Lyndesay "*nepoti nostro*."⁵ For the redemption of Randulph de Percy, an English knight, King Robert the Third granted Formartine and other lands, resigned by Sir James of Lindsay, to Sir Henry of Preston, who was the founder of the family of Preston of Formartine.⁶

The half-lands of Cluny, in Aberdeenshire, came into the possession of Alexander Keith, on whose resignation they were granted by King Robert the Third to John Dalzell, along with other lands.⁷ The Crag of Dunnottar came into possession of Sir William Lindsay of the Byres, who, with consent of Christian Keith, his wife, in 1392, entered into a contract of excambion with Sir William Keith, marischal of Scotland, and Margaret Fraser, his spouse, by which the lands of Ugtrethrestrother or Struthers, Pettindreich, and Wester Markinch, in Fife, were given by the marischal and his wife for the castle and estate of Dunnottar.⁸

¹ Dated at Dundee, 28th December, ninth year of reign [1378]. *Registrum Magni Sigilli*, vol. i. p. 152.

² Dundee, 28th July [1383]. *Ibid.* p. 170.

³ 26th August 1375. *Ibid.* p. 140.

⁴ *Ibid.* p. 161.

⁵ Precept, 8th June 1382, in *Registrum*

Episcopatus Aberdonensis, vol. i. p. 138.

⁶ 28th September 1390. *Registrum Magni Sigilli*, vol. i. p. 184.

⁷ Robertson's Index, p. 138, No. 30.

⁸ The Frasers of Philorth, Lords Saltoun, vol. i. p. 85.

VII.—ROBERT, SIXTH EARL OF SUTHERLAND.

LADY MARGARET STEWART (OF BUCHAN), HIS COUNTESS.

c. 1370-1442.

AFTER the death of William, the fifth earl, the husband of the Princess Margaret Bruce, Sir Robert Gordon states that John, the first of that name, Earl of Sutherland, succeeded and married Mabella, daughter of the Earl of March, by whom he had two sons, Nicolas and Hector. Sir Robert also alleges that this John, Earl of Sutherland, with other prominent Scots, joined in the inroad into England in 1388 when the memorable battle of Otterburn was fought, in which the Scots were victorious, Henry Percy, popularly known as "Hotspur," and Ralph Percy, two sons of the Earl of Northumberland, with many others, being taken prisoners. James, Earl of Douglas and Mar, was among the slain, and his tragic death was long mourned both in prose and poetry by the Scots as that of their greatest leader. As usual, Sir Robert Gordon makes his Gordon ancestors figure very gallantly throughout all the great battles fought during this period. Sir Robert closes the memoir with the statement that Earl John died in his own country much regretted, and was buried at Dornoch in the sepulchre of his fathers in the year 1389.¹

Sir Robert also devotes a chapter to Nicolas Sutherland, Earl of Sutherland, and alleged son and successor of Earl John, detailing some controversies between him and the Mackays in Strathnaver. He then describes the great clan fight before the king at Perth, between the clan Chattan and clan Kay, in the year 1396, which has in modern times been commemorated by a magic hand in the Fair Maid of Perth, and finally states that Earl

¹ Genealogy, pp. 54-57.

Nicolas died in 1399 and was buried at Dornoch; and that unto him succeeded his eldest son, Robert Sutherland.¹ Unfortunately for these statements, later investigations prove that there was no John and no Nicolas, Earls of Sutherland in succession to William, the fifth Earl, whose son John, having predeceased him, never was Earl of Sutherland.

The successor of Earl William was undoubtedly Robert, who is styled Earl of Sutherland in 1389, when he was a witness to the ecclesiastical decree pronounced against Alexander Stewart, Earl of Buchan, in regard to his wife Euphemia Ross.² He was certainly the son of a "William, Earl of Sutherland," and Lord Hailes makes him the grandson of the brother-in-law of David the Second, assuming that the latter was a very old man. But the husband of Margaret Bruce being comparatively young when he succeeded to the earldom, the appearance of Earl Robert in 1389 renders it probable that he was the son and not the grandson of William, the fifth earl.³

It is probably Earl Robert who figures in the pages of Froissart as one of those earls and nobles who in 1384 welcomed Sir Geoffrey Charney and his companions as visitors to Scotland, and for their pleasure organised a raid into England. The earl was also one of those who in the following year greeted Sir John de Vienne and his company who came as an expedition from France to wage war against England from the Scottish frontier. He was present when the barons of France waited on the King of Scots, and may have been among those who "were much rejoiced" when an invasion of England was resolved upon.⁴ Whether he joined the expedition which followed is not stated, but he was not one of those magnates who shared in the distribution of the 40,000 francs of gold which de Vienne brought with

¹ Genealogy, p. 58.

² Registrum Moraviense, p. 354.

³ Earl William, if he died in 1370, could scarcely have been more than 55 years of age,

and his younger brother Nicholas was still alive more than thirty years later [cf. vol. iii. of this work, p. 22].

⁴ Froissart, Johnes' Edition, vol. ii. p. 48.

him from France. These were chiefly appropriated by such nobles as had suffered most from the English invasions of 1385.

Froissart is also the authority which tells us that the Earl of Sutherland attended the meeting of Scottish nobles and their followers which took place at Southdean in the Forest of Jedburgh, and which resulted in the battle of Otterburn. He came there in pursuance of a resolution entered into at a meeting in Aberdeen in the summer of 1388, to take advantage of the disputes between the English king and his nobles and make a raid into England on a large scale, partly in retaliation for the English invasion under Richard the Second in person three years previously. The result of the assemblage at Southdean is well known. The Scottish leaders divided their force into two unequal portions, the smaller of which, under James, second Earl of Douglas and Mar, marched direct to Newcastle-on-Tyne, and ravaged Durham almost to the confines of Yorkshire. On their return the battle of Otterburn was fought, where Douglas was slain. Meanwhile the larger division, under Robert Stewart, Earl of Fife and Menteith, Archibald Douglas, Lord of Galloway, and others, entered England by the Western Marches and advanced towards Carlisle.¹ It was to this force that the Earl of Sutherland was attached, but its doings have not been recorded by the Scottish historians.

In the year following the battle of Otterburn, 1389, Robert, Earl of Sutherland, was, as already stated, concerned in an important matter affecting the family circle of Alexander Stewart, Earl of Buchan. That nobleman, the fourth son of King Robert the Second, and better known as "The Wolf of Badenoch," married, in 1382, Euphemia, Countess of Ross, daughter of

¹ Froissart, *Johnes' Edition*, vol. ii. pp. 362, 364. It may be noted that Froissart names this Earl of Sutherland John, which may account for Sir Robert Gordon's statement, but as Froissart also speaks of a William, Earl

of Fife, Stephen, Earl of Menteith, and William, Earl of Mar, none of whom then existed, his accuracy as regards Scottish names is not to be relied on.

William, Earl of Ross. He deserted her for a woman named "Mariota filia Athyn," and on 2d November 1389, he was ordained by the bishops of Moray and Ross to live with his wife, and became bound not to maltreat her under a penalty of £200. The decree against the Earl of Buchan was pronounced in the Church of the Friars preachers of Inverness. The Earl of Sutherland was not only a witness to the proceedings, but was named by Buchan, who was also present, as one of the sureties for his fulfilment of the terms of the decree.¹ This office Earl Robert accepted, probably on account of his relationship to the Earl of Buchan, whose daughter he appears to have married.

There is no further mention in any record or charter of Robert, Earl of Sutherland, until the year 1401, but an incident which Sir Robert Gordon assigns to the year 1395 may relate to him. Sir Robert states that the Earl of Sutherland at that date, whom he calls Nicholas, appointed a meeting at Dingwall with the Lord of the Isles (probably Alexander of the Isles, Lord of Lochaber) and others to bring about a reconciliation between himself and the Mackays of Strathnaver. The parties met and were lodged in the castle of Dingwall, but unfortunately the Earl of Sutherland and the elder Mackay quarrelled over the subject of dispute, and the earl, in the heat of passion, killed both the elder Mackay and his son, escaping to his own country with difficulty from the vengeance of their followers.²

In January 1401 Earl Robert granted to his brother, Kenneth of Sutherland, and his heirs-male, the lands of Drummoy, Torrish, and Backies, giving common pasture in the land called, in English, the Glen, to all the inhabitants of the land of Backies. The earl reserved to himself and his heirs the

¹ Registrum Moraviense, p. 304.

² Genealogy of the Earls of Sutherland, p. 58. Some doubt has been thrown on this story, and an opinion has been expressed that in any case the date must be erroneous.

On this point, however, as Sir Robert Gordon appears to be the sole authority for the tradition, there is not sufficient evidence to warrant a definite judgment. He may have mistaken the date.

mill called the mill of Dunrobin, with the croft lying between the mill and the water running on the west side of the croft; also the fat fish coming to the lands of Drummoy and Backies, except the fish called "Pellokis," which alone the grantee should be allowed to carry home, and about which no question should be raised by the earl or his heirs. The grantee as tenant of the lands of Backies was bound to cause carry millstones to the mill of Dunrobin, the millhouse to be maintained according to ancient custom. Similar service was due to the mill of Kilmalie for the lands of Drummoy, the lands of Backies and Drummoy being free of multure. Further, failing Kenneth Sutherland and his male heirs, the lands were to revert to the Earl and his heirs.¹

This charter is said to be dated at the castle of Dunrobin, the first reference in authentic record to that building. Sir Robert Gordon asserts that Dunrobin was founded about the year 1100 by an imaginary Robert, Earl of Sutherland, and was "so called from his name; for Doun-Robin signefieth the mote or hill of Robert." Another suggestion by a more recent writer as to the name and founding of the castle is, that it may be ascribed to Rafn, "one and apparently the chief of several prefects left to rule the country by Rogwald Gudrodson, in the reign of King William the Lion, and subsequently in 1222 present at the death of Bishop Adam, whom he had in vain advised to conciliate the infuriated populace."² The same writer says that, from Sir Robert Gordon's description in 1630 of the site of the castle as "a place seated upon a round mote," it may fairly be inferred to have taken the place of a more ancient edifice, one of those curious structures known as Pictish Towers. This is possible, but it is not improbable that as we

¹ Charter, dated 22d January 1401, cited at length in *Origines Parochiales*, vol. ii. p. 673; confirmed by Robert, Duke of Albany, in 1408, vol. iii. of this work, p. 22.

² *Origines Parochiales*, vol. ii. p. 681 note.

have the first mention of the castle only in 1401, the subject of the present memoir, if not the founder, was the first of the Earls of Sutherland to use the building as a residence, and that it was named from him.

Robert, sixth Earl of Sutherland, held the earldom for seventy years, during a great part of which both highlands and lowlands were in a troubled and unsettled condition. Sir Robert Gordon accordingly finds ample material for describing at great length the feuds and battles between the Mackays, Macleods, and other Highland clans who inhabited Sutherland. These need not be detailed at length, but only referred to in so far as they affected the earl himself or required his intervention. The first event related, whether first in point of time or not is uncertain, is a conflict between the men of Sutherland and the Macleods of Lewis, which is thus introduced by Sir Robert: "In this Earl of Southerland his tyme, the terrable conflict of Tuttim Tarwigh was foughten by the inhabitants of Southerland and Strathnaver against Malcolme Mackloyd of the Lewes." Angus Mackay of Farr in Strathnaver, whose father had been killed at Dingwall by Earl Robert, had after an interval of hostility reconciled himself to the earl. Angus soon afterwards died, leaving his widow, a sister of Macleod of the Lewis, and two boys to the care of his brother Hugh. The latter ill-treated the widow, and Macleod visiting her and being displeased at her ill-usage, on his way homeward plundered Strathnaver and "the Braechat" or part of Lairg, in Sutherland. Earl Robert hearing of this, both because of the damage done, and his friendship with Mackay, gave orders for pursuit of the Macleods. This was done by a force under Alexander Murray of Culbin, who, after a severe conflict defeated the Macleods, leaving, it is said, only one of their company alive, who escaped to his own country but died shortly afterwards.¹

Passing over the battle of Harlaw in 1411 and some other incidents in

¹ Genealogy, pp. 61, 62.

which the Earl of Sutherland apparently took no part, we find him in another conflict fought near Tongue in the parish of Farr. A descendant of one of the Mackays, Thomas Macneil or Neilson, had murdered the laird of Freswick and burned the chapel of St. Duthac near Tain, where the victim had taken refuge. For this he was proclaimed a rebel by King James the First, who offered his estates to the person apprehending him. Angus Moray, a cadet of the Culbin family, undertook this, and enlisted in his service the two brothers of the murderer, promising them the aid of the Earl of Sutherland to gain lands in Strathnaver. With their assistance the murderer was taken and delivered up, and Angus Moray, to fulfil his promise, invaded Strathnaver with a company of Sutherland men, levied with the consent of Earl Robert. Angus Dow Mackay, the chief of that clan, mustered his followers, but being unable to head them himself, he placed them under the command of his natural son, known as John Aberigh. He first, however, offered to make terms with the invaders, which were refused, and a battle ensued, fought with great ferocity on both sides, so "that there remayned in the end verie few alive on either syd."¹ Angus Moray and his two accomplices were slain, while John Aberigh only escaped with life, but sorely wounded. The Earl of Sutherland, however, it is said, now pursued him hotly in revenge for Angus Moray's death. John Aberigh fled, but afterwards came to Strathullie, where he again fell under the earl's displeasure and was forced to submit and crave pardon for his offences, which was granted.

This conflict took place about 1429, or about two years after a parliament which King James had summoned to meet at Inverness, on which occasion these two chiefs, Angus Dow Mackay and Angus Moray, had been seized and imprisoned for a time as a warning to keep the peace. It is probable that

¹ Genealogy, p. 66. Bower (*Scotichronicon*, Lib. xvi. cap. xvii.) states that of 1400 men who took part in the fight, only nine persons survived.

the Earl of Sutherland was present at the assembly, but there is no record of its proceedings.

If Sir Robert Gordon, instead of recounting these sanguinary conflicts between neighbouring clans, had considered the question of the parentage of this Earl of Sutherland, and detailed the result of his investigations and proofs as to whether the Princess Margaret, the first wife of his father Earl William was his mother, or whether Earl Robert was really the son of his father's second wife, Joanna Menteith, Countess of Strathern, his work at this point would have been more satisfactory. Such testimony would have been the more valuable as at that early period of our history it is only in rare instances that contracts of marriage are to be found preserved in the private charter-chests even of a great and ancient family like that of Sutherland. Among the muniments of the great house of Douglas, there is indeed a contract of marriage, dated on Palm-Sunday 1259, being nearly a century anterior to the marriage of William, the fifth Earl of Sutherland, and his first wife, Princess Margaret Bruce. As the Douglas contract for a marriage between the two families of Douglas and Abernethy, both great and powerful at the time, is still extant, it might be supposed that the contract of marriage of a daughter of King Robert the Bruce, under the auspices of her brother, King David Bruce, with the head of the house of Sutherland, should also have been preserved. But the Douglas writ is an exceptional document, being one of the oldest, if not the oldest of its kind in Scotland, and no contracts of marriage between the fifth Earl of Sutherland and his first or second wives have been discovered. The contents of the royal marriage contract, if any existed, may be inferred, in part at least, from the charters and grants of royal property described in the previous pages under the memoir of the Earl William and his son John. But Sir Robert Gordon makes no allusion whatever to the earl's second marriage,

though it is ascertained from other sources. The proofs stated on a former page show that Robert must have been the offspring of the second marriage.

Robert, sixth Earl of Sutherland, is said to have died in 1442, and he was certainly dead in 1444, when his son John is designated Earl of Sutherland.

The countess of this Earl of Sutherland was Lady Margaret Stewart, daughter of Alexander Stewart, Earl of Buchan. Wyntoun, who was a contemporary of the earl, speaks of his son John in 1408 as the nephew of Alexander Stewart, Earl of Mar. The only explanation of this relationship is that Robert, Earl of Sutherland, married a sister of Alexander Stewart, Earl of Mar. If so, his wife must have been a daughter of Alexander Stewart, Earl of Buchan, who had one daughter named Margaret. The earl and his wife had issue,

1. John, who succeeded his father in the earldom as seventh earl. Of him a memoir follows.
2. Robert, according to Sir Robert Gordon, married the younger daughter and co-heiress of James Dunbar of Frendraught, and had a son John, who died without issue. This statement has not been verified, and Sir Robert's pedigree of the Dunbar family is erroneous. It may be noted, however, that Janet Dunbar, the eldest co-heiress, who married James Crichton, married as her second husband before 1458 a John Sutherland, who may have been the son of Robert, but they had no issue. Robert Sutherland was, according to the family historian, still alive in 1487, when he is said to have led a company of Sutherland men against the Rosses at the battle of Aldycharrish; but if so, he must have been a very old man, and it may be doubted if it were not another person of the same name.¹
3. Alexander, of whom nothing has been definitely ascertained. He may have been the ancestor of Alexander Sutherland of Dilred, who was killed in 1499.

¹ Genealogy, pp. 74, 78, 79.

VIII.—JOHN, SEVENTH EARL OF SUTHERLAND.
MARGARET BAILLIE [OF LAMINGTON], HIS COUNTESS.

1442-1460.

THE first mention of this Earl of Sutherland is by Andrew Wyntoun in his rhyming chronicle. The exact date of the reference is uncertain, but the events narrated took place in the year 1408. The passage in a certain sense is rather an appendix to than an actual portion of the chronicle itself, as it relates to events which took place outside Scotland, but they were evidently noted down at the time from the lips of persons present, as the author indicates. The narrative deals with the fame and exploits of the eldest son of the "Wolf of Badenoch," Alexander Stewart, Earl of Mar, who, from being a wild youth and a leader of caterans, had become a man of great wealth and considerable renown in arms.¹ Wyntoun, after detailing some other exploits, tells us that the Earl of Mar, in the year 1408, passed into France "in his delite and his plessance," with a noble company

"Wele arayit and dantely
Knychtis and Sqwieris, gret Gentilmen."

In Paris he is said to have kept royal state, holding open house for twelve weeks. There he made the acquaintance of the reigning Duke of Burgundy, John the Fearless, and this led, at a later date in the same year, to his being asked, after he had gone to Bruges, to join the army raised by the Duke and the Count of Holland on behalf of their brother-in-law, the bishop of Liège. To this request Wyntoun says the earl made a blithe answer—

"And said, 'Set we be nocht ma
Bot I and my Boy, we twa,
I sal be thare that forsaid day,
Purvait, as I be purvait may.'"

¹ Fordun à Goodall, vol. ii. p. 500.

Who the particular "boy" was that was to be thus distinguished is not stated, but the young lord of Sutherland was certainly in attendance upon the earl at the time, and no doubt was with him during his stay in France. He was one of those who now accompanied the earl to the field. The whole force numbered only a hundred men, but these were very well equipped, and, few as they were, the earl and his party were heartily welcomed by the Duke of Burgundy, who gave them a place of honour in the van. According to custom, the earl before the battle knighted several of the squires who waited upon him, and first of these was John of Sutherland,

" . . . his Newew,
A lord apprand of wertew,
Heretabil Erl of that countrè."

In the battle which followed, although only the earl's own exploits are dwelt upon, we are told regarding the earl's nephew and his companions that

"Thir sex knychtis stout and wucht,
Wyth foure knychtis before than mád,
Of his natione than ten he had
Manful, hardy, stout and wucht
In all the hále force of that ficht ;
And all his Sqwyeris and Yomen
Provit all stout and manful then."¹

The victory remained with the force to which the Earl of Mar and his men were attached, and the Scottish writers attribute the result chiefly to his advice.

Of the young Earl of Sutherland, the winning of whose spurs is thus referred to, no further notice is found on record until the year 1444, when he was at Pontefract Castle, where he appears to have been as a hostage for

¹ Wyntoun's Chronicle, ed. 1795, vol. ii. pp. 434, 435 ; cf. pp. 424-440.

payment of King James the First's ransom. He or his father had gone to England in 1427, as a substitute for the eldest son of the Earl of March. The hostages were apparently allowed to receive their friends and transact business, and thus we find him granting to his kinsman, Alexander Sutherland of Duffus, a charter of the lands of Torboll, in terms of resignations by Alexander's father and grandfather.¹ The grant was witnessed by various Scottish gentlemen, who were also hostages, Michael Scott of Balwearie, Alexander Erskine of Dun, Alexander Straton of Lauriston, and Sir William Baillie of Hoprig, who was either brother-in-law or father-in-law to the earl himself. There was thus in Pontefract a little community of hostages, some of whom probably had their families with them.

Although there is no evidence as to why he was allowed to leave England, the earl was in his own country, and residing at Dunrobin Castle in May 1448, where he issued a presentation in favour of Alexander Rattar to be chaplain of St. Andrew's chaplainry at Golspie. The emoluments of the office were derived from the lands of Drummoy, with crofts, etc., round the chapel, and a croft upon the hill between the burns, which are conveyed in the earl's presentation.²

Little further is recorded of this Earl of Sutherland. In 1451 he received to himself and his wife, Margaret, a crown charter of Crakaig, Easter Loth, Overglen of Loth, Wester Loth, and other lauds in the parish of Loth.³ The earl also, in 1456, resigned the earldom into the hands of King James the Second, for a regrant to John, his second son, and his heirs, but reserving the liferent of the above-named lands to himself and his countess.⁴

Sir Robert Gordon relates that in the time of this earl, Sutherland was

¹ 12th July 1444. Vol. iii. of this work, p. 25.

² *Ibid.* pp. 26, 27.

³ *Registrum Magni Sigilli*, vol. ii. No. 443.

⁴ Vol. iii. of this work, pp. 28-32.

invaded by Macdonald of the Isles, who, with five or six hundred followers, penetrated as far as Skibo, and was there defeated. Another party who came at a later period were met at Strathfleet, and after a sharp skirmish were put to flight.

John, seventh Earl of Sutherland, according to Sir Robert died at Dunrobin in the year 1460. He is further said to have been buried in the chapel of St. Andrew at Golspie.¹ This was contrary to the previous custom of the family, which was to bury in the cathedral at Dornoch.

He married Margaret Baillie, apparently a daughter or sister of one of his fellow-hostages, Sir William Baillie of Hoprig and Lamington. Sir Robert Gordon extols her beauty. She survived her first husband, and was alive in the first half of the year 1509, for she received payment of her terce up to 30th April of that year; but she died before 1510. Sir Robert Gordon states that she was annoyed by the persecutions of her son, Earl John, who pulled down a tower erected by her at Helmsdale. She built a chapel at East Garty, and for some time resided near it. It is said she was compelled to marry Alexander Dunbar, a brother of Sir James Dunbar, to whom her daughter Jean was married, but this is not true. Sir James Dunbar of Cumnock married Euphemia Dunbar of Mochrum, and he had no brother named Alexander. His father, Sir Alexander Dunbar of Westfield, may be meant, but he married an Isobel Sutherland, who survived him. No evidence has been found of a second marriage of Countess Margaret.

The earl and his countess had issue:—

1. Alexander, Master of Sutherland. He is named as such in a charter by Alexander, Earl of Ross, dated at Inverness, 10th October 1444,² and he died, before 1456, while his father was still alive. According to Sir Robert Gordon he left issue, by a wife whose name and family are not

¹ Genealogy, p. 75.

² Registrum Magni Sigilli, vol. ii. No. 281.

recorded, a daughter Marjorie, who married William Sinclair, first Earl of Caithness. Lord Hailes, however, proves that Marjorie, Countess of Caithness, was the daughter of Alexander Sutherland of Dunbeath, and in consequence he doubted the existence of Alexander, Master of Sutherland; but he could not have been aware of the charter referred to above. Alexander must have died without issue previous to 1456, when his next brother, John, was treated as the heir to the title and earldom of Sutherland.

2. John, who became eighth Earl of Sutherland, and of whom a memoir follows.
3. Nicolas, who is a witness to his father's letter of presentation in 1448, but of whom nothing further has been ascertained.
4. Thomas, known as Thomas Beg, of whom nothing has been definitely ascertained; but according to Sir Robert Gordon, he was the ancestor of a family of Sutherlands in Strathullie.

The daughters are said to have been Lady Jean, who married Sir James Dunbar of Cumnock, and had issue, among others, Gavin Dunbar, bishop of Aberdeen; and Lady Muriel, who married Alexander Seton of Meldrum. But while there is evidence that Alexander Seton married a Muriel Sutherland, her connection with the Earl of Sutherland has not been ascertained, and in the Seton pedigree she is said to be of the family of Duffus. Further, Sir James Dunbar of Cumnock married Euphemia Dunbar of Mochrum. His father, Sir Alexander Dunbar of Westfield, married, about 1458, a lady named Isobel Sutherland; but she is generally supposed to have been a daughter of Alexander Sutherland, Lord of Duffus, and they were certainly the parents of Gavin, bishop of Aberdeen. Isobel survived her husband, who died about 1497. This disposes of the story that Margaret Baillie, Countess of Sutherland, married an Alexander Dunbar who was slain about that date.

The Earl had also, according to Sir Robert Gordon, a natural son, Thomas More, who had issue two sons, killed afterwards by their uncle, Earl John.

IX.—JOHN, EIGHTH EARL OF SUTHERLAND.

- (1) FINGOLE (OF THE ISLES), HIS FIRST COUNTESS.
- (2) CATHERINE (SURNAME UNKNOWN), HIS SECOND COUNTESS.

1460-1508.

ALEXANDER, Master of Sutherland, who was the eldest son of John, seventh Earl of Sutherland, having predeceased his father between 10th October 1444 and 22d February 1456, without leaving issue, his next brother, John, became heir-apparent in the earldom to his father, who, to meet the altered position of the succession, resigned the earldom for a new investiture in favour of John, his second son, and his heirs. The resignation was made on 22d February 1456, in the garden of the chapel of St. Mary the Virgin, at Inverness, about four o'clock in the afternoon, into the hands of the king, who received the resignation from the earl, and redelivered the earldom by giving of staff and baton to the procurator of John, the son and heir of the earl, who does not appear to have been present. In the precept and crown charter the destination of the earldom is to John and his heirs.¹

Earl John is referred to in 1464 as being represented by a procurator in the parliament of that year when King James the Third made the usual formal revocation of alienations of Crown property. He received in 1467 a charter of the lands of Spanziedale, now Spinningdale, and Pulrossie. The original writ, though known to Sir Robert Gordon, is not now extant, and Sir Robert does not name the granter, but as these lands were in 1464 granted and confirmed to Celestine of the Isles, it is probable they were bestowed by him.

The incidents of this earl's life, so far as they have been ascertained or

¹ Charter, 24th February 1455-6, and other writs, vol. iii. of this work, pp. 28-32.

recorded, are not specially eventful, although he held the earldom for more than forty years. In 1471, he granted, as superior, a precept for infesting John Sutherland of Forse as heir to his father, Richard Sutherland of Forse, in the lands of Backies, Torrish, and Drummoy. In the same capacity the earl in the following year granted to Nicholas Sutherland, son and heir apparent of Angus Sutherland of Torboll, a charter of the lands of Torboll, Pronsy, and others, which had been resigned into the earl's hands at Dornoch. Twenty years later Nicholas Sutherland of Torboll, and a brother, Donald, were both dead, apparently without issue, and Hugh, a third son of Angus, received the lands from the earl. Another act of the earl as superior was to confirm to Jean Terrell the lands to which she was heiress, known as the "Terrel's lands in Strathfleet." These lands were situated in the parish of Rogart, and appear to correspond to the modern Rovie, Davochbeg, Inchape, Acheillie, Rossal, and Pittentrail. Jean or Jonet Terrell inherited them as heir of her grandfather, Hugh Terrell.¹

The earl, in 1476, had a dispute with Sir Robert Crichton of Sanquhar as to the property of the lands of Cragton, perhaps at Culmaily, in Golspie parish. Crichton accused the earl of wrongfully occupying and withholding the rents of these lands and the fishings attached. When the case was tried before the Lords Auditors they decided against the earl.² Two other cases of litigation are recorded in which the earl was concerned. The first was an action at the instance of Sir Gilbert Keith of Inverugie for the reduction of first, a letter of reversion granted by him to the earl of £40 worth of lands in Strathullie in Sutherland; and secondly, of a charter made by Sir Gilbert in favour of the earl of £40 worth of the lands of Subister and others, in Caithness. The Lords of Council continued the case for the earl to produce

¹ Vol. iii. of this work, pp. 33, 34, 36, 37; cf. p. 20; *Origines Parochiales*, vol. ii. p. 719.

² *Acta Auditorum*, p. 52. 17th July 1476.

his titles, but no decision is recorded.¹ Two days later, in the same year, 1494, the Lords of Council declared that the earl and his accomplices had done wrong in taking and withholding the castle of Skelbo, and also two children of John Murray. They further ordered the earl to deliver the castle to Thomas Kinnaird of that Ilk, to be held by him in terms of a charter, to set the children immediately at liberty, and to pay 100 merks Scots to Kinnaird for his "dampnag and scathis."² No further proceedings against the earl are recorded, though possession of the castle continued to be debated between the Murrays and Kinnairds.

The earl is also occasionally named in connection with events in which he did not directly take part, but in which he was interested. Such an event was the battle of Aldycharrish or Darcha. Angus, the chief of the clan Mackay, had been slain by some of the clan Ross. His son, John Mackay, who succeeded, desired to avenge his father's death, and to do so effectually he requested the permission and aid of the Earl of Sutherland. The earl consented, and, it is said, commissioned his uncle, Robert Sutherland,³ to assist Mackay with a company of picked men. The combined forces invaded the country of the Rosses, who retaliated under the leadership of Ross of Balnagowan, and encountered Mackay and his party at a place called Aldycharrish, said to be identical with Doricha or Darcha in Creich parish. "Ther ensued a cruell battell which continued a long space with incredible obstinacie," but at last the Ross-shire men were defeated, their leader and a number of their principal men being left dead on the field. Sir Robert Gordon adds that when the spoil was divided a proposal was made to attack the Sutherland men unawares, and plunder them on their way home

¹ *Acta Dominorum Concilii*, pp. 345, 346.
30th June 1494.

² *Ibid.* p. 348. 1st July 1494.

³ So says Sir Robert Gordon, but at the date assigned to the battle, 1487, the earl's uncle must have been a very old man.

before succour could arrive from the earl, who was entirely unsuspecting of such treachery, but this proposal was defeated.¹

Sir Robert Gordon records other events in which the earl figures unfavourably. Two sons of his bastard brother Thomas had incensed the earl by their conduct, and at last, enraged by their constant provocations, he ordered them to be killed. One of them was slain within the house of Dunrobin, while the other escaped to some little distance, but being wounded, was soon overtaken and despatched. The earl is also charged with unkindness to his mother, whose building at Helmsdale he is said to have pulled down, and with forcing her to a second marriage, but this latter accusation has been shown to be unfounded.

The earl's shortcomings, however, seem to have been due to a fact of which Sir Robert was either ignorant, or of which he says nothing, namely, mental weakness. A brief of idiotry was issued by King James the Fourth in 1494, and Sir Duncan Forster of Skipnish, John Cumming of Earnside, and Alexander Cumming of Altyre were sworn in as sheriffs of Inverness specially appointed to carry out the legal service of the brief.² The barons and frecholders of the shires of Inverness, Elgin, Forres, Banff and Aberdeen, were summoned to attend the inquest. There does not appear to be any record of the proceedings, but proclamation of the brief was duly made, and the earl, having been declared incapable of managing his own affairs, was placed under the care of a tutor.³ The fact of this earl's legal incapacity has been entirely overlooked by Sir Robert Gordon and Lord Hailes, but it has an important bearing upon the circumstances which led to the succession to the earldom of his daughter Elizabeth.

¹ Genealogy, pp. 78, 79.

² Acta Dominorum Concilli, pp. 378, 379.

³ Treasurer's Accounts, vol. i. pp. 221,

238, 239: 100 merks were paid as a composition for the office of tutor, but it is not stated who was appointed.

The earl survived for some years after this date, but under continuous guardianship. The latest definite notice of him which has been discovered is an order issued in February 1499 by the lords of council requiring Sir James Dunbar of Cumnock to bring the earl and his minor son to the king, their expenses being provided for. The earl's situation at this time appears to exonerate him from a charge made against him by a recent writer.¹ Alexander Sutherland of Dilred is asserted to have slain an Alexander Dunbar, who, according to Sir Robert Gordon, was a brother of Sir James Dunbar of Cumnock, but who from dates and other circumstances was more probably his father, Sir Alexander Dunbar of Westfield.² A commission was issued to apprehend Sutherland of Dilred, which was carried out by his uncle Odo or Y. Mackay of Strathnaver, and the charge has been made that the task was difficult because the murderer was protected by Earl John, and sheltered in his district. But this charge appears under the circumstances to be groundless, and in any case Earl John at the date was held not responsible for his actions. It may be noted that Mackay in 1499 received a charter of Alexander Sutherland's lands of Dilred as a reward for apprehending him, but no reference is made to any murder, Sutherland and his accomplices being charged with rebellion.³

Earl John, according to Sir Robert Gordon, died in the year 1508, and this is probably the case, though the documents which would have settled the question are not now in the family charter-chest.

There is considerable difficulty about the marriage or marriages of this Earl. Sir Robert Gordon says he married a daughter of the Lord of the Isles, Earl of Ross. No evidence has been found of this, but, as already

¹ History of the House and Clan of Mackay, by Robert Mackay, pp. 87, 88.

² No trace of any other Alexander Dunbar has been found, and Sir James had, so far as

appears, no brother of that name. Sir Alexander certainly died at the date of the alleged murder.

³ Registrum Magni Sigilli, vol. ii. No. 2506.

stated, the earl, in 1467, received a grant of the lands of Spinningdale and Pulrossie, which, in 1464, had been granted and confirmed to Celestine of the Isles, a natural brother of the then Earl of Ross. It is not improbable that the lands may have been a marriage portion, and that it was a daughter of Celestine whom the earl married. Sir Robert states that this lady met her death by drowning, while crossing the ferry at Unes, but he gives no date. The question of the earl's marriage or marriages is complicated by facts which were unknown to Sir Robert. In 1499, when the lords of council ordered the earl to be brought to Edinburgh, they refer to a divorce between him and his wife, thus—"And as to the mater of diuorce betuix the sade Jhone, Erle of Sutherland and Fingole, his spouse, the lordis reservis that mater to the vycare-generale of Cathnes, requerand him that he call the partiis befor him, and with the consale of my lord of Moray and his cheptoure advise the process, and as he findis it and concludes in the samyn, that he send it to the lordis of consale, that the kings hienes may be veryfeit in the mater how it is procedit, and how scho sal haf hir [liv]ing and be sustenit in tyme to cum." Who this "Fingole" was has not been ascertained, but the fact that the wife of Celestine of the Isles bore a similar name suggests a descent from that family. On the other hand, in the years 1509 to 1512, during which period the rents of the earldom were administered by the Crown, a Catherine, Countess of Sutherland, is found drawing terce from the lands, a clear proof that she was the widow of Earl John, but who she was, or whether she was identical with Fingole, has not been ascertained.

Earl John had issue.

1. John, ninth Earl of Sutherland. A short memoir of him follows.
2. Elizabeth, who married Adam Gordon of Aboyne, and who succeeded her brother Johu in the earldom. A memoir of her is given on a later page.

The earl had also, according to Sir Robert Gordon, two illegitimate sons, Alexander and George, by a daughter of Ross of Balnagown. Of George nothing further is known, but Alexander's legitimacy has been affirmed by some, while denied by others. Lord Hailes, while doubting his legitimacy, suggested that he was the offspring of a marriage within the forbidden degrees, and canonically unlawful, but the fact that Earl John's widow survived, and received her legal terce, renders this hypothesis doubtful.

Alexander, in 1509, was only eighteen years of age, and must have been born in 1491, only a few years before his father's declared insanity, and he is, no doubt, the "minor son" who was sent for to Edinburgh in 1499. In 1509, although a minor, he opposed the service of his brother John as heir to their father, praying at the same time for the appointment of curators *ad lites* to himself. Andrew, bishop of Caithness, the Earl of Caithness, the Master of Athole, and others were named on his behalf, but they, after consultation, advised him to renounce his right in and to the earldom in favour of his brother John and his sister Elizabeth, and her husband, Adam Gordon, reserving his right of succession, if they and their heirs wholly failed. This he consented to do, and received in return a deed securing him in lands worth forty merks yearly.¹ While the rents of Sutherland were administered by the Crown, Alexander is referred to as receiving this sum, as son of the late earl.

After the death of his brother John in 1514, when his sister Elizabeth was served heir in the earldom, Alexander, who in the interval had attained his majority, again opposed the service, acting by a procurator, Mr. Robert Munro, who is described as his brother. On this occasion Alexander based his pretensions not on his right of blood, which, if legitimate, should have been sufficient, but on an alleged deed of entail in his favour. This deed, however, when demanded, was not produced, and the jury proceeded to the service of Elizabeth.²

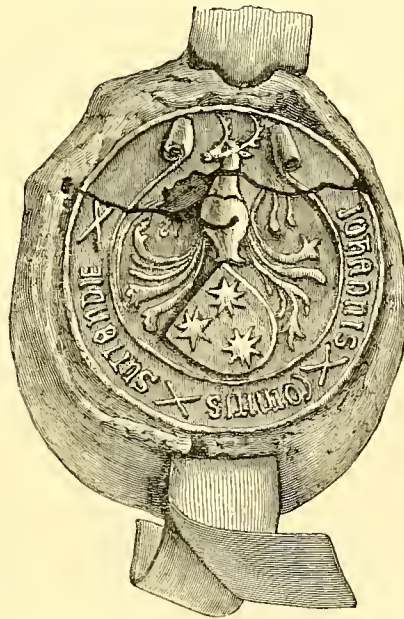
Alexander Sutherland was sued, in 1515, by James Dunbar of Cumnock, for certain acts of spoliation, and between March and September 1517 he was confined in the castle of Edinburgh at the instance of the Earl of Huntly, as sheriff of Inverness, because he had uplifted the relief duties of the earldom of Sutherland for which Huntly

¹ Vol. iii. of this work, pp. 41-43.

² *Ibid.* pp. 56, 57. It is not stated in the writ to what family Mr. Robert Munro belonged, but in this connection it may be noted that in an old MS. genealogy of Ross of Bal-

nagown, in the Sutherland Charter-chest, a daughter of Alexander Ross, who was killed in 1487, is said to marry George Munro of Fowlis.

was responsible to the Crown. He also, in the same year, raised a summons of error impugning the service of his sister Elizabeth, but for some reason the action was not prosecuted to any result. In September 1517 he was released from Edinburgh Castle, but was committed to the care of Alexander Stewart, prior of Whithorn, the latter being made responsible that his ward "might nocht pass in the north parts to mak trouble." The prior was very unwilling to undertake the charge laid upon him, and it appears to have ended in February 1518. Alexander did go to the north, and did make trouble there, but the circumstances will be more fully detailed in the memoir of his sister Elizabeth, Countess of Sutherland. He met with his death some time in the year 1519 or 1520. He is said to have married a sister of John Mackay of Stratnaver, and had issue one son, John Sutherland.



Seal of John, eighth Earl of Sutherland, 1492.

X. 1.—JOHN, NINTH EARL OF SUTHERLAND, BROTHER OF ELIZABETH,
COUNTESS OF SUTHERLAND.

1508-1514.

THE history of this earl is very brief and very sad, as his life was overshadowed by inheriting his father's mental malady. The date of his birth is uncertain, as the retour by which he was served heir to his father in 1509, though extant in 1630, is now wanting, and it is not stated in any other writ whether he was then of lawful age. Probably his sister Elizabeth was older than he. At the date of her father's death she had apparently been married for some time, as her eldest son was of marriageable age in 1518. Sir Robert Gordon notes of this earl and his sister that he "was weak of judgement, deprived of naturall witt and understanding, being able to governe neither himself nor others; bot his sister Lady Elizabeth Southerland (the wyff of Adam Gordon of Aboyn) was full of spirite and witt."¹

Sir Robert also states that Earl John's sister, and particularly her husband, Adam Gordon, controlled the estate and his affairs, so that he was earl only in name for a few years. This statement, however, must be qualified by the fact, also related by Sir Robert, that the earldom was administered by the Crown officers for three years. He further narrates that Adam Gordon, seeing Earl John's incapacity, and that his wife, Lady Elizabeth, was the earl's sister and only heir, began prudently to try and bring about

¹ A good deal of hostile criticism has, from various causes, been directed against Sir Robert Gordon's account of Earl John and his relations. There is no doubt that Sir Robert's statements in many cases are biassed or erroneous, but he is generally accurate in his reading of the Sutherland papers, and it

must also be remembered that he himself was born in 1580, at no great interval from the time of Earl John, regarding whom and his sister Sir Robert might easily have oral evidence at second hand, if not from actual contemporaries.

a settlement of the estate upon himself and his successors, Alexander Sutherland, a son of the late earl, noticed in the previous memoir, being a rival claimant. To secure this result Adam Gordon caused his wife serve herself heir to her father, but as her rights must proceed from her brother, "who wold be alwise esteemed to be his father's heyre untill he was declared uncapable to govern," Adam procured his brother-in-law to be served heir to the late earl. These statements of Sir Robert are borne out by a brieve from Chancery for the service of Lady Elizabeth which was not acted upon, and by the retour of her brother John two months later.¹

Earl John was served heir to his father on 24th July 1509. On the following day his brother Alexander made resignation of the earldom as already related, in favour of Earl John and his sister Elizabeth. But although Earl John was thus served heir, he did not, owing probably to his incapacity, immediately complete his title by the feudal investiture of sasine. As a result the earldom remained in non-entry for three years, and the rents and expenditure of the Sutherland estates were administered by Andrew Stewart, bishop of Caithness, who was then high treasurer and also acted as chamberlain of Sutherland. The greater part, though not the whole, of his account rendered to Exchequer is still extant, and we are thus enabled to form some idea of the extent of the earl's possessions and their value. They are divided into two classes, property lands, or those held by the earl, and tenantry lands held by his tacksmen or free tenants. The first class included Lairg, Golspie, Dunrobin, Uppat, Loth, Helmsdale, Kildonan, Kinbrace, Brora, and others, a great portion of "the best lands of the southern and eastern parts of the county." The total rents of the property lands were £103, 4s. 8d., 50 chalders 8 bolls barley, 30 $\frac{1}{4}$ marts, 3 dozen and 8 poultry,

¹ Genealogy, pp. 83, 84; Brieve, dated 9th May 1509; Retour, 24th July 1509. Vol. iii. of this work, pp. 40, 41.

43 sheep, 3 chalders of oats, and 253 "wethyis" of iron. The tenandry lands, which included Edderachills, and Coul in Assynt, with a large portion of the present parishes of Clyne and Rogart, and others, amounted in yearly rent to £147, 13s. 4d. and seven chalders barley.¹

From these sums were paid during the first year of the account the terces of two countesses. Payment was also made for a constable and a small garrison of eight men on guard in the castle of Dunrobin, which the earl does not appear to have personally occupied. In 1512 a sum of £100 was paid for his expenses in food and other necessaries, Mr. Cuthbert Baillie being responsible, but the place of his residence is not named.²

The account to Exchequer as now preserved closes in July 1512, but it was not until the following December that possession of the earldom was given at the castle of Dunrobin, Patrick Baillie acting for Earl John. Sir Robert indicates that this infetment was carried out at the instance of Adam Gordon, as a necessary preliminary to his subsequent process of idiotry against Earl John. In consequence of his application, apparently in his wife's name, to the Crown, a commission was issued by the Chancery of King James the Fifth to William, Lord Ruthven, John, Lord Drummond, and others, to act for the time as sheriffs of Inverness, to deal with the service and execution of the brieve of idiotry against the earl, but to hold their meetings at Perth in order to be free from local influences. The usual forms were observed, and the special commissioners, and the jurors who had been summoned, met at Perth to cognosce the earl, who was also present.

The earl himself was examined, which shows that he was not regarded as a complete idiot, though he was probably of weak intellect, and he appears

¹ Exchequer Rolls, vol. xiii. pp. cxxxix-cxli, 263-269.

² *Ibid.* p. 448. It appears that Mr. Cuthbert Baillie was rector of Sanquhar. [Vol. iii. of this work, p. 48.]

to have understood the nature of the proceedings. Before the jury left the court the sheriffs inquired of him who should be held to succeed to him and his heritage and enjoy his possessions by hereditary right, failing lawful heirs of his own body. In reply, it is said, he declared that Elizabeth, his sister-german, her husband, Adam Gordon, and their children were his nearest heirs and immediate successors in default of his own issue, and that he gave his full consent and agreement to this. The notary's narrative then proceeds—"And because the said lord earl has been and is weak of natural intellect, and on that account was afraid lest his estate, in whole or in part, should be alienated or squandered, he, on condition of licence being obtained from the king, chose and nominated Adam Gordon, spouse of his sister Elizabeth, and John Sutherland, burgess of Elgin, as powerful and prudent curators of himself and his affairs, to rule and govern himself, his lands and possessions whatsoever, with his goods, movable and immovable, present and future, so that the said curators shall sustain him honourably in food and clothing, under penalty of the laws."¹ How far this reply was dictated to the earl cannot now be known, but it amounted in law to a voluntary interdiction of himself from making improper settlements or conveyances of his estate. As such an interdiction was entirely legal, and was the most prudent course as regarded all parties claiming the estates, it was accepted, and the proceedings ceased without the earl's being formally declared incapable.

Whatever further steps might have become necessary were prevented by the death of the earl about a month after the meeting at Perth.² The place where he died and the spot where he was buried are not recorded by Sir Robert Gordon, who is usually particular in these matters, but who in this instance scarcely even notices the earl's decease. He was succeeded by his sister, Lady Elizabeth, of whom a memoir follows.

¹ Vol. iii. of this work, pp. 52, 53. 13th June 1514.

² *Ibid.* p. 56.

X. 2.—ELIZABETH, COUNTESS OF SUTHERLAND, ONLY DAUGHTER OF
JOHN, EIGHTH EARL.

ADAM GORDON OF ABOYNE, EARL OF SUTHERLAND.

1514-1538.

THE first fact recorded in the history of this lady is her marriage, which, according to Sir Robert Gordon, took place in the year 1500. There is no information as to the date of her birth, nor other particulars regarding her until her marriage to Adam Gordon, second son of George, second Earl of Huntly, by his first wife, Annabella, youngest daughter of King James the First. The earliest notices of Adam Gordon are about the year 1490, when he appears as a witness to various documents, and in that year also he received from his father a grant of the lands of Tulloquhody and many others in the barony of Aboyne, Aberdeenshire. These lands were given in exchange for the lands of Scheves which had belonged to Adam, and were resigned by him to be given to his brother William.¹ Thereafter Adam Gordon adopted the territorial designation of Aboyne. The same lands were, in the year 1496, resigned and regranted to Adam as before, with a further destination to his younger brother James.²

If the marriage of Adam Gordon with Elizabeth Sutherland took place about 1500, it is not until 1509 that we have any record of his dealing in the affairs of the earldom of Sutherland. Probably during the life of his father-in-law there was no need for his intervention, but Sir Robert Gordon informs us that the mental weakness of John, the ninth earl, led Adam to interfere lest the estate might be improperly alienated, and to endeavour to

¹ Vol. iii. of this work, p. 35; cf. *Antiquities of Aberdeen, etc.*, vol. iii. p. 68.

² Vol. iii. of this work, pp. 38, 39.

secure his own rights. What steps he took to this end have been narrated in the preceding memoirs, viz., the service of Earl John as heir to his father, and the inquiry at Perth into the earl's mental condition. After the earl's death in July 1514, some little time elapsed before further proceedings were taken, and it was not until the 3d of October, in the same year, that Lady Elizabeth was served heir to her brother.¹ This service, the inquest for which sat at Inverness, Sutherland being then in that sheriffdom, was opposed by her brother Alexander, who sent his "brother," Mr. Robert Munro, as his procurator, to object to the proceedings.

Many adverse criticisms have been made, notably by Sir Robert Gordon of Gordonston, one of the claimants, in 1766, of the Sutherland peerage, upon Adam Gordon, the husband of Elizabeth Sutherland, in regard to his alleged ill-treatment of Alexander Sutherland, who is assumed by Sir Robert to be legitimate, and the rightful male heir. The notary's instrument which narrates the protest made by Alexander, but which was then unknown to Sir Robert Gordon, and was produced by Lady Elizabeth's counsel in the peerage case in the last century, is the only document upon which any charge can be founded of harsh treatment to Alexander Sutherland. Among other pleas made by his procurator was the assertion that Alexander could not himself safely come to Inverness to oppose the service on account of the tyranny of the Earl of Huntly and other favourers of Elizabeth Sutherland. Assurance was then given under severe penalties, both by Huntly and Adam Gordon, that Alexander should have safe conduct to and from Inverness. He does not, however, appear to have availed himself of it, and his procurator in acting for him did not make the usual legal objections to the service. He did not object to the brief or its execution, or to the members of the court, nor anything in special, but alleged the existence of

¹ Vol. iii. of this work, p. 55.

an entail by royal charter, of the lands and earldom of Sutherland. When called upon to produce this charter, however, he failed to do so, and the jury accordingly proceeded with the service,¹ upon which, and a crown precept which followed, Elizabeth Sutherland was infeft in the lands on 30th June 1515.²

She and her husband, immediately after the infeftment, were known as Earl and Countess of Sutherland. Adam Gordon styles himself Earl of Sutherland in a letter of presentation, dated 31st August 1515, in favour of Sir Robert M^cRaith, as chaplain of the church of St. Andrew at Golspie.³ From a docquet affixed to this writ, we learn that the earl was for the time residing at Gordon Castle, then so recently built as to be still known as Newark on the Spcy. His residence there may have been only temporary, or it may have been a matter of policy previous to the full completion of his wife's title to Sutherland.

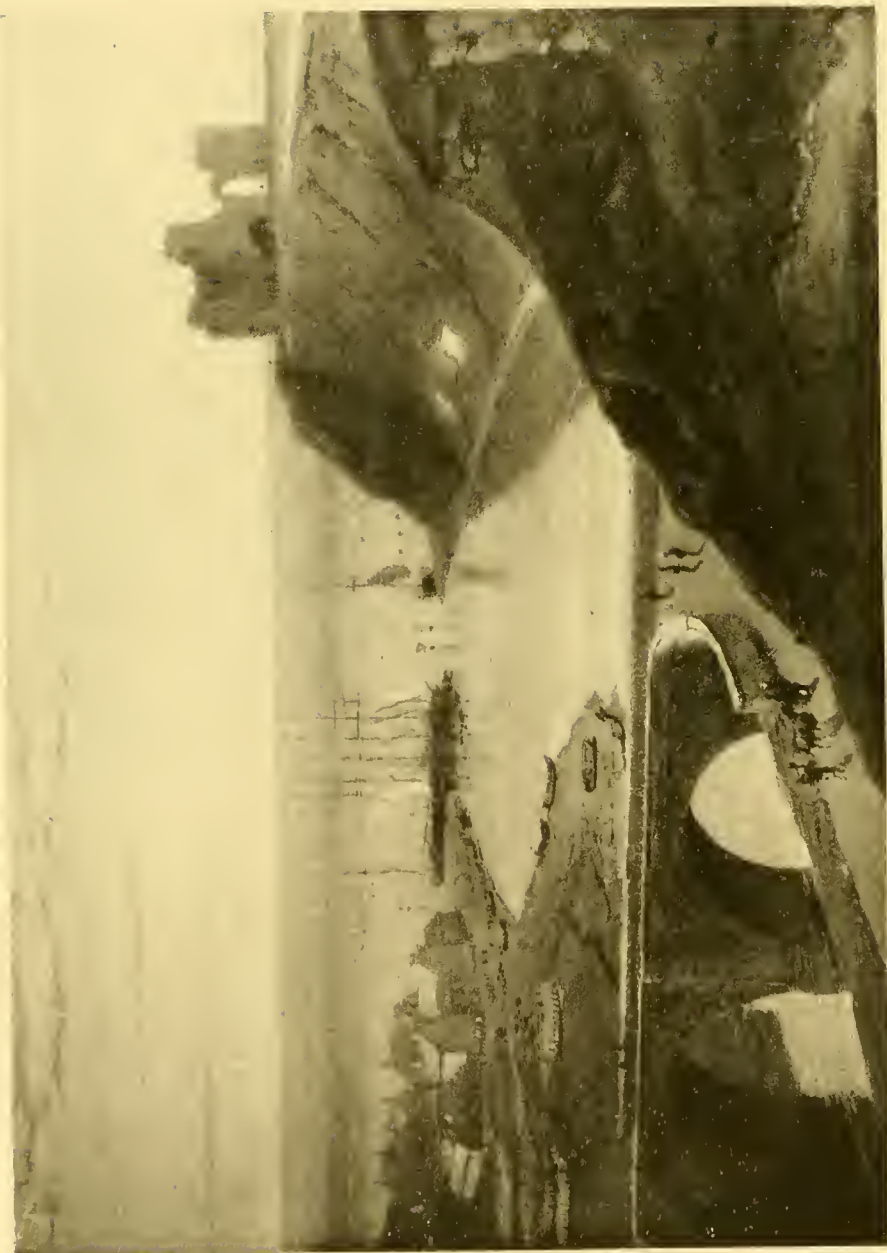
There is no definite information as to the proceedings of the countess and her husband for a year after June 1515. Sir Robert Gordon, the historian, states that "Adam, Earle of Southerland, forseing great trubles liklie to fall furth in his cuntrey, he entered in familiaritie and freindschip with John Sinckler, Erle of Catteynes, this yeir of God 1516." He also states, without giving a date, but apparently referring to a later period, that while Earl Adam was in Strathbogie, Alexander Sutherland, the claimant of the earldom, seized the castle of Dunrobin. It would appear, however, from the bond of friendship

¹ Vol. iii. of this work, p. 56.

² *Ibid.* pp. 57, 59, 60. There is only one document in the Sutherland Charter-chest which suggests the exercise of undue influence in carrying through the service of Elizabeth Sutherland. By a notarial instrument, dated in January 1515, the Earl of Huntly, Adam Gordon's brother, renounced in Adam's favour a contract, by which Adam resigned the lands of Aboyne to the earl, on condition that the

latter would secure the lawful entry of Elizabeth Sutherland into her lands, with possession. Huntly was sheriff of the whole district, and it was evidently desired he should complete the lady's title quickly, but it was not until the following May that he granted the usual precept for her infeftment. [Vol. iii. of this work, p. 58 ; cf. p. 60.]

³ *Ibid.* p. 61.



with the Earl of Caithness, which is still extant, and which is dated in September 1516, that Alexander Sutherland was at that date in possession of Dunrobin. Both the earl and countess were parties to the agreement, the first clause of which provided that the Earl of Caithness should recover the castle of Dunrobin out of Alexander Sutherland's hands as quickly as possible, and deliver it up to its owners within twenty days after its recovery. Caithness was also to intromit with the rents and duties of the earldom until he recovered the castle, but only to the extent of his expenses, the balance being left in the hands of the tenants, though he was not to be responsible for spoliation by those in the castle. He was also to support and defend the Earl and Countess of Sutherland in their possession of the earldom.

On the other hand, they bound themselves to maintain and defend Caithness in his earldom and possessions. If certain persons who are named gave their assistance to him in regaining Dunrobin, "the erill and comptas of Suthirland sal be plesant to thaim thairfor," and they shall use his advice in matters relating to these persons. It was also agreed that if the castle should not be speedily won, or if it should suffer in the struggle to regain it, Earl Adam and his wife should have refuge in any stronghold Caithness could provide for them in his territory until Dunrobin were ready. For this service they promised to secure the Earl of Caithness in twenty pounds worth of land in Strathullie, now Helmsdale, until he could be secured in the same value of land in Caithness, he granting a letter of reversion thereof. The necessary documents were to be completed and placed in the hands of Sir James Crichton of Frendraught, to be delivered to either party when the castle was regained. In terms of this agreement, a charter and precept of sasine of the lands of Helmsdale were granted to the Earl of Caithness, and he signed a letter of reversion in due form.¹

¹ Vol. iii. of this work, pp. 63-67.

How far this agreement was carried out at this time, is not clear. Sir Robert Gordon alleges that the Earl of Caithness did not perform the conditions of his bond though he kept the lands. Yet in March of the following year, 1517, and until February 1518, Alexander Sutherland was in Edinburgh, either confined in the castle there or under private custody, though, so far as appears, this was not brought about by the agency of the Earl of Caithness, but by that of the Earl of Huntly. The latter was sheriff of Inverness-shire, and was responsible to the Crown for the duties exigible from the lands while in non-entry. Alexander Sutherland had seized upon and appropriated the Crown dues to his own use, and it was for this offence he was committed to ward in Edinburgh castle.¹

Sir Robert Gordon says nothing whatever of Alexander Sutherland's imprisonment at this date, nor does he indicate him as the particular cause of the agreement with the Earl of Caithness, the making of which seems to warrant the inference that Adam Gordon's obtaining the earldom was not looked upon with favour by the inhabitants of Sutherland. Sir Robert's own language in some places implies the existence of such disfavour, which he attributes to jealousy of the great house of Gordon, and to other base motives. Yet, seeing the earl and countess had not influence enough in their own territory to retake their castle without calling in the aid of a neighbouring baron, it follows that either Alexander Sutherland's ability must have been considerable, or the belief in his pretensions to the earldom must have been so strong as to enable him to hold the castle, and even, as will appear, to seize it a second time.

Sir Robert Gordon's dates at this period are confused, and his sequence of events is doubtful. After referring to the agreement above cited with the

¹ *Acta Dominorum Concilii*, cited in Supplemental Case for Sir Robert Gordon of Gordonston in Sutherland Peerage.

Earl of Caithness, which he rightly places in the year 1516, he assigns to the same year what he calls a "band of service" by Y. Mackay of Strathnaver to Adam, Earl of Sutherland, and makes Mackay die shortly afterwards. The bond, however, is extant, and is dated in 1517, a year later than Sir Robert states it to be. He also describes it as if it were granted by an inferior to a superior, which is not the case. The agreement, except for the acknowledged fact that Earl Adam was Mackay's over-lord in certain lands, is a transaction between equals. They mutually promise to respect and protect each other's possessions, under a penalty of one thousand merks, payable by the party infringing the contract. The writ is dated at Inverness, which may imply that the earl was not yet residing in his own earldom.¹

Sir Robert Gordon further states that after Y. Mackay's death his son John succeeded, who, taking advantage of Earl Adam's absence in the south of Scotland, invaded Sutherland and ravaged the earl's territory. But the countess, "being at home in the cuntrey, and haveing certane intelligence of this invasion, shoe delt earnestlie with her bastard brother, Alexander Southerland, and persuaded him to resist Macky, wherunto he yielded." Sir Robert then gives a description of a clan battle, at a place called Torrandow or Cnocandow in Rogart parish, in which the Strathnaver men were routed with great slaughter, an event which he places in the year 1517. Unfortunately, however, for his narrative, it has been already shown that John Mackay could not have succeeded until after July 1517, and also that Alexander Sutherland himself was a captive during the whole of that year.

In other respects also Sir Robert Gordon's narrative of the various encounters with the Mackays at this time must be received with caution, though for some of the events he relates there is a basis of fact. He states that

¹ Vol. iii. of this work, p. 68, 31st July 1517.

beside the fatal battle referred to there were lesser conflicts arising from a feud between John Mackay and John Murray of Aberscross which again resulted in the discomfiture of the Mackays. In consequence of this, Sir Robert adds, "John Macky submitted himself to Earle Adam after his return from Edinburgh, and gave him his band of service, dated the yeir of God one thowsand fyve hundred and eighteen." This is correct, the bond in question, which is still extant, being dated in August of that year, and there is evidence that Earl Adam, during whose absence in the south Mackay's invasion is alleged to have been made, was in Edinburgh in February 1518 and perhaps later, while he was again in the north and resident at Dunrobin on the 10th of May.¹ It was also in February 1518, or about that time, that Alexander Sutherland was finally liberated.

By the terms of the agreement between Earl Adam and John Mackay further doubt is thrown on the sequence of events as chronicled by Sir Robert Gordon, who probably repeated the confused traditions of the country. The first clause binds Mackay in the usual form to do manrent service to the earl, but there is a special provision that if Alexander Sutherland comes into any part belonging to Mackay, or to any place near the bounds of Sutherland, or into Sutherland, Mackay shall do his utmost to seize Alexander or any of his party, and to bring them to the earl, who, in such a case, is bound to defend Mackay if challenged before the king and council for his proceedings. It is also stipulated that such proceedings should not cost Mackay the loss of his lands in

¹ Acta Dominorum Concilii, of date February 1517-18; vol. iii. of this work, p. 69. Earl Adam, when at Dunrobin, granted to John Murray, burgess of Dornoch, the marriage of Janet and Elizabeth Clyne, daughters of the late William Clyne of that ilk, that

they might be married to the two sons of the grantee. Sir Robert Gordon notices this grant, and adds that Murray's sons did not marry the two heiresses. He further alleges that the grantee was Murray of Aberscross, but this does not appear in the writ.

Strathfleet which the earl had given him, but he should forfeit them if he failed to fulfil the contract. The earl in return binds himself to be "ane guid lord and maister" to Mackay, and also to give him the lands named "for his guid service to be doyne." There is no hint in the agreement of any submission on Mackay's part; Earl Adam treats with him rather as an ally. In short, these arrangements, taken in connection with the fact that some months previously, in September 1517, the lords of council, although Alexander Sutherland had been released from strict confinement, refused to allow him to go north, lest he should "mak trouble," would suggest that the disturbances in Sutherland, if any, were the work not of Mackay, but of Earl Adam's opponent after his liberation in February. It is also to be noted that Alexander Sutherland, after his release from Edinburgh Castle, instituted proceedings before the council in prosecution of his claim to the earldom, and in opposition to his sister's service, though he apparently failed to pursue the case.¹

The second part of the agreement between Earl Adam and Mackay relates to John Murray. Sir Robert Gordon states that John Murray of Aberscross was one of the principal of those who fought against the Mackays at Cnocandow, and that in revenge he was twice afterwards attacked by them, but was on both occasions victorious, which led to Mackay's submission. But as already indicated, there is no trace in the agreement of any such attitude on Mackay's part, and the clause relating to Murray does not accord with the alleged circumstances. Earl Adam specially declares that he will not reset Murray nor yet agree with him or his kinsmen without Mackay's consent and advice, and Mackay is not to agree with Murray without the earl's consent. This clause is consistent with the existence of a quarrel between Murray and Mackay, but it is incompatible with the assertion that Mackay was an invader, and Murray one of the preservers of

¹ Acta Dominorum Concilii, of date September 1517 and February 1518.

the earldom of Sutherland. Moreover, the agreement was signed by the contracting parties at Aberscross, the residence of John Murray himself. Either Earl Adam was anxious to secure John Mackay's assistance at all hazards, or Murray may have been a partisan of Alexander Sutherland, and for the time at least opposed both to Earl Adam and to Mackay.¹

The next recorded event of which there is any clear evidence is that Alexander Sutherland again made himself master of Dunrobin. Sir Robert Gordon states that about this time, 1518, Earl Adam arranged the marriage of his son, Alexander Gordon, Master of Sutherland, and he implies that one consequence of this was "a great stirr and insurrection" made by Alexander Sutherland, the claimant of the earldom. Earl Adam, it is said, offered him "many good and reasonable conditions," which he rejected, inspired by "ambition, a reasonlesse and restles honor." He now openly claimed the earldom, repudiating the renunciation he had formerly made at Inverness, and alleging that "his mother was handfasted and fianced to his father," Earl John, and that he was the rightful heir.² We have already seen that Alexander had begun legal proceedings to reduce his sister's infeftments, and it is probable that he was now encouraged to have recourse to violence, as Sir Robert states that he "gained a great favor" with the men of Sutherland. "He was followed by manie and manteyned by the Earle of Catteynes and Macky, whose sister he had now mareid, and who wes glaid to find so good opportunitie to sow the seid of dissention in Southerland." Taking advantage of Earl Adam's absence in Strathbogie, he "gathered a great company of men and beseidged the castel of Dounrobin, the cheif strenth and fort in Southerland, which in end he took befor Earle Adam could returne."³ His chief follower and assistant on this

¹ Agreement, dated 16th August 1518, vol. iii. of this work, pp. 69-71. Murray is not a witness to the writ.

² Genealogy, p. 95.

³ *Ibid.*

occasion is said to have been Alexander Terrell of Doll, who was afterwards taken and executed.¹ The historian adds, that to quell the insurrection Earl Adam sent, before he came himself, Alexander Leslie of Kinninvie with a company of men to Sutherland to assist John Murray of Aberscross. They laid siege to Dunrobin, which was yielded to them, as Alexander Sutherland had retired to Strathnaver, whence, however, he made a fresh hostile descent, which in the end led to his destruction.

Sir Robert Gordon gives no indication of the time over which the events which he records extended, but the seizure of the castle is proved by an independent authority, which shows that the building was in the hands of the rebels in March 1519, and that the affair attracted a wider attention than the merely local interest Sir Robert assigns to it. The Earl of Caithness was called upon to fulfil his portion of the agreement made in 1516, but seems to have refused his co-operation, and was legally proceeded against accordingly. So much may be gathered from the terms of an act of council, dated 11th March 1519, which narrates that Alexander, Earl of Huntly, lieutenant of the northern counties, had consented to release John, Earl of Caithness, from the horn for the space of twenty days that he might come before the council and obey their commands in such things as they shall think expedient for the welfare of the kingdom. Earl John is to be certified that if he do not appear within the time stated, he will be of new denounced a rebel unless he "in the meantime pass with his folks about the House of Dunrobin for the recovering of the same out of Sanders (Alexander) Sutherland's hands and to close it with his folks while he get help and supply fra the Earl of Huntly."² He is to receive royal letters

¹ On 27th June 1519, the Earl of Huntly granted to John Terrell of Doll and others a release of the forfeiture incurred by them for besieging the castle of Dunrobin. [Writ in

Sutherland Charter-chest.]

² Acta Dominorum Concilii, of date 11th March 1519.

empowering him to raise the lieges to aid him in the siege and recovery of the castle. Meanwhile the council suspend the letters procured by the Earl of Caithness for sureties and lawburrows to be taken of the Earls of Huntly, Sutherland and their friends, because Huntly had undertaken, under a penalty of twenty thousand merks, that he shall safely come to the council.

It is probable that Caithness was summoned to Edinburgh either to get him out of the way or to compel him to aid in regaining Dunrobin. How far he was successful there is no independent evidence to show. Sir Robert Gordon indicates that the castle was surrendered, though he says nothing of the Earl of Caithness, but as the latter is afterwards found in possession of the lands named in his agreement, it may be presumed he fulfilled its conditions however unwillingly. Alexander Sutherland does not appear to have long survived the taking of the castle of Dunrobin. He met his fate, according to Sir Robert, in a conflict which took place between him and his followers and the men of the Earl of Sutherland, at a place near Kintradwell in Loth parish. His party was defeated and he himself slain. "His head wes careid to Dounrobin on a spear, and wes placed upon the height of the great tour; which shewes ws that whatsoever by fate is allotted, though sometymes forshewed, can never be avoyded." For the witches had foretold to Alexander "that his head should be the highest that ever wes of the Southerlands, which he did foolishlie interpret, that some day he should be Earle of Southerland and in honor above all his prediccors."¹

The next few years appear to be uneventful. Earl Adam is mentioned in 1523 as a defender in an action of spoliation brought against him and others by Elizabeth, Countess of Huntly. They were charged with carrying off from the lands of "Dawane," belonging to the countess in conjunct fee, two hundred bolls of oats, valued at 13s. 4d. the boll, one hundred bolls of bear,

¹ Genealogy, p. 96.

at 20s. the boll, with feather-beds, bolsters, and other furnishings. The prosecutor, however, craved decree against one of the defenders only, and Earl Adam was acquitted.¹ The earl in April 1524 granted to John Terrell, son of Alexander Terrell of Doll, formerly named at the seizure of Dunrobin, the lands of Kilcalmkil in Strathbrora,² and later in the same year he was engaged in a dispute with the Earl of Caithness as to the fishings of Helmsdale.

Sir Robert Gordon's account of this affair is to the effect that Earl Adam and the Earl of Caithness "did enter in sute of law" about the lands of Strathullie, and some other particulars then in question betwixt them. "Earle Adam alledged that the Earle of Catteynes had not kept his promise nor assisted him against his enemies, for the which cause, and no otherwise, he had given him these lands," so they went to Edinburgh to fight it out before the law courts. But they referred the whole subject of debate to Gavin Dunbar, bishop of Aberdeen, who decided the controversy.

The general accuracy of this narrative is borne out by the terms of the decree-arbitral pronounced by the bishop, in which the parties are described as John, Earl of Caithness, on the one hand, and Adam, Earl of Sutherland, and Elizabeth, his countess, on the other. The subject of dispute was the possession of the fishing of the water of Helmsdale, and certain lands on the west side of the same, with "all other debaittis" depending between the parties. At the giving of the award the Earl of Caithness appeared personally on his own behalf, while Alexander, Master of Sutherland, represented his father and mother. The bishop decided, in the first place, that the Earl and Countess of Sutherland had full right to the salmon fishing of the water of Helmsdale, to enjoy the same without hindrance by the Earl of Caithness, with free entry to shoot and draw their nets, and to land their

¹ Acta Dominorum Concilii, at date 30th May 1523.

² Vol. iii. of this work, p. 72.

cobles and fishermen as shall be necessary for the use of the fishery. This award was in accordance with the reservation of the salmon fishings made in the agreement of 1516, cited on a previous page, and the Earl of Caithness was required to renounce all right and claim to the fishings. In the second place, it was decreed that the Earl of Caithness should enjoy all the lands of Helmsdale named in his charter, as well on the west side of the river as on the east side. Further, for "certane considerations," which are not defined, the arbiter directs the Earl and Countess of Sutherland to secure the Earl of Caithness in "ten pundis worthe of land" within Sutherland under reversion for the sum of three hundred merks. This is in addition to the £20 land stipulated for in the former agreement, and is not to affect that condition.¹ In conclusion, the bishop "ordinis all the saidis partiis to stand in hertlie kyndnes" to each other in time to come, which injunction, according to Sir Robert, was obeyed during the rest of their days.

A week or two later, Earl Adam and his countess, who were then apparently residing at Elgin, granted a charter of the lands of Proncy, including Proncy-nain, Evelix, and others to William Sutherland of Duffus. The writ narrates that the granters, desirous that lands in their lordship should not pass to persons unknown or having no title, and considering the right of succession of William Sutherland in virtue of an entail to the lands by the decease of the late Hugh Sutherland of Proncy without heirs-male, they therefore grant the lands to William and his heirs.² Another writ granted by Earl Adam at this time, with consent of his countess, was a precept for infesting John Kinnaird, son and heir of the late Andrew Kinnaird of that ilk, in the lands of Skelbo and others, including Achavandra, Balvraid, Aberscross, Pittentrail, Invershin, Assynt, Edderachills, and others.³

¹ Decree, 11th March 1524-5, vol. iii. of this work, pp. 74, 75.

² *Ibid.* pp. 75-77, 26th March 1525.

³ 13th July 1525, *ibid.* pp. 77, 78.

Two years later, in August 1527, the Earl of Sutherland is named in connection with his grandnephew, the young Earl of Huntly, in a writ which explains a specially eulogistic passage in Sir Robert Gordon's history. George, Earl of Huntly, a minor, in 1523, on his grandfather's death, was committed to the Earl of Angus "to be instructed in all goodnes and manners, answering to the excellency of that witt wherwith he was indued." And it is added, "This George was adorned with such excellent sueitnes of manners and pleasantnes of witt that the Earle of Angus wold never or verie hardlie suffer him to depart out of his companie." The writ in question is an obligation by Robert Barton of Over-Barnton to the Earl of Angus, then chancellor, that when the Earl of Huntly passed "to the Northland to visit his friends, and to do his other lawful erands," Barton should restore and deliver him to Angus within a specified time, or failing Earl George, should deliver up the heir to the earldom of Huntly. The Earl of Sutherland, as one of Huntly's relatives, was, with others, a surety for Barton in this bond, the penalty for failure being ten thousand merks. The terms of it suggest that the chancellor's objection to part with Huntly was less romantic than that assigned above, the young earl being really an important ward of the Crown, valuable not in himself but only as heir to the earldom, representing so much Crown property, for the safe keeping of which the chancellor was responsible. The young earl was returned safe and sound before the time appointed, and Barton and his sureties were released from their obligations.¹

Towards the close of the same year, 1527, Earl Adam and his countess were again at Elgin, where it is probable they were in the habit of spending the winter months. At this time they entered into an arrangement with their eldest son, Alexander, Master of Sutherland, by which they resigned in his favour the whole earldom, retaining their liferent rights. He in return

¹ Acta Dominorum Concilii, 19th August 1527, and 4th December 1527.

obliged himself to pay to his father and mother yearly twenty-three chalders, £22 in money, 280 "veddeis" of iron, and twenty marts, which were to be delivered at the ports of Helmsdale and Dunrobin or Brora in Sutherland. There were other provisions in the contract between the parties, which will be noticed in the next memoir, as they relate more directly to the Master of Sutherland. The day after the agreement, the Countess of Sutherland, with consent of her husband, Earl Adam, resigned the earldom in the usual form, which was duly followed by charter and sasine in favour of her son.¹

From this date the Master of Sutherland administered the affairs of the earldom, and there are fewer notices of Earl Adam. He is, however, referred to in 1532, in connection with a claim against him for spoliation of teinds. Mr. Thomas Hay, dean of Dunbar, and parson of Rathven, complained before the lords of council that Earl Adam had masterfully despoiled him of teind sheaves, extending to 16 bolls of wheat at 20s. the boll, 24 bolls of oats at 8s. the boll, 52 bolls of barley at 6s. the boll, and 4 bolls of rye at the same price. The earl did not appear in answer to the charge, and the court decided against him, requiring him to restore or pay for the teinds abstracted.

Elizabeth, Countess of Sutherland, died in the month of September 1535, at Aboyne, and was buried there, "a lady of good judgement, and great modestie," according to the family historian. Her husband, Adam Gordon, Earl of Sutherland, did not long survive her, dying on 17th March 1537-8 also in Aboyne at a place named "Ferrack," probably Ferrar, and was buried beside his wife. They are said to have had issue—

1. Alexander Gordon, Master of Sutherland. He predeceased his parents in 1530. Of him a notice follows.
2. John Gordon, who is referred to in the agreement with his elder brother as

¹ Vol. iii. of this work, pp. 78-86.

to the earldom of Sutherland in November 1527. Sir Robert Gordon states that he lived at Tillichaudie or Tillychaddy in Aberdeenshire. He had issue a daughter, married to George Gordon of Cochlarachie.

3. Mr. Adam Gordon, who lived at Ferrar in Aboyne. He was killed at the battle of Pinkie in 1547. He left only an illegitimate son, Adam Gordon of Golspie-Kirkton, who died in 1626, very aged.
4. Gilbert Gordon of Garty. He is named in a charter of 1563, as uncle of John, tenth Earl of Sutherland.¹ He married Isabel Sinclair, daughter of the Laird of Dunbeath, by whom he had two sons, John and Patrick, his successors in Garty, also several daughters. It was his wife who was accused of poisoning John, tenth Earl of Sutherland, in 1568. George Gordon of Marle in Strathullie was an illegitimate son of this Gilbert.

The earl and countess had also daughters, as appears from the contract of 1527 already cited, but that writ does not state their number or names. Sir Robert Gordon states that there were four, but only names three, and his statements regarding them cannot be verified. They were—

1. Beatrix, who married the Laird of Gormack.
 2. Eleanor, who married, first, Gordon of Tilliwhowdie, and, secondly, George Gordon of Craig.
 3. Elizabeth, who married the Laird of Lethintie.
 4. A daughter, who married the Laird of Leys and Birkenbog.
- An illegitimate daughter married John Robson, chieftain of the Clan Gunn.

¹ It is to be noted that in the agreement of 1527, where the Master of Sutherland is bound to provide for his brother and sisters, only one brother, John Gordon, is mentioned,

and there is no indication that he had any others. It is possible that Mr. Adam and Gilbert Gordon were sons of Earl Adam by a previous marriage.

Edmund Bechof Rhodland

XI.—ALEXANDER GORDON, MASTER OF SUTHERLAND.

LADY JANET STEWART, HIS WIFE.

1527-1530.

THERE is no precise evidence as to when the Master of Sutherland was born. If, as may be presumed, he had reached majority in or before November 1527, when his father and mother resigned the earldom in his favour, he was probably born about 1506. But as he appears first on record as a witness to a writ in 1515,¹ he may have been older, and may have been twenty-five when he received the estates.

The next reference to him is in 1522, when John Mackay of Strathnaver took an oath to serve him as he did his father, Earl Adam. Sir Robert Gordon relates that before this oath was given, Earl Adam began gradually to put the affairs of the earldom more and more into the hands of his son, "which John Mackay perceaveing, he resolveth to invade Southerland, therby to try what shift or action wes in the master." The master, however, was unexpectedly active in repelling the invasion, and not only twice defeated Mackay, who first attacked the district of Creich, and then that of Lairg, but carried a hostile expedition into Strathnaver. Returning from this raid, the master once more encountered Mackay, who was again plundering Lairg, and coming suddenly upon him, completely routed his force, compelling him to take refuge in an island in Loch Shin called Muric.² Mackay next day

¹ Vol. iii. of this work, p. 61.

² Genealogy, pp. 97, 98. A recent writer says "either of these battles (near Lairg) seems to have been fought at Cnock-a-chath, 'the hill of the fight,' a place marked by tumuli." There are a considerable number of tumuli, and also hut circles in the neighbourhood of Cnoc-a-

chatha and Lairg, but it may be doubted whether the tumuli commemorate the battles in question. They are probably relics of more ancient conflicts, and it is possible that in his accounts of some of the battles Sir Robert Gordon has followed traditions of such ancient fights, assigning them to his own heroes.

returned secretly to his own country, and afterwards "submitteth himself to the master and to his father, Earle Adam." The submission is still extant, and although it affords no indication of such conflicts, it is in more ample terms than Mackay's former bond, and takes the form of an oath, sworn in the cathedral church of Caithness upon the gospels and the relics of St. Gilbert, that Mackay would do such homage, service, and submission ("humilitatem") to the Master of Sutherland as he had promised to Adam, Earl of Sutherland. The master in return faithfully promised to protect and maintain Mackay in terms of the earl's contract.¹

The master, in March 1525, was in Edinburgh representing his parents in the settlement of the dispute with the Earl of Caithness, and in November 1527 they resigned the earldom of Sutherland in his favour. Some of the conditions of that resignation, which have been referred to in the previous memoir, apparently arose out of the master's marriage-contract with Janet Stewart, daughter of the Earl of Athole. There were also others which stipulated that if the earl and countess died before their daughters were married, the master was to pay to each of his sisters then unmarried the sum of three hundred merks Scots as a marriage portion; that he would use his influence to induce the Earl of Huntly to receive John Gordon, brother of Alexander, as tenant in certain lands of Aboyne, and that he would set apart the proceeds of any process of forfeiture or other feudal dealings with the tenants for this brother. If, as liferenters, the earl and countess chose to intromit with the affairs of the earldom, they were to entertain the master and his wife honourably in household with them in the meantime; while the master bound himself to secure payment to his father and mother of the sum of five hundred merks due under a contract by the late Earl of Athole. All parties not only signed, but separately, and with their cautioners, took

¹ Vol. iii. of this work, p. 71.

solemn oaths to keep these conditions, and were duly admonished to do so by the ecclesiastical authority to whom they submitted themselves.¹

Following upon this contract the Countess of Sutherland formally resigned the earldom in favour of her son, and he was duly secured by the usual Crown charter and subsequent sasine.² This took place in December 1527, and in the following March he and his wife received a special Crown charter of the lands of Neveyndale or Navidale, in the parish of Kildonan, and of Garty, Culgower, Glenloth, Lothmore, and others in the parish of Loth, with the fishing in the water of Helmsdale, reserving, however, the liferent of Lothmore and the fishing to Earl Adam and his countess.³

From this date the Master of Sutherland virtually administered the earldom. The first recorded reference to him after 1527 is of some interest. He sold in April 1529 the lands of Doll and Carroll to John Terrell and his wife, Christina Murray, and their heirs, to be held for service done and to be done, reserving, among other things, right to "the sea coal (carbonibus marinis) found and to be found."⁴ This is the first notice of coal deposits in Sutherland, and seems to indicate that that mineral had then been discovered. John, tenth earl of Sutherland, made some efforts to begin the working of the coal, but it was not until 1598 that Jane Gordon, Countess of Sutherland, caused a pit to be opened. The coal-field was not a large one—the principal bed or vein being about three feet five inches in thickness and about two hundred feet below the surface.⁵

¹ Vol. iii. of this work, pp. 78-81.

² *Ibid.* pp. 82-86.

³ Registrum Magni Sigilli, vol. iii. No. 557.

⁴ Original charter in Sutherland Charter-chest, 22d April 1529.

⁵ The Brora coal was, up till 1598, probably dug at ebb-tide from its outcrop on the beach. Shallow pits were afterwards made in the

neighbouring links, and in 1614 John, eleventh Earl, had a small shaft sunk there. Better results being expected at greater depths, and the bed dipping northward or landward, John Williams, the mineralogist, superintended the sinking of two shafts in 1764, north of the older workings, and subsequently of two others, one of which was

Shortly afterwards the Master of Sutherland, as superior of the lands in the earldom, confirmed a charter of sale of the lands of Aberscross and Invershin, with the fishings and linn thereof, in favour of William Sutherland of Duffus granted by John Kinnaird of Skelbo. In the following September John Kinnaird disposed of his barony of Skelbo to the same William Sutherland, a grant which was also confirmed by the master.¹

This William Sutherland of Duffus was the son of the William Sutherland who, according to Sir Robert Gordon, was killed by the Clan Gunn in the town of Thurso, at the instigation of Andrew Stewart, bishop of Caithness, an event which he places in the year 1529. Sir Robert's account of the events which followed the murder is confused, and would be of no special interest, were it not for a reference he makes to an invasion of Sutherland by John Mackay. He alleges that Mackay died in this year, 1529, being forced by sickness to retire from an inroad into Sutherland which he made during the master's last illness, penetrating as far as Skibo.

This statement is doubtful, because if Mackay died in 1529, he was survived by the master. A recent writer suggests that Mackay's presence at Skibo may have been caused by an attempt on his part to punish the bishop of Caithness for the murder of Sutherland. This is possible, but the further hypothesis that Duffus was killed, while levying men in Caithness to help Mackay in his quarrel against the Master of Sutherland, is refuted

30 yards deep. The shaft on the north bank of the river, about a mile to the north-east of the last, was sunk to a depth of 83 yards in 1810, and four years later the present shaft on the opposite bank. From this pit up till February 1827, about 70,000 tons of coal had been "won." Abandoned a few years later, it was in 1873 re-opened by the present duke, in the hope that new methods and

appliances might secure greater success. This expectation has been so far justified inasmuch as the coal, although not of the finest quality, being of the oolitic and not the carboniferous age, is yet specially suitable for certain purposes, and therefore supplies somewhat more than a mere local demand.

¹ Original writs, 16th May and 2d September 1529, in Sutherland Charter-chest.

by evidence furnished by Sir Robert himself, which, with other information, proves that it was the proprietor of Skelbo who was killed, not his father, and that the murder must have taken place in 1530, after both Mackay and the Master of Sutherland were dead.¹

There is, however, foundation for the statement that Mackay gave trouble to the master at this time, at least if the terms of a bond of manrent and maintenance entered into between the master and a certain John Rory M'Aneson, are to be strictly interpreted. M'Aneson binds himself to take part with the master on all occasions against all men, the king excepted, but specially against John Mackay of Strathnaver, his brother, Donald Mackay, and their friends. He will defend the master, his country, and allies with "his vttir power," and shall "invaid the said M'Ky and his parttakaris in all kind of sort . . . bayth in sersing and seking of the saidis Jhone M'Ky, Donald M'Ky, thair parttakaris, and their guddis" if required. He also promises that if he knows "ony inconvenient" proposed by Mackay against the master, either privately or openly, he shall at once warn the master, advise and defend him from the danger. He will also faithfully counsel the Master in all matters, if required, "and in special, to the uttyr displesour of M'Ky and his kyne." The master in return binds himself to maintain and help M'Aneson against all, but especially against Mackay.²

It is clear, therefore, that, from whatever cause, the Master of Sutherland found it necessary to secure allies against Mackay, and the conclusion of the agreement indicates how quiet was to be secured, in a manner peculiarly

¹ History of the Clan Mackay, p. 108. It may be noted that the murderers of the Laird of Duffus found caution on September 3, 1530 (Criminal Trials, vol. i. p. 149*), to uuderly the law. They were all clergymen of various ranks, living in the neighbourhood of Thurso.

The bishop is not named, the principal person being Mr. Thomas Stewart, treasurer of Caithness. The two may have been con-founded in popular tradition.

² Bond, dated 29th June 1529. Vol. iii. of this work, pp. 88, 89.

illustrative of the customs of the country. To reward John M'Aneson for the service and kindness to be done by him, the Master of Sutherland obliges himself to bestow upon him, as "spous and veddit vyf," Margaret, daughter of John Murray of Cambusavie. Further, because a dispensation was required, and also a dowry to be paid to M'Aneson for completing the marriage, either party is content to choose four friends, two for each party, of their "best awisit frendis," and submit the affair to their arbitration. They shall then, if "pece and rest be hed in the cuntrethis that is betuix the mastir and M'Ky," abide the award of these four persons, to be made at Dornoch as to "quhat and how mekil tochir, geyr, and quhat termis the said Allexander sall gif to the said Jhone, and on quhaiis expensis the said dispensacion sall cum hayme betuix the said personeis." Immediately on peace being made, if the dispensation be delayed, M'Aneson shall bind himself under penalties to solemnise the marriage with Margaret Murray, "in the face of haly kirk," as soon as the dispensation arrives, "and the said Margret in the meyne tyme to pas with the said Jhone (M'Aneson) to Strath-neuyr or quhar he schapis to duell," a species of "hand-fasting" which was apparently considered legal and binding. The parties bind themselves to keep this agreement under the penalty of one hundred merks.

The remaining incidents of the master's history, so far as recorded, are few. He granted in August of the same year, 1529, to Walter Innes of Touch, and Janet Terrell, his wife, a charter of the lands formerly belonging to her family, of Rovie-Kirkton, Kintraid, Inchape, and others, with the usual precept for completing their title.¹ In the following September the new tenant of the barony of Skelbo, William Sutherland of Duffus, entered into a bond of manrent with the master as his over-lord, in acknowledgment of the latter's consenting to receive him as tenant and vassal in the lordship

¹ 2d August 1529. Vol. iii. of this work, pp. 90-92.

of Skelbo. In return also for the master's promise to defend and protect him in his rights, Sutherland binds himself and his heirs to be "leyll and trew," to "ryid, gang, and serue" the master at all times, and in every way he can. He and his heirs, if required personally, or at their castle of Skelbo, or failing them, their bailies, were to rise "wyth all the power of men, kynnismen, tennentis, and seruandis," upon their own expenses, and take part with the master and his heirs, in all places within the diocese of Caithness and Ross, as often as demanded, under a penalty of £1500 Scots.¹

This writ, so far as has been ascertained, the latest in which the Master of Sutherland is named, is signed at Dunrobin, where he appears to have fixed his residence, as all the writs issued by him in 1529, with one exception dated at Dornoch, are from Dunrobin. He died there on 15th January 1530, being, as Sir Robert Gordon remarks, "in the current of his victories and best actions, evin in the floore of his youth, to the great regrate of all his cuntriemen and freinds (cheiffie of his parents), leaving ane impression of him in everie man his mynd, as a testimonie of his worth."²

He was survived by his wife, Lady Janet Stewart, eldest daughter of John Stewart, second Earl of Athole, and Lady Janet Campbell, daughter of the Earl of Argyll. Sir Robert Gordon assigns the date of the marriage as about the year 1518, but from a reference in the agreement of 1527 for the resignation of the earldom of Sutherland, to a contract between the Earl and Countess of Sutherland and John, late Earl of Athole, of date, at Dunrobin, 16th June 1520, it is probable the marriage took place at that time.³ Janet

¹ 4th September 1529. *Ibid.* pp. 92-94.

² Genealogy, p. 101.

³ This contract shows that John Stewart, second Earl of Athole, was not killed at Flodden on 9th September 1513, as is usually stated, also that his wife's name was Janet,

and not Mary, and that she survived him. He probably died in 1521. His son John was infest as his heir only on 3d May 1522, by a precept from chancery of 4th January 1522. [Eighth Report of Historical MSS. Commission, p. 711.]

Stewart survived the master, and married, before 1532, Sir Hugh Kennedy of Girvanmains, by whom she had issue, and whom she also survived. Henry, Lord Methven, was her third husband, whom she married before 1544. She retained the right to her terce, as "Mistress of the earldom of Sutherland," but some difficulty occurred with the tenants, and letters were issued in August 1544, under the royal signet, enforcing her claims to her due rents. Her son, John, then Earl of Sutherland, acted as her factor, and in November 1544, produced these letters in a bailie court held at Dunrobin by her bailie, John Murray of Cambusavie. The letters charged the tenants of her conjunct fee lands to pay all rents, profits, iron, victuals, etc., due to her. They were first proclaimed in a loud voice by the officer of court, and then explained by him, with the aid of an interpreter, in Gaelic to the tenants, a solemn protest being made against them if they failed to pay as charged.¹ By Lord Methven, Janet Stewart had issue a son and three daughters. He died before 1557, in which year she married Patrick, Lord Ruthven, to whom also she bore a son. Patrick, Lord Ruthven, died in 1566, but the date of Janet Stewart's death has not been ascertained.²

Alexander, Master of Sutherland, by his wife Janet Stewart had issue—

1. John Gordon, tenth Earl of Sutherland, of whom a memoir follows.
2. Alexander Gordon, who in May 1547 received a charter from Thomas Stewart of Kintessok of the lands of Kintessok in the county of Elgin.³ Sir Robert Gordon states that in 1550 and 1551, when Earl John was abroad, his brother, Alexander, governed the earldom in his absence with such severity that the people raised a tumult against him, which, however, he succeeded in quelling. In 1551 he repulsed an invasion of the Mackays, and carried off a large booty from Strathnaver. He died in 1552

¹ Eighth Report of Historical MSS. Commission, pp. 191, 192.

² Sir Robert Gordon states that she married, fifthly, James Gray, son of Lord Gray,

of Foulis, without issue, but this statement has not been verified.

³ Registrum Magni Sigilli, vol. iv. No. 123.

at Elgin, by a fall from his horse, "exceedinglie lamented by all his freinds, and cheiflie by his brother, Earle John, who loved him intirlye."¹

3. William Gordon, who is named by Sir Robert Gordon in his History, but of whom no other notice has been found.
1. Janet Gordon, who married Sir Patrick Dunbar of Westfield and Cumnock.
2. Beatrice Gordon, who married William Sinclair of Dunbeath. She died between 1560 and 1566.²

¹ Genealogy, pp. 132, 133.

² Cf. Registrum Magni Sigilli, vol. iv. No. 1705.



Copy map of the Hand

XII.—JOHN, TENTH EARL OF SUTHERLAND.

LADY ELIZABETH CAMPBELL, HIS FIRST COUNTESS.

LADY HELENOR STEWART, HIS SECOND COUNTESS.

HON. MARION SETON, HIS THIRD COUNTESS.

1535-1567.

JOHN GORDON, the eldest son of Alexander Gordon, Master of Sutherland, and his wife, Janet Stewart, was the next successor in the honours and estates of Sutherland, as the tenth earl. Born in 1525, he was but a few years old at his father's death. Within a year or two after that event his mother married her second husband, Hugh Kennedy of Girvanmains, in the county of Ayr,¹ but notwithstanding this, the care and upbringing of the young heir was continued with her. Doubtless, while they survived, Earl Adam and Countess Elizabeth, his grandfather and grandmother, exercised a supervision over his early training, but they both died while he was still a youth, and his stepfather, Hugh Kennedy, acted for the young earl in estate business. He, too, died before the earl attained his majority, and Janet Stewart, having married, as her third husband, Henry, Lord Methven, whose former wife was Margaret Tudor, the widowed queen of King James the Fourth, the young earl fell under the guidance of a second stepfather, who, however, does not appear to have interfered in the affairs of the earldom of Sutherland.

Sir John Campbell of Cawdor, on 1st April 1538, received a gift from King James the Fifth of the non-entry, ward, and relief duties of all the

¹ There is a charter to Janet Stewart, relict of Alexander Gordon, *fiar* of Sutherland, in liferent, and the heirs-male lawfully begotten of her and Hugh Kennedy of Gir-

vanmains, of the lands of Girvanmains and others, in Ayrshire, resigned by him, dated 13th May 1532. [Registrum Magni Sigilli, vol. iii. No. 1165.]

lands which had belonged to Alexander, Master of Sutherland, and to Earl Adam and Countess Elizabeth, his father and mother, as well as of the marriage of John Gordon, his son and heir, or of any other heir in the event of his death.¹ Fortunately, during the most part of the young earl's minority, the country enjoyed a cessation of the hostilities which had raged between the Gordons and the Mackays. But, in 1542, these were renewed by an invasion of the Mackays into Sutherland, which was repulsed by Hew Kennedy. After his death the earl allied himself with George, Earl of Huntly. As this nobleman was a near relative this step was natural, while, as he was the most powerful personage in the north, it was prudent. As one of the Catholic nobles in the Reformation struggle, the earl identified himself generally with the policy pursued by Huntly, and this will more fully appear in the sequel. Along with that nobleman he supported Cardinal Beaton in his efforts to secure the regency on the death of King James the Fifth, and when these were unsuccessful, he, like Huntly, was one of the signatories of a secret bond drawn by the cardinal, and signed by his friends at Linlithgow on 24th July 1543, for attempting a revolution in the government.²

The Earl was present at Huntly Castle on several occasions when neighbouring lairds tendered their bonds of manrent there to its owner,³ and he spent a whole day in assisting the Earl of Huntly to take personal infeftment of a number of lands in the lordships of Keig and Monymusk, Aberdeenshire, which had been granted to him by Cardinal Beaton. Owing to the number and remote situation of the lands, the proceedings, which began at nine in the morning, did not conclude till seven in the evening. The reason for this grant is given as the fear of the Church at the spreading of the "Lutheran

¹ Register of the Privy Seal, lib. xi. p. 58.

² The Hamilton Papers, vol. i. pp. 487, 556, 631.

³ Miscellany of the Spalding Club, vol. iv. pp. 209, 211, 214.

heresies," and the necessity of securing the aid of such powerful barons for her protection ;¹ but doubtless it was also as a fee for Huntly's past and future services.

In December 1543, though still under age, John, Earl of Sutherland, was present and took his seat as a baron in the parliament held at Edinburgh on the 4th of that month. He is also mentioned as being present on the 15th. Probably he went south in company with the Earl of Huntly, who, soon after the establishment of the regency in the person of James, Earl of Arran, consequent on the death of King James the Fifth, was appointed by the governor lieutenant of the north of Scotland.² To him, as such, the Earl of Sutherland, along with the Earl of Athole, Lord Lovat and others, gave his bond that he would in every possible way further his laudable efforts to put down disorder and crime, by punishing evil-doers within his own jurisdiction, or deliver any such "without fiction or favour" to the lieutenant to receive justice. This arrangement was made at Elgin on 8th December, probably in the year 1544.³ The young earl's appearance in November 1544 in the bailie court at Dunrobin, as factor for his mother, Lady Janet Stewart, has been related in the previous memoir.

On attaining his majority Earl John was, on 4th May 1546, served heir to his father in the lands and earldom of Sutherland, the Earl of Huntly, as sheriff-principal of Inverness, personally presiding at the inquest, and he was duly infected on a precept from chancery on 7th June following. As the earldom had been for eight years in the hands of the Crown, since the death of Earl Adam, the large sum of £5333, 6s. 8d. was exacted as non-entry duty, the annual rental being stated as £666, 13s. 4d.⁴ The earl was already

¹ Antiquities of Aberdeenshire, Spalding Club, vol. iv. p. 480.

² Spalding Club Miscellany, vol. iv. pp. 142-144.

³ *Ibid.*, pp. 212, 213.

⁴ Vol. iii. of this work, pp. 100-104.



married to his first wife, Lady Elizabeth Campbell, daughter of Colin, third Earl of Argyll. She had married in or before 1529 James Stewart, Earl of Moray, natural son of King James the Fourth by Janet Kennedy,¹ who died in May 1544. As Countess of Moray she brought her terce of that earldom to her second husband, the Earl of Sutherland.

Immediately after his infeftment in the earldom of Sutherland, the earl resigned it into the hands of James, Earl of Arran, Governor of Scotland, and obtained a re-grant of it to himself and his countess in conjoint fee, and to their heirs, and upon this he was again seised in the earldom on 13th October of the same year.² Lady Elizabeth Campbell, however, did not long survive. She is mentioned as deceased in the dispensation obtained in April 1549 for the earl's marriage to his second wife.

A few days after his service as heir in the earldom of Sutherland, which took place at Inverness, the earl was present at Elgin with the Earl of Huntly, and attested there the reciprocal bonds of manrent and maintenance, entered into between James Grant of Freuchie and his son John and the Earl of Huntly, who made the chief of the Grants responsible for the maintenance of good order in Strathavon, and placed him in possession of the castle of Drummin, at the confluence of the Avon with the Livet.³ The earl afterwards passed south with the Earl of Huntly and took his seat as a member of the privy council at a meeting held at Stirling, presided over by the queen dowager, on 2d June.⁴ The day following Huntly went to Perth to meet with George, Earl of Errol, and the two, for their respective houses, entered into a mutual bond of defence, to cement which the more strongly it was arranged that John Gordon, the third son of the Earl of Huntly, should marry

¹ Registrum Magni Sigilli, vol. iii. No. 24.

² Vol. iii. of this work, pp. 104-106.

³ 8th May 1546. Spalding Club Miscel-

lany, vol. iv. p. 214. The Chiefs of Grant, vol. iii. p. 97.

⁴ Register of the Privy Council, vol. i. p. 23.

Margaret Hay, the second daughter of the Earl of Errol. John Gordon was young at the time, and had been adopted by Alexander Ogilvie of Findlater as his heir and successor, consequent on the disinheriting of his own son, and had therefore assumed the surname of Ogilvie. The terms of the marriage contract were to be arranged in detail at a later date at Fordyce, and John, Earl of Sutherland, was named by Huntly as one of those who were to treat on his behalf on that occasion.¹

The sequel to this incident is not generally known, nor the causes which led to the incident itself. Alexander Ogilvie had an only son James, who was for some time master of the household to the queen-regent. He was the son of his first wife, Janet, daughter of James, third Lord Abernethy of Saltoun. Alexander Ogilvie married as his second wife, Elizabeth Gordon, a daughter of Adam Gordon, dean of Caithness, and a niece of George, second Earl of Huntly, and it was alleged that James Ogilvie "solicited his father's wife to dishonesty, not only with himself but with other men," and also "that he took purpose with others to take his father and put him into a dark house, and there keep him waking until he became stark mad, and that being done he thought to enter into possession of the house and land." His father at least believed these stories, and disinheriting his son, by the advice of his wife, he adopted John Gordon as his heir. Elizabeth Ogilvie herself, after her husband's death, married the youthful heir, but within a month John Gordon, tiring of her, shut her up in a close chamber, and kept her as a prisoner, as she had the liferent of all the lands. Meanwhile James Ogilvie had raised an action at law for the reduction of his father's settlement, and he seemed likely to prove successful. This was in 1562, and John, now Sir John, Gordon, who was then an aspirant for the hand of Queen Mary, meeting his rival in Edinburgh, set upon him in the street

¹ Spalding Club Miscellany, vol. ii. p. 274; iv. p. 216.

and severely wounded him in the right arm. Sir John was arrested and committed to prison, but making his escape he joined his father in the insurrection which terminated in the battle of Corrichie, and a few days later was executed in Queen Mary's presence at Aberdeen. James Ogilvie got back his estates and succession, and was the grandfather of Walter, first Lord Ogilvie of Deskford.¹

Whether the Earl of Sutherland accompanied the Earl of Huntly to Perth on the occasion of his meeting with George, Earl of Errol, is not certain, but it is not improbable. There is at least a curious coincidence of events in the case; for though John Gordon did not marry Margaret Hay, the Earl of Sutherland not long afterwards married the dowager countess of Errol. Huntly returned to Stirling to attend another meeting of the council on the 5th of June 1546, where he was offered and accepted the high office of chancellor of Scotland, but the Earl of Sutherland's name is not mentioned among those who were present on that occasion.²

After the death of Cardinal Beaton and the subsequent occupation of the castle of St. Andrews by his slayers, determined efforts were made by the queen regent to recover the castle and inflict condign punishment on the garrison. Summonses were issued for a muster in force to besiege it, but notwithstanding special proclamations to that effect the Earl of Sutherland did not respond. He, however, was engaged in the service of the country in Lochaber along with the Earl of Huntly at the time, and on that account, and to prevent future inconveniences, procured a remission for himself and the inhabitants of the counties of Inverness, Nairn, and Cromarty.³ In February of 1547 he was present with Huntly at Inverness,⁴ and in the

¹ State Papers, Foreign, 1562, p. 330.

² Register of the Privy Council, vol. i. p. 23.

³ Dated 18th December 1546. The Chiefs

of Grant, vol. iii. p. 96; cf. Register of the Privy Council, vol. i. p. 39.

⁴ Spalding Club Miscellany, vol. iv. p. 218

following month attended with him a meeting of the privy council at Stirling. At the same place he sat again at the privy council board in the end of May,¹ about which time, or previously, Huntly seems to have delegated to him a large share of his authority in the north of Scotland, as in a military dispensation granted by him to a vassal he designates himself "lieutenant from Spey north."² The dispensation refers to a rendezvous of the army at Peebles on 10th July for the purpose of raising the siege of Langholm, which had been occupied by the English, and it may be inferred that thither with the rest of his vassals the earl duly repaired. At least there is no mention of his absence, and Arran, in the queen's name, on the 24th of that month, made him a gift of the escheat of John Hectorson of Gareloch, who had absented himself.³ Soon after this, on 10th September, the battle of Pinkie was fought, and the Earl of Sutherland was present on the field in command of the rearguard under Huntly. The battle resulted in disaster to the Scots, who were obliged to flee, and though in the flight Huntly fell a prisoner into the hands of the English and was carried to London, the Earl of Sutherland made good his escape.⁴

As already stated, by his first wife the Earl of Sutherland had obtained an interest in the earldom of Moray, and in her behalf while she lived managed the affairs of her terre. But, in addition, he appears to have obtained a lease of the remainder of that earldom from the queen-regent, and also of her jointure lands in Ross-shire.⁵ When Arran and the queen-dowager made over the earldom of Moray to George, Earl of Huntly, after his escape from his English captivity, charge was given to the Earl of Sutherland, who is mentioned as occupier of the earldom of Moray, and

¹ Register of the Privy Council, vol. i. pp. 24th July 1547, in Sutherland Charter-chest. 67, 68.

⁴ Genealogy, p. 128.

² Vol. iii. of this work, p. 106.

⁵ Register of the Privy Seal, ms., H.M.

³ Letters of Gift, dated at St. Andrews, General Register House, Edinburgh, p. 90.

also to James Grant of Freuchie, as the occupier of the lordship of Abernethy, and to William Mackintosh of Dunachton as the occupier of the lands of Petty, Brachlie and Strathern, to obey Huntly and his factors therein.¹ In 1550 the earl had fallen into arrears with the payment of his rent for the earldom of Ross to the extent of £5000 Scots, and not having sufficient money to pay, he assigned to the queen-dowager his lease of the lands and lordship of the earldom of Moray and lordship of Abernethy, with the castle of Darnaway and others, and also of the lands of Moray and Abernethy pertaining to the queen, her daughter, so far as these pertained to the deceased Elizabeth, Countess of Moray, as her terce and jointure lands. The queen-dowager thereupon appointed bailies of her own to take charge of these lands.² As the queen's tenant in the earldom of Ross the earl granted his bond of service to the queen-dowager and received in return her bond of maintenance.³

With regard to the earldom of Moray, Huntly, after receiving it, kept it for a year or two in his own hands, and, at Whitsunday 1552, gave a lease of it to John, Earl of Sutherland, for seven years, at the yearly rent of £800 Scots, and in addition, the Earl of Sutherland was bound to maintain the castle of Darnaway at his own cost. On this subject the earls entered into a mutual agreement for friendship, the terms of which infer that some estrangement between them had taken place. Sir Robert Gordon states that some jealousy was conceived between them because the Earl of Sutherland got the government of the earldom of Moray from the queen in 1548 for three years. But he adds they were quickly reconciled, as the Earl of Sutherland renounced the earldom, stipulating that Huntly should give him

¹ Copy Charge, dated 5th March 1548-9, in Sutherland Charter-chest.

² Letters of Bailiary, dated at Edinburgh,

6th May 1550. The Earl's brother-uterine, Hew Kennedy of Girvanmains, was a witness.

³ Vol. iii. of this work, p. 107.

a sum annually out of the rents.¹ Besides burying all enmity, "displesouris, rancour and malice" that had arisen, they agreed that in consideration of the Earl of Sutherland being infeft in a five hundred merkland of the earldom, that is, which would yield 500 merks yearly of rent, he should give his bond of manrent to the Earl of Huntly, who in return would give his bond of maintenance. These bonds were to expire if Huntly lost the earldom, and he engaged not to dispose of it without the consent of the Earl of Sutherland or his heirs, while, at the same time, if he received any confirmation of his possession of the earldom, he pledged himself to confirm the Earl of Sutherland's right to this amount of land.² But this agreement very soon became effete, as in 1554, owing to some maladministration of justice in the north, in which Huntly caused William Mackintosh, chief of the Clan Chattan, to be put to death, he was deprived of the earldom of Moray and some other lands, imprisoned for a time, and narrowly escaped the capital penalty.

In August 1548, the Earl of Sutherland married his second wife, Lady Helenor or Eleanor Stewart, Countess of Errol. She was the only daughter of John, Earl of Lennox, and had previously been married to William Hay, sixth Earl of Errol,³ who died in April 1541, in his twentieth year, leaving a daughter by her.⁴ She had also borne a son to King James the Fifth.⁵ After their marriage it was discovered, that owing to these and other relationships, the earl and countess were in a somewhat complex way within the forbidden degrees, and that a papal dispensation would be necessary to legalise their union. The pope's precept for the dispensation was obtained

¹ Genealogy, p. 131.

² Vol. ii. of this work, pp. 110-113.

³ She is usually said to have married the fifth earl, but he appears to have died in 1522, in his 27th year. [Miscellany of the

Spalding Club, vol. ii. p. 348.]

⁴ Lady Jean Hay, who married Andrew, eighth Earl of Errol.

⁵ Adam Stewart, prior of the Charterhouse at Perth.

on 15th April 1549.¹ The countess brought to the earl, as her terce lands, Inchmichael and other lands in the barony of Errol, Perthshire,² and the earl gave her in liferent the Mains of Dunrobin, with the castle, Kilmalie, and other lands.³ By this marriage the Earl of Sutherland was brought into close relationship with Matthew, Earl of Lennox, afterwards regent, and Robert Stewart, then bishop-elect of Caithness, and afterwards Earl of Lennox, both brothers of his wife.

The church lands of Caithness were at this time somewhat of a bone of contention among the neighbouring landowners, and probably this fact had some influence in the promotion of the marriage. At any rate, Robert Stewart soon afterwards exerted himself to put things on a more satisfactory footing for himself.⁴ During his absence the see of Caithness had been bestowed in a provisional sort of way upon Alexander Gordon, a brother of George, Earl of Huntly, who was styled postulate of Caithness. The Earl of Caithness and Donald Mackay of Farr, at their own hand, made free with the bishop's lands, but by 1548, Robert Stewart had succeeded in making his

¹ Copy Signature for Dispensation in the Sutherland Charter-chest. The relations of the Countess of Errol with King James the Fifth are noted, "Jacobus quintus qui ipsam Eleonoram carnaliter cognoverat."

² Charter by George, Earl of Errol, to Helenor Stewart, widow of William, Earl of Errol, his predecessor, dated 8th March 1541, confirmed by King James the Fifth the following day. Registrum Magni Sigilli, vol. iii. No. 2616.

³ Charter by John, Earl of Sutherland, to Helenor Stewart, dated 6th August, and confirmed by Queen Mary 10th August 1548. *Ibid.* vol. iv. No. 241.

⁴ This bishop of Caithness is stated by Keith [Catalogue of the Scottish Bishops,

p. 215] to have been forfeited along with his brother Matthew, Earl of Lennox, and obliged to remain in exile in England for twenty-two years. This, however, is so far a mistake. He was proceeded against for treason in 1545 by the parliament, but on a protest by Cardinal Beaton against their taking proceedings against a spiritual man, at present on trial before him, his ordinary, the parliamentary proceedings were stopped. There is abundant evidence in this work and elsewhere that he was not only not in exile during the period mentioned, but also that he, for a great part of that time, was fully recognised as bishop, and actively superintended the affairs of the diocese. [Cf. also *Origines Parochiales*, vol. ii. p. 609.]

peace, and was back in Caithness seeking repossession of his bishopric. It seems probable that it was about this time he made the agreement with the Earl of Sutherland, stipulating that on account of the local disorders and commotions, the earl should protect the bishop and his chapter in their persons and property, assist them in collecting their rents, teinds and duties, and relieve and defend them if molested. For this they promise to pay the earl £100 Scots yearly, and to assist him in turn in all his lawful concerns, so far as in their power. The deed appears to have been drawn up at Dornoch, but the date has been torn away.¹ Robert Stewart seized the house and place of Scrabster from Alexander Gordon,² and there, in 1549, convening before him the Earls of Sutherland and Caithness, he persuaded them to enter into a mutual bond of friendship for themselves and their followers, and to terminate all rivalries, enmities and quarrels among themselves, out of regard to the public weal of the realm and resisting of "our auld inimeis of England." The chief cause of their immediate quarrel was the possession of the lands of Auchaduly, and this they both agree to refer to the decision of arbitrators who are named. Two days later the same parties met at Girnigo, the seat of the Earl of Caithness, along with Donald Mackay of Farr, and all four, on apparently quite equal terms, entered into a mutual bond of friendship and defence, swearing to be faithful to each other for all the days of their lives.³

In August 1550 the queen-dowager took a voyage to France, and was accompanied by a number of the Scottish nobles, including the Earls of Huntly and Sutherland. She was received with great honour at the French court, and, according to Sir Robert Gordon, the Earl of Sutherland, as well as

¹ Vol. iii. of this work, pp. 97-100.

² Pitcairn's Criminal Trials, vol. i. p. 337*.

³ 26th and 28th April, vol. iii. of this work, pp. 107-110.

Huntly, was invested by the French king with the order of the knighthood of St. Michael the archangel. The queen remained in France for fully a year, and returned thence to Scotland through England, where she was everywhere received with great state.¹ In this visit to France the earl incurred some expense on the queen's account, which he paid in September 1553, and thereupon received her majesty's receipt.² The queen shortly afterwards succeeded in persuading Arran to quit the regency in her favour, and the Earl of Sutherland's name occurs in the act of exoneration granted to him by the queen and the three estates of parliament.³

Reference has already been made to the friendly relations which existed between the earl and the sheriff of Moray, Alexander Dunbar of Cumnock. In 1554 both the sheriff and his son, with a servant and others, were involved in two cases of slaughter, and failing to appear, the Earl of Sutherland, who had become cautioner for their doing so, was fined in the sums of £200 Scots and four hundred merks.⁴ There is also another sum of five hundred merks which is referred to in an assignation made by John Hamilton, archbishop of St. Andrews, to Sir Robert Carnegie of Kinnaird. Sir Robert had at the archbishop's desire borrowed that amount from Mr. Alexander Forrest, parson of Logy-montrose. For his relief the archbishop assigned to him his right to this sum of five hundred merks, which was due to him as treasurer by John, Earl of Sutherland, as cautioner for Alexander Dunbar of Cumnock, sheriff of Elgin and Forres.⁵ Two years later the earl acted in a similar manner as bail for the re-entry to justice of other two of his neigh-

¹ Diurnal of Occurrents in Scotland, pp. 50, 51.

² Vol. ii. of this work, p. 2.

³ 12th April 1554. Acts of the Parliaments of Scotland, vol. ii. p. 603.

⁴ 20th November 1554. Pitcairn's Crimi-

nal Trials, vol. i. p. 370*.

⁵ Copy Assignation, dated 15th December 1554, in Sutherland Charter-chest. One of the witnesses was Mr. Andrew Oliphant, subdean of the Queen's College, near Edinburgh.

bours, Alexander, Lord Fraser of Lovat, in ten thousand merks, and James Urquhart in £1000 Scots, but he does not appear to have suffered in consequence of their default.¹

In reward, however, of services rendered to her majesty, the queen-dowager, in 1555, in which year she held a circuit court at Inverness in person, made the earl a gift of a yearly pension of one thousand merks, which was to cease when the queen was able to confer upon himself wards and marriages, or on some friend such a benefice as should be equal to that amount.² At the same time she conferred on him the care of the earldom of Ross, and appointed him bailie of the lands of Farr. This last appointment brought him into sharp conflict with the Mackays. Reference has already been made to the making of a mutual bond of friendship between the earl and Mackay and others, but Donald Mackay was now dead, and during the earl's absence in France with the queen-dowager, Y. Mackay, a son of Donald, had invaded Sutherland in warlike guise. He was repulsed by the earl's brother, Alexander Gordon (who was a great favourite with the earl, and had been left in charge while the earl was away, but exercised his authority with such rigour that the people almost rose against him), and Mackay was now summoned to answer before the queen for his misdemeanour. He refused to appear, whereupon her majesty granted a commission to John, Earl of Sutherland, to arrest him and reduce his country to order. Balfour adds that, while the Earl of Sutherland was sent on this errand with an army by land, the queen-regent sent John Kennedy with a navy by sea to assist him.³ The earl accordingly, collecting his forces, marched into Strathnaver, and failing to find Mackay, laid siege to the castle of Borge, near the town of Farr, which he took and demolished,

¹ Pitcairn's Criminal Trials, vol. i. pp. 390*.392*.

² Vol. ii. of this work, pp. 2, 3.

³ Annales, vol. i. p. 306.

hanging the captain, Rorie Macean Voyre. Mackay meanwhile had doubled on his pursuers, and entering the Sutherland territory, burned the church of Loth, and committed some other devastation, but at last, finding himself without a retreat, he yielded to the Earl of Sutherland, and was conveyed to Edinburgh, where he was committed a prisoner to the castle.

The capture of Mackay, however, did not end hostilities, as during the earl's absence at Edinburgh, his relative, John More Mackay, invaded a large district of Sutherland, including Navidale, where they burned the chapel of St. Ninian. But the invaders were not permitted to escape, for, being pursued by the earl's vassals and friends, who surrounded them unperceived, they were compelled to stand at the foot of Binmoir, in Berriedale, and sustained a severe defeat.¹ A commission was also granted about this time by the queen to the earl to apprehend one Neil Mackay, for slaughter committed in Strathnaver, and a little later he was conjoined with the Earl of Caithness in another commission for apprehending a pirate, named Thomas Robertson, who appears to have been then infesting the northern seas.²

Robert, bishop of Caithness, as formerly shown, on account of local commotions had felt the need of help from his brother-in-law, the Earl of Sutherland. But other than merely local disturbances were extending their influences over the church lands throughout the kingdom at this time, and the see of Caithness was no exception to the general rule. In 1553 the bishop and his chapter had found it expedient to constitute the earl hereditary bailie of all the lands, bounds and possession of the diocese;³ and in 1557 they granted a very large portion of these lands in feufarm to the earl and his countess, Lady Helenor Stewart, and their heirs. Some of these lands were in Sutherland, some in Caithness, and others in Inverness-shire,

¹ Genealogy, pp. 134-136.

² Vol. ii. of this work, pp. 3-5.

³ Origines Parochiales, vol. ii. p. 610.

including, among others, the lands and castle of Skibo, Cyderhall, Forse, Scrabster and its castle, and the lands, city and palace of Dornoch. Of the castle of Scrabster and palace of Dornoch, which were appointed to be the principal messuage of the whole lands granted for the purpose of infeftment, and which are described as situated among the fierce and untamed Scots, and in an Irish [Gaelic-speaking] country, the earl and his heirs were constituted hereditary constables. For the keeping of these they were allowed the rents of the lands around, and the whole feu-duties for the remaining lands amounted to about £230 Scots yearly.¹ Subsequent grants to the same effect were made by the bishop to the earl in 1559 and 1560. In 1559 the lands acquired by the earl thus in feufarm included Durness, Sandwat, Astlair, Laxford, and the island of Hoan in Sutherland, and Halkirk, Skail, Thormesdaile, and others in Caithness; and in 1560 the lands then added were Skibo, with its castle, Kilmalie and Rogart in Sutherland, and Brims in Caithness; which brought up the feu-duties payable to the bishop to over £330 Scots.²

Such progress had been made in Scotland by the principles of the Reformation (or the Lutheran heresy, as the churchmen called them), that the reformers, who numbered many of the nobles and barons in their ranks, were, by 1558, organised into a congregation, and their titled leaders became a party in the state as the lords of the congregation. The Earl of Sutherland was present at the convention of estates, held in Edinburgh in November and December 1558, and was elected one of the lords of the articles.³ At this meeting the reformers presented their demands for the redress of grievances, and were met by the queen-regent with fair promises of for-

¹ Vol. iii. of this work, pp. 116-124.

² *Origines Parochiales*, vol. ii. pp. 611-613.

³ Acts of the Parliaments of Scotland, vol. ii. pp. 503, 504.

bearance and protection. Disregarding these as soon as the pressure was removed, she proceeded to take strong measures for the repression of the reformed preachers and their teaching, and when reminded of her promises, replied that promises ought not to be urged upon princes unless they could conveniently fulfil them. Then, was the answer, if your grace will keep no faith with your subjects they may renounce their allegiance to you. Shortly afterwards hostilities broke out between the two parties, and the queen-regent brought mercenaries from France to subdue the reformers, while they in turn solicited and received the assistance of England.

The Earl of Sutherland, on 1st April 1559, was appointed by George, Lord Gordon, deputy-sheriff of the county of Inverness over the bounds of the earldom of Sutherland.¹ He acted along with the Earl of Huntly in the national crisis, though Maitland of Lethington reports him as neutral in December of this year. His first appearance on the scene of action was made in January 1559-60, when he came to the lords of the congregation, then in Fife, having been sent by Huntly to offer to their lordships "adjunction" in their common action and all his assistance. Knox says that Sutherland professed to be sent from Huntly "to conforte the lordis in thair affliction, butt otheris whispered that his principall commissioun was unto the quene regent," and Keith also is of the same opinion. However that might be, he shortly after his arrival took part in a skirmish against the French soldiers of the queen at Kinghorn, and was badly wounded in the left arm by a shot from a hagbut. He was carried to Cupar, then the headquarters of the congregation, and afterwards returned home, and because of his wound became a decided enemy to the French.²

¹ Original in Sutherland Charter-chest.

² Knox's *History of the Reformation*, ed. Laing, vol. ii. pp. 6, 7; cf. Sadler's *State Papers*, vol. i. pp. 634, 691, 702; *State*

Papers, Elizabeth, Foreign Series, 1559-60, pp. 174, 274, 290. Keith's *History of Scotland*, p. 115.

Before his return he received a letter from Huntly desiring him to impress upon "his friend" to see that among the English troops to be sent to Scotland there were 2000, or at least 1000 bowmen, as that would be the first thing to defeat the French hagbutters. Also that Lord Arran should not adventure himself in skirmishes, as so much now depended upon him; and that he, for his part, would leave nothing undone.¹ The "friend" here referred to appears to have been the Earl of Arran himself, as that earl, writing to Cecil, states that Lord Huntly had sent Lord Sutherland to him (Arran) desiring "the Band" that he might subscribe it, and promising that whenever the English assistance came, he would assist him as faithfully as his own father. This promise, Arran adds, the Earl of Sutherland has confirmed with his blood, for the Frenchmen hurt him in the arm. This hurt, Arran states in another letter to Maitland of Lethington, the earl sustained the second day of his coming, "He was shot through the arm and in great danger to lose the same if he be not well cured."² Randolph, the English resident, takes notice of the Earl of Sutherland's mission and his wound, and further, alluding to the arrival of the English admiral, Winter with assistance to the Scottish lords, remarks that it was now thought that an old prophecy—that there should be two winters in one year, in which many wonders should chance in Scotland—had been fulfilled.³

Huntly's real intentions were still somewhat obscure, but Randolph was of opinion that if he failed in performing his promises, Sutherland would leave him, adding with reference to Huntly, "Some wise men judge him better lost than found."⁴ For some time, however, the wound in his arm kept the Earl of Sutherland from active participation in affairs. But he was

¹ State Papers, Elizabeth, Foreign Series, 1559-60, p. 291.

² *Ibid.* pp. 298, 299.

³ State Papers, Elizabeth, Foreign Series, p. 355.

⁴ *Ibid.* p. 512.

present at the meeting of parliament in August at Edinburgh, when owing to the queen-regent's death, and the withdrawal of the French troops, matters had settled in favour of the lords of the congregation. At this meeting of parliament the Scots Confession of the Protestant faith was ratified, and an alliance with England proposed. With this Sutherland is represented by Randolph as well pleased, and he signed the offer made by the Scottish parliament of the Earl of Arran as a husband to Queen Elizabeth.¹ Huntly did not attend the parliament, pleading a weak leg. A new element of uncertainty as to the issue of events was introduced by the death of the king of France, and the probable return of Queen Mary to Scotland. The lords of the congregation were in correspondence with the queen, while Huntly, as the still recognised head of the Catholic party, held a convention of his friends, including the Earl of Sutherland, at Dunbar, in December 1560, when Lord Hume was deputed to communicate with the queen on their behalf.² His mission, however, seems to have been postponed, as a few months later Mr. John Leslie, afterwards bishop of Ross, was the bearer of Huntly's proposals to the queen, one of which was that she should make her landing in Scotland somewhere in the north, where they would provide her with an army of 20,000 men, with which she would be able to bear down all opposition.³ But Mary had been informed of his recent temporising policy and ignored his advice.

Huntly and the Earl of Sutherland are mentioned by Randolph as again coming to Edinburgh on 15th March 1560-1, the very time their envoy was leaving Aberdeen for France, and he entered into conversation with them on the state of their country. Writing to Cecil, the English resident speaks in

¹ State Papers, Elizabeth, Foreign Series, 1560-61, p. 218. Acts of the Parliaments of Scotland, vol. ii. pp. 525, 606.

² State Papers, Foreign, 1560-61, pp. 460, 461.

³ Keith's History, pp. 157, 160.

warm terms of the hearty reception he had from them. He never found better entertainment at either of their hands in his life, or more affectionate words or more cordial desire to maintain amity. Cecil, he adds, himself knew them both, and they were just what they had been.¹ Huntly must, of course, have dissembled his real intentions, and flattered Randolph. He was at this time being stimulated by the Guises and the Catholic faction in France to stand in defence of the old faith, and they flattered him with the hopes of his son, Sir John Gordon, then laird of Findlater, marrying Queen Mary, and so forming an alliance by means of which they might overthrow the Reformation and restore Scotland to her ancient faith. His hopes, however, were futile, and his efforts barren. He was compelled to feel himself powerless at court in presence of the reformed nobles, to see himself shorn of some of his fairest possessions, and at last, in a despairing effort to regain his old influence by force, he himself and one of his sons lost their lives, and, for a time, his family their estates. To the last the Earl of Sutherland befriended Huntly, but his friendship on this occasion not only imperilled his own head, but also the very existence of his house.

Queen Mary landed in her kingdom on the morning of the 19th of August 1561, and the earl was probably among the nobles who attended her from Leith to Holyrood Palace. A few weeks later she made a journey by Stirling and Perth to Dundee. Just after she had left Edinburgh, Arthur Lilliard, tutor of Henry, Lord Darnley, arrived with letters for the queen respecting the proposed marriage between her and his pupil. Lilliard was at a loss what to do till "Wat the falconer" accidentally meeting the Earl of Sutherland, told him the circumstances, and he undertook to procure Lilliard an interview with the queen. The earl had a family interest in the proposed marriage, Darnley being the nephew of the Countess of Sutherland, and he

¹ State Papers, Foreign, 1561-2, p. 30.

had been previously consulted on the subject by his sister-in-law, the Countess of Lennox. He took Lilliard to Stirling, and introduced him to Queen Mary on the morning of the 15th September, when she was mounting her horse to set out for Perth; and he was present at their interview, which took place in the courtyard. The queen received Darnley's messenger kindly, and made inquiries as to the age, stature, and characteristics of the aspirant to her hand, but would not then give any decided answer.¹

In December of the same year the earl was again in Edinburgh along with his brother-in-law, the bishop of Caithness, for the purpose of attending a convention of estates which took place that month. A meeting of the General Assembly of the Reformed Church of Scotland was also to be held, and the important question of the church revenues was to be discussed. In this the earl had a direct interest as well as his brother-in-law, who, Randolph observes, "is reputed honest enough;" and speaking of them both, he adds, "whatsoever they seek it is presently applied,"² though what this remark means is not easily understood.

In the latter half of the following year, 1562, the queen resolved to make a progress in person through some of the northern counties for the dispensation of justice and other causes. As one of the northern barons the Earl of Sutherland either accompanied her from Edinburgh or joined her retinue on her arrival in the north. Huntly was at the time in a peculiar position. His son, Sir John Gordon, also known as laird of Findlater, and to whom reference has already been made in an earlier part of this memoir, had been committed to prison for his assault upon James Ogilvie, but had succeeded in making his escape, and notwithstanding a charge to surrender himself was still at large, and a declared rebel. Huntly, though chancellor of Scotland, and sheriff of Inverness, was believed to be shielding him, and nothing

¹ State Papers, Foreign, 1562, pp. 12, 13, 64.

² *Ibid.* 1561-2, p. 427.

loth to do so. He had retired from the court in dudgeon, and was now meditating an attack upon the queen's forces, while she was in his own country, with the object of taking her out of the hands of the reformed lords, and having the influence of her presence for the rallying of the Catholic party; but he managed affairs so badly that he only precipitated his own ruin. On the queen's arrival at Inverness admission to the castle was refused her without the permission of the Earl of Huntly, although it was a royal possession, and he only keeper. It was, however, taken, and the captain executed. Similarly the house of Findlater, when summoned by the queen, was refused, and she consequently declined the offer of Huntly's hospitality at Strathbogie, on her way to Aberdeen. She had good reason for doing so, as he had endeavoured to seize her at the passage of the Spey. While the queen was at Aberdeen measures were taken to reduce Huntly, and Randolph, who was travelling with the Scottish court, states that Sutherland and Athole, who were with the queen, were quietly favouring Huntly. This earl, now at the horn, having refused to surrender either his son to justice or his castle of Strathbogie, escaped to the hills, and threatened to hold out in Badenoch against his enemies; but the government now set free all those of the clans who had formerly been at deadly feud with Huntly, with full power to harass him in his retreat should he go thither. An assault was made by Sir John Gordon on the royal troops, and a few days later, on 28th October, Huntly in person marched upon Aberdeen with 700 followers, but was met at Corrichie, about twelve miles from Aberdeen, by Murray, Athole, and Morton, with 2000 men. After a very brief struggle Huntly's troops fled. He yielded, and was about to be taken, when, as Randolph states it, he "without blow or stroke, being on horseback before his taker, suddenly fell from his horse stark dead." Two of his sons were taken, Sir John, "the rebel," and Adam, a lad of seventeen years, and the former was executed at Aberdeen, in his confession laying all the blame upon his father.

On the earl's body being brought to Aberdeen certain letters were found upon him which proved that he had been in regular communication with the Earl of Sutherland and Mr. John Leslie, who furnished him with information of the queen's designs against him. Randolph says they discovered that Sutherland was one of the contrivers of the whole mischief.¹ Doubtless the Earl of Sutherland at once left the court, and secured his personal safety, but a process was instituted against him for treason, and in June 1563 both he and the Earl of Huntly were condemned and forfeited by parliament. Prior to this the Countess of Sutherland went to court at St. Andrews, and pleaded for her husband with the queen. She was more pitied for her own sake than his, says Randolph. Later, but still before the trial, the earl himself ventured to Fife, although the court was still at St. Andrews, and meeting the Earl of Murray at a friend's house, offered to place himself in the queen's will. But none of these methods met with success.²

The earl spent the next two years in exile, chiefly at Louvain in Flanders, and was accommodated there with money, as necessity required, by Robert Morris, a burgess of Campvere, to the extent of £250.³ Through the Earl of Lennox, his brother-in-law, he had petitioned Queen Elizabeth to be allowed to reside in England; but before replying, Elizabeth wrote to her resident in Scotland to ascertain if her compliance with the request would be agreeable to Mary.⁴ Presumably it was not, as the boon craved was not accorded.

After the earl's forfeiture the queen made a gift to the Countess of Sutherland, who "wes nawyiiss participant of the tresonable crymes and conspiraceis comitit and done be Johnne, somtyme Erle of Suthirland, hir

¹ Keith's History, p. 230.

³ Register of the Privy Council, vol. i. p.

² State Papers, Foreign, 1562, Nos. 919, 678.
967; 1563, Nos. 426, 686, 839, 871.

⁴ Vol. ii. of this work, pp. 5, 6.

husband, quhair of he wes convict in parliament, bot ignorant of the samyn," of all lands, liferents, and leases belonging to herself, either by the death of her first husband or gifted and disposed to her by her present husband; and moreover, her majesty, moved with pity and compassion toward the countess, "knewand her to be ane honorabill personage, descendit of gude and nobill lynnage," gave her the profits and duties of all the lands pertaining to her in liferent, viz., those granted by George, Earl of Errol, those disposed to her by the Earl of Sutherland, and those feufarmed to them by the bishop, the dean, and chantor of Caithness, with the escheat of all the earl's goods, moveable and immoveable.¹ The remainder of the lands and superiority of the earldom, generally, with slight exceptions, the queen, by a similar gift under the privy seal, dated 22d September, the same year, conferred on her natural brother, Robert Stewart, called younger,² probably the prior of Whithorn, who assumed the title and style of Earl of Sutherland, and granted charters of portions of the earldom.³ But later, on 6th March 1563-4, she bestowed the barony of Aboyne upon Alexander Gordon, Master of Sutherland, the earl's eldest son, as he had no share in his father's treason.⁴

Ere long, however, a change was effected in the Scottish court. No efforts of the reformed lords could persuade Mary to change her religion, but when she had made up her mind to marry Darnley, who was of the same religion as herself, they resolved to prevent the danger they thought would accrue to religion thereby by stratagem or force. Their schemes failed, but they made Mary their open enemy, and she summoned her subjects to her aid to proceed against them. Especially now she had recourse to the Catholic lords. George, Lord Gordon, who, after Corrichie, had also been

¹ Copy Gift under the Privy Seal, dated 12th June 1563, in Sutherland Charter-chest.

² King James the Fifth had two natural sons named Robert, the elder being at this

time commendator of Holyrood, and afterwards Earl of Orkney.

³ *Origines Parochiales*, vol. ii. pp. 633, 666.

⁴ Vol. iii. of this work, p. 129.

found guilty of treason, and condemned to death, but had his sentence commuted to one of imprisonment in the castle of Dunbar, was brought thence to court, and soon afterwards restored to his father's titles, honours, and estates. Sutherland was written for to Flanders, and Bothwell and others were summoned from France. The earl at once responded, and took ship for Scotland in a small craft of some twenty-six tons burden.

The English authorities were in sympathy with the reformed lords, and to thwart Queen Mary's policy against them, the Earl of Bedford, governor of Berwick, employed a privateer or pirate, sailing under letters of marque from the King of Sweden, to intercept Bothwell and Lord Seton on their way. He failed as regards them, but falling in with the boat containing the Earl of Sutherland, he made him prisoner, and brought him to Berwick. Seven other persons of less note were taken with him. The reason of his capture is stated by the Earl of Bedford in a letter to Queen Elizabeth, as on account of his being "of great party in his country, and follows the queen and her religion, and therefore might the more annoy her friends there." He wishes to know how long he should detain him. Two letters which the earl brought from Sir Francis Englefield at Louvain, were also taken from him, and sent to Elizabeth's secretary, Cecil. Presumably on Randolph's opinion to Cecil that the earl was no fit man for Scotland at this time, nor any that were in his company, Queen Elizabeth sent instructions to Bedford to keep them safely at Berwick, but not to make any direct use of the pirate Wilson, as he had despoiled, not only the Flemings and French, but also the English; and the ambassadors of France and Spain had pressed more for his apprehension than that of any other pirate.¹

As soon as Queen Mary knew of the arrest of the earl she wrote to Randolph and also to the Earl of Bedford demanding his immediate

¹ State Papers, Foreign, 1564-5, Nos. 1417, 1443, 1444, 1446, 1456, 1462, 1467, 1668.

release.¹ Meanwhile the earl fell sick of a severe ague, and Bedford himself, pitying his case, made interest for his release. But the relations between the two courts were in a state of tension, and Elizabeth, while directing that every care should be taken of the earl's health, ordered him still to be kept secure. In November, Queen Mary herself wrote to Queen Elizabeth requesting the release of the earl,² who continued weakly, and Bedford in forwarding the messenger from Berwick begged Cecil to consider his case favourably. "The parliament," he adds, "begins in Scotland within ten or twelve days, and if his lordship should not be restored thereat, he should never have the like opportunity, because the Earl of Huntley and other his friends are now in place. He is a good gentleman though."³ In her reply Queen Elizabeth states that the French ambassador had also used his good offices with her for the earl's release, but that as disorders are committed on the borders, and the leagues of amity remain violated on Queen Mary's part, she must forbear granting her request until the complaints made on both sides were heard and redressed.⁴ Another mediator, however, was found, who effected what these had failed to do. In January 1566 Randolph wrote to Cecil from Berwick that the Earl of Sutherland was fully reconciled with the Earl of Murray, and had promised that if the queen would permit him to return to Scotland, he would use all the means he could for Murray's restoration. Bedford wrote the Earl of Leicester and Cecil, and the Earl of Murray himself wrote to Cecil to the same effect. This at length prevailed with Elizabeth, and Bedford reported to Cecil on 21st February that the Earl of Sutherland was now gone. He would not, however, have it known that his deliverance comes of the Earl of Murray's suit. He was

¹ 8th September 1565. State Papers, Foreign, 1564-5, No. 1740; vol. ii. of this work, p. 6.

² 26th November 1565. *Ibid.* p. 7.

³ 29th November. State Papers, Foreign, 1564-5, No. 1703.

⁴ *Ibid.* No. 1724, 7th December.

also able to tell him a few days later that the earl had been "restored to all his lands and honours and goods."¹

Without waiting for the earl's release from England, King Henry and Queen Mary, on 12th December 1565, granted their letters under the great seal fully rehabilitating him in all his estates and dignities as before the forfeiture, and authorising him to pursue for the reduction thereof.² Then, shortly after his return to Scotland, on 7th March 1565-6, the queen came specially to a meeting of the parliament in Edinburgh for the choosing of the lords of the articles, and this being done, the only other business transacted that day, and apparently in that parliament, which had been summoned for the forfeiture of the banished lords, was the restoring of the Earls of Huntly and Sutherland to their possessions.³

The full restoration of the earl, however, was only accomplished by the reduction of the sentence of forfeiture in parliament, on the ground that the whole procedure was null on account of certain informalities, and because the earl, when summoned to appear on that occasion, was not in a position freely to do so either personally or by a procurator. He had previously been put to the horn at the instance of John Wishart of Pittarow, then collector-general, for non-payment of his thirds of the bishopric of Caithness, he being tacksman thereof, and in such case had he appeared, he might have been slain by any of his enemies without remedy of law.⁴ He was restored, as Sir Robert Gordon points out, *in integrum* and not *ex gratia*, and therefore the same person and same blood being restored, and the forfeiture declared null by act of parliament, it is not to be accounted a forfeiture, nor an interruption by forfeiture in the line of the Earl of Sutherland. The

¹ State Papers, Foreign, 1566-1568, Nos. 50, 51, 52, 55, 104, 118, 139.

² Copy in Sutherland Charter-chest.

³ Diurnal of Occurrents in Scotland, p. 89.

⁴ 19th April 1567. Acts of the Parliaments of Scotland, vol. ii. pp. 579-581.

earl was also included in a remission granted by the queen at Seton on 26th February 1566-7 to the Earl of Huntly and his friends.¹

Shortly after the earl's return to Scotland the murder of Rizzio took place in Holyrood Palace, and he was there on that eventful night.² It was reported that the banished lords, including the Earl of Murray, were returning from England, at the command of the king, and in evident fear of a revolution. Huntly and Bothwell, who were also in the palace, thought it expedient to take to flight, and made their escape from their chamber windows by a rope. Sutherland, though of Huntly's party, had nothing to fear from their return, as in implement of his promise to Murray, he had assisted to bring it about.

On the 25th of the same month the Earl of Sutherland received from the king and queen (Henry and Mary) a new charter of his lands, the whole being erected into a free earldom to be called the EARLDOM OF SUTHERLAND, with the CASTLE OF DUNROBIN as principal messuage, and he was infeft therein in the end of the following month of May.³ He is also mentioned as present at some meetings of the privy council held at Stirling in January 1566-7,⁴ and he took part in the proceedings of the parliament held at Edinburgh in the following April, at which his own forfeiture was rescinded.⁵ The last day of the parliament was the 19th of that month, and on that or the following evening the famous supper at Ainslie's tavern took place. Bothwell invited the principal noblemen to sup with him, and at the feast, after the house had been surrounded with armed men, produced a document which he desired them to sign. It obliged the signatories to maintain Bothwell's innocence of Darnley's murder at all costs, and to recommend, advance, and defend his marriage to the queen. The Earl of

¹ Genealogy, pp. 145, 146; Miscellany of the Spalding Club, vol. iv. pp. 154-156.

² 9th March 1565-6.

³ Vol. iii. of this work, pp. 135-139.

⁴ Register of the Privy Council, vol. i. p. 594.

⁵ Acts of the Parliaments of Scotland, vol. ii. pp. 546, 548.

Sutherland was present and adhibited his signature to the bond, and so did Huntly, although he was the brother of Bothwell's injured wife, from whom he was now seeking a divorce.¹ But probably she herself was not altogether averse to the riddance.

To the Earl of Sutherland and his house the event was of more interest than probably he imagined at the time. Bothwell's character was notoriously bad. Randolph, writing of him to Cecil in June 1563, says, "I advise all my friends to take heed how they lodge such a guest. I beseech your honour, put him where you will, saving in Dover castle; not for fear of my old mother, but my sister is young and hath many daughters. He has sought to borrow money of some of his countrymen, merchants, but can get none."² The Earl of Sutherland was one of the few nobles present at the marriage of the queen to Bothwell. It took place within the "auld chappell" in the palace of Holyrood, on the 15th May 1567, about ten in the forenoon, Adam, bishop of Orkney, officiating "not with the mess, bot with preitching;" and the chronicler adds, "At this marriage thair wes nathir plesour nor pas-tyme vsit as vse wes wont to be vsit quhen princes wes mariit."³

Not much appears on record with respect to this earl among his vassals and tenants. He was friendly to the Monros, and particularly to the family of Monro of Milton. Sir Robert relates that when the Monros began to build the castle of Milton, Ross of Balnagown endeavoured to stop them, whereupon the Earl of Sutherland went in person to defend them against the Rosses, and when he returned, he left a company of men to protect the builders until the house was nearly completed. In connection with the Monros of Milton he also narrates how one of that family, Andrew Monro of Milton, was the means of the death of one of the Earl of Sutherland's ser-

¹ Tytler's History of Scotland, vol. v. p. 404; Keith's History, p. 381.

² State Papers, Foreign, 1563, p. 383.

³ Diurnal of Occurrents, p. 111.

vants, Alexander Gunn, son of the chief of the clan Gunn. He was a stout, strong man, and had incurred the resentment of the Earl of Murray, because on one occasion when his master and the Earl of Huntly were passing through the street of Aberdeen, he being in the front rank before them, met the Earl of Murray, and refusing to give way forced Murray to leave the street, which was then esteemed no small insult. During the Earl of Sutherland's exile Murray caused Monro apprehend Gunn, and then had him executed. According to Sir Robert this earl had also a great friendship for the Mackenzies, and made the chief of the clan his bailie of the earldom of Ross, receiving his bond of manrent in 1545.¹

In his time, too, the possessions of the family were greatly extended, especially by the grants of the church lands in Sutherland and Caithness, to which reference has already been made. One of these acquisitions was Scrabster and its castle, and in connection with this holding the earl had occasion to issue an order by his officer to the tenants, husbandmen, and inhabitants thereof, that as they were "thirled" to his mills, though not to any one of them in particular, it was his will that they should carry all their corns to the mill of Forss, and pay the righteous multures to the factor of William Sinclair, his feuar, ay and until they should be discharged thereof.²

During the earl's absence in Flanders his second wife, Helenor, Countess of Errol, died, and he married, as his third wife, Marion Seton, the eldest daughter of George, fourth Lord Seton, and widow of John, fourth Earl of Menteith. They had not been long married when both met with a treacherous and tragic end, being poisoned at Helmsdale in Sutherland by Isobel Sinclair, the wife of Gilbert Gordon of Garty, the earl's uncle. According to Sir Robert Gordon, this crime was the result of a deep

¹ Genealogy, pp. 144-146.

² Original order, dated at Dunrobin, 5th October 1561, in Sutherland Charter-chest.

conspiracy between certain members of the Caithness family, including the Earl of Caithness and William Sinclair of Dunbeath, the brother of Isobel Sinclair, to cut off the whole family, including the Earl of Sutherland's only son, Alexander. He was only preserved by being accidentally late in returning from the hunting field. Coming in hurriedly he was about to partake of the viands when his father, feeling that he had been poisoned, took the table-cover and threw it along the floor, and then sent his son off to Dunrobin. Isobel Sinclair's own son, who also came in hurriedly, calling for drink, was supplied by a servant with some liquor that had been poisoned, and perished with his mother's other two victims. The earl and his countess, who was pregnant at the time, were carried to Dunrobin, and died there on 23d June 1567. They were buried in the cathedral church of Dornoch in the following month of July. On the day the earl died he was being served heir at Inverness to his grandfather and grandmother.¹

Sir Robert ascribes various motives for the crime. The Earl of Caithness, he says, envied and hated Earl John on account of his prosperity, while Isobel Sinclair hoped that if the deed succeeded, her own eldest son, John Gordon (who was poisoned), would become Earl of Sutherland, he being the next heir-male. William Sinclair of Dunbeath, again, was actuated by cupidity. He had married the earl's youngest sister, Beatrix Gordon, and was the earl's tenant in the lands of Dounrey in Caithness, one of his recent acquisitions from the bishop of Caithness. When obliged to leave Scotland on account of Corrichie, the earl intrusted the writs of these lands to Sinclair, and he, thinking to secure them altogether, took a gift of the lands to his own use, and suppressed the earl's writs. Fearing the loss of the lands, and the earl's wrath on discovering what he had done, he entered into the plot for the earl's death. The Earl of Caithness, Sir Robert proceeds to say, made a

¹ Vol. iii. of this work, pp. 139, 140, 150.

feint of punishing those who had been guilty of the crime, he being justiciar of Caithness, and for the purpose of diverting suspicion from himself; but his punishments fell upon the innocent friends of the house of Sutherland, while the guilty were left alone. However, the friends of Sutherland apprehended Isobel Sinclair, who was tried and condemned, but died, it is supposed of poison, the very day she was to have been executed.

Sir Robert sums up the character of this earl as follows:—He was indued with many good and excellent gifts, both of mind and body. He was of a comely stature and proportion, of a fair and good countenance. He was so kind and courteous towards all men, so full of mildness and affability, and so well beloved of all good men that he was recommended to posterity by the name of good Earl John.¹

Of the three marriages of this earl he had issue only by Lady Helenor Stewart, Countess of Errol, two sons and three daughters.² They were—

1. John, who died young.
2. Alexander, who succeeded as eleventh Earl, and of whom a memoir follows.
1. Margaret, who died unmarried.
2. Janet, who married (1) Alexander Innes of that ilk, who died in 1576, *s.p.*; (2) Thomas Gordon, son of George, Earl of Huntly. She died in January 1584, and was buried in the cathedral church of Elgin.
3. Eleanor, who was contracted on 15th April 1579 to Robert Monro, younger of Foulis,³ but died the night preceding the day appointed for her marriage.

¹ Genealogy, pp. 146-149.

² *Ibid.* p. 113.

³ Original contract in Sutherland Charter-chest.

*Some of the
1677-1680*



None of these
 are of the
 roll and possession

XIII.—ALEXANDER, ELEVENTH EARL OF SUTHERLAND.

LADY BARBARA SINCLAIR (CAITHNESS), HIS FIRST COUNTESS.

LADY JANE GORDON (HUNTLY), HIS SECOND COUNTESS.

1567-1594.

THE tragic fate of Earl John once more left the earldom of Sutherland in the unhappy position of a wardship through the minority of its owner, as Alexander Gordon, his second but sole surviving son, was only fifteen years of age at the time of his father's death. Alexander was born in Darnaway Castle at midsummer 1552, and apparently received his name in memory of his uncle, Earl John's brother, who shortly before had been killed at Elgin by a fall from his horse.¹ Darnaway may have been in better condition at that time than it was ten years later, when Randolph describes it as "very ruinous, save the halle, very fair and large."² In his early years, Alexander was brought up in the family of Dunbar of Grangehill, and just before his father died he was placed in the castle of Skibo for security, after narrowly escaping the fate of his parents, as mentioned in the previous memoir.

The castle of Skibo was at this time kept by John Gray of Swordell, as heritable constable thereof, and in passing it may be noticed that less than two years before the earl sent his son thither it was in a very ruinous condition. Robert, bishop of Caithness, in a letter renewing the grant of the keeping of the palace or castle of Skibo to John Gray, Elizabeth Barclay, his spouse, the survivor of them, and their heirs and assignees, acknowledges his obligation to maintain the castle in repair, which now "is nocht only rewynois in wallis, thek, rowis, durris, windois, tymmerwerk and irnewark, bot als is

¹ Genealogy, p. 133.

² State Papers, Foreign, 1562, p. 330.

neir decait, faillit and destitute of plenising to the hurt of ws in our resorting and dewling thairin, and greit hurt of the west pairt of Sutherland in trobilis tyme, bend ane barboure and sowage rowme, circundat and enwerronit with clannis and brokin men, and because," he adds, " we may nocht help to bige, fortifie nor repair the samen sodanlie throch greit exactiones yeirlic payit and appeiring to be payit, wynderous far by the use and custome usit in our predicessouris dayis; yit that sumthing may be done yeirlic in the amendament and helping of oure said fortalice and for uphalding of the samen in all tymes cuming, to the publict weill of this realme, in danting of lymmeris, swirtie of passingeris and ressavng of ws," he grants to the constable certain additional lands, the rents of which are to be applied to the reparation of the castle. It could not, however, even then, have been entirely uninhabitable, for the bishop dates this letter from it.¹

The ward and marriage duties of the young Earl of Sutherland were gifted by Queen Mary to his sister, Lady Margaret Gordon, who was then in the queen's service, but the care of Lady Margaret herself was given to or assumed by John Stewart, Earl of Athole, and the wardship and marriage of Earl Alexander also fell into his hands. He was reckoned a friend to the house of Sutherland, but he was prevailed upon to sell the wardship of the young earl to George, Earl of Caithness, who had recently been extending his power in the north, and who probably thought he might still further aggrandise himself at the expense of his neighbours, as he seems to have been an unscrupulous man. Before the late earl's death he had obtained a commission of justiciary over all the Sutherland country, as well as his own, from Portnaculter (Dornoch Firth) to Pentland Firth, and from the east sea to the west sea, and in 1569 he is called the king's lieutenant.²

¹ Registrum Magni Sigilli, vol. v. No. 561.

² Register of the Privy Council, vol. i. pp. 459, 657.

Caithness at once took possession of the person of Earl Alexander, whom he found at the castle of Skibo, and the castle itself was rendered by the constable to him on the order of Robert, bishop of Caithness. He conveyed the young earl to his own house in Caithness, and soon afterwards made him marry his daughter, Lady Barbara Sinclair, "ane vnfitt match indeid," exclaims Sir Robert Gordon, "a youth of fyftene mareid to a woman of threttie-tuo yeirs; but," he adds, "a match fitt enough to cover her incontinence and ivil lyff which shoe led with Y. Macky, for the which shoe was afterwards divorced from Earle Alexander."¹

After staying for some time in Caithness, whither he compelled the Sutherland tenants to resort for settlement of their pleas and other affairs, the Earl of Caithness removed to Dunrobin, and took up his residence there with his whole family. And here, Sir Robert Gordon states, he searched out and burned all the "infetments and evidents pertaining to the house of Sutherland which he could find within the country." But the late earl, he adds, had in a great measure taken steps against such a calamity, having placed his principal charters in the keeping of his friend the Laird of Carnegie, from whose successor Sir Robert himself afterwards received them.

Meanwhile the Sutherland country was in a deplorable state of anarchy. The late earl's death having removed restraint, the Mackays, with the connivance of the Earl of Caithness, pursued an old feud with the Murrays, who dwelt in and around Dornoch and in the barony of Skibo. Having procured the aid of the laird of Duffus, they invaded Strathfleet, and attacked and burned the town of Dornoch. Another feud arose between the Murrays and the M'Phails, a sept of the Mackays, which was also attended with considerable bloodshed; and the Earl of Caithness wielded his justiciary powers with great rigour and injustice against the favourers of the house of Sutherland.

¹ Genealogy, pp. 149-151.

Sir Robert relates that this earl, perceiving that there was little likelihood of any issue of the marriage of Earl Alexander and his daughter, resolved upon the execution of another scheme for retaining Sutherland in his own family by making away with Earl Alexander, and marrying his eldest sister, Lady Margaret Gordon, whom also he had now got in his hands, to his own second son, William Sinclair, who, in the event of Alexander's death, might become Earl of Sutherland. For the better effecting his design and diverting suspicion from himself, he made a journey to Edinburgh, but left suitable instructions behind him. His plot, however, became known to the earl's friends, and they resolved to rescue him out of the hands of the Earl of Caithness. As soon as he had departed they laid their plans, and one night in the darkness, an ambuscade was set at Golspie Burn, not far from Dunrobin Castle. Alexander Gordon of Sidera, disguised as a pedlar obtained access to the castle, and acquainted the young earl with their design, and he, in taking his morning walk, attended as usual by the domestics of the Earl of Caithness, led them into the ambush, and was himself seized. His captors conveyed him southwards with all speed, and crossing the Dornoch Firth with great risk owing to a sudden storm which arose, they placed him in the charge of the Earl of Huntly at Strathbogie. The Caithness men pursued as far as Portnaculter, but were there compelled to return. This took place in 1569. A number of the friends of Sutherland were now, in consequence of the earl's escape, obliged to leave the country for a time, but were provided for in Huntly's district.

The Earl of Huntly was at this time actively engaged for Queen Mary against the regency of the Earl of Murray, having been appointed her lieutenant-general in the north. But the Earl of Sutherland does not appear to have taken any decided or active part on either side in the national struggle, though, according to Keith, he was present with Huntly

at Hamilton, when, after Queen Mary's escape from Lochleven Castle, her supporters assembled there for her defence. He signed the bond for that purpose entered into by nine earls, nine bishops, and eighteen lords, with others,¹ but neither he nor Huntly were present at the battle of Langside. Probably not anticipating the prompt action taken by the Regent Murray, they had gone home to bring a stronger force, but if so, ere they could return, Mary's cause was lost. After the assassination of the Regent in 1570, the earl's signature appears in a letter sent by the lords of the queen's party to Queen Elizabeth,² but he is not named as being concerned in any of the active efforts of Huntly to restore Queen Mary's government. Matthew, Earl of Lennox, was appointed regent in succession to Murray, but was killed on 4th September 1571, in a conflict with Huntly at Stirling. Sutherland seems to have been present in Stirling at the time with the regent, his uncle, for on the following day he took part in the election of John, Earl of Mar, as his successor, and at the same time signed the warning addressed by the parliament to those of the queen's party who held Edinburgh and its castle.³

While residing in Strathbogie, the earl and his vassals assisted the Gordons in a clan struggle, which, according to Sir Robert Gordon, had been provoked by the conduct of John, Master of Forbes, towards his wife, Lady Margaret Gordon, who was a sister of the Earl of Huntly. It culminated in the battle of Crabstane, fought in 1572, when the Gordons were victorious. Similar disastrous feuds were then raging in his own country, but in these the earl could not presently interfere. He could not venture north from his shelter in Strathbogie, but his visits south were not restricted, as he was present at meetings of the privy council held by the Regent Mar

¹ Keith's History, p. 476.

² Calderwood's History, vol. ii. p. 550.

³ Acts of the Parliaments of Scotland, vol. iii. pp. 65, 70.

at Leith in May and June 1572;¹ and he continued to make Strathbogie his home until the expiry of his minority in 1573.

In that year the earl, having reached his majority, took steps to obtain legal possession of his estates. The serving him heir to his father, however, was attended with much trouble. The county of Inverness was in such a condition of feud that within even its extensive limits, a sufficient number of barons and gentlemen could not be convened without risk of bloodshed. Such was the representation made by the earl to the privy council. He instanced Colin Mackenzie of Kintail, Hugh, Lord Fraser of Lovat, Lachlan Mackintosh of Dunachton, and Robert Munro of Fowlis, with others, as pursuing each other with deadly hate, and accordingly he solicited the appointment of a special court to be held at Aberdeen for the purpose of his service, with liberty to select his jury of inquest from Inverness and the four shires adjoining. George, Earl of Huntly, as sheriff principal of Inverness and Aberdeen, consenting, the king granted commission to John Leslie of Balquhain, Gilbert Menzies, apparent of Pitfoddels, Mr. Robert Lumsden of Clova, Patrick Menzies, and Patrick Rutherford, burgesses of Aberdeen, to act as sheriffs for serving the earl, and on 8th July 1573 the service was duly expedite at Aberdeen. According to the retour the lands had been in non-entry for six years, except a few days, and were of the value of 500 merks in time of peace, and now 1000 merks.²

The Earl of Sutherland forthwith charged the Earls of Athole and Caithness to remove from his lands, and thereupon returned to Dunrobin with such of his followers as had been expelled for the time. The messenger-at-arms, called William Taylor, on entering the territory of Caithness, was killed, Sir Robert says, by direction of the earl, who

¹ Register of the Privy Council, vol. ii. pp. 138, 149.

² Vol. iii. of this work, pp. 141-150.

appointed the murderer to be keeper of his eldest son, the Master of Caithness, who was then imprisoned in irons in his father's castle of Girnigo. In the previous year Earl Alexander had raised a process of divorce against his wife, Barbara Sinclair, who had been living openly with Mackay, and he obtained decree against her. She died, either while the cause was in progress or shortly afterwards, and the earl, on 13th December 1573, married Lady Jane Gordon, the divorced wife of Bothwell. She was the daughter of George, fourth Earl of Huntly, and the marriage took place at Strathbogie.¹

When settled in his domains, the first care of the earl was to restore order among his tenants and vassals. He "pacified the countrey of Southerland," says Sir Robert, "and the clannes therof, with such admirable and happie dexteritie that there wes not one drop of blood shed; which he so wyslie performed, and with so great foresight, that he procured the love of all his countreyemen, eaven of such as had been formerlie most eager against him. He continued still so favorable and loveing toward them, that whatsoever was attempted against him afterward, they wer readie to prevent it, and to spend their wealth and blood in his defence."² One thing, however, operated greatly against the earl in this good work, viz., the possession of rights of justiciary over his country by the Earl of Caithness. But these rights Earl Alexander at once took steps to reduce by an action before the lords of session. This was only accomplished by a tedious process, in which decret was not given until 5th May 1582, but it was in the earl's favour, and was ratified in parliament on 22d August 1584, notwithstanding a protest by Caithness, to which Earl Alexander replied by a counter protest.³

During the regency of the Earl of Morton, Earl Alexander took but little

¹ Genealogy, p. 168.

² *Ibid.* p. 170.

³ Acts of the Parliaments of Scotland, vol. iii. pp. 357-360.

part in state affairs, though as a privy councillor he attended several meetings at Holyrood between December 1576 and April 1578.¹ But after the arrival of his cousin, Esme Stewart, Lord d'Aubigny, afterwards first Duke of Lennox, at the Scottish court, the Gordons became more welcome there, and the earl was with his kinsman nearly all the time he remained in Scotland. He was one of the assize which, in 1581, convicted the Regent Morton of treason, upon which that earl was executed; and in the same year he is mentioned as present at the meeting of parliament in Edinburgh in October and November, at one session of which he was appointed to put in force the fishery acts respecting cruives and weirs on the rivers and waters of his own country, and in conjunction with Ross of Balnagowan, and Monro of Fowlis, on the water of "Killosochal," or the Kyles of Oykel.² The Ruthven raid obliged Lennox to return to France in the end of 1582, and he died there a few months later; but after the king's escape from the raiders, the Earl of Sutherland was appointed royal lieutenant and justice-depute within the bounds of Sutherland and Strathnaver.³

He does not appear to have associated with Huntly in the plot of the Spanish blanks in 1592, nor with the various attempts of that earl to get the king and country into his power, though, according to Sir Robert Gordon, he assisted him against Athole in 1586, their purposes, however, being interfered with by the king. During this period he was charged by the general assembly before the king with being an entertainer of popish emissaries, notably Mr. James Gordon, uncle to the Earl of Huntly, and at their instance was charged to deliver him up on pain of rebellion. About the same time he was obliged to find caution to the extent of 20,000 merks that he would keep good

¹ Register of the Privy Council, vol. ii. pp. 573, 606, 653, 662, 673, 676, 680.

² Acts of the Parliaments of Scotland, vol. iii. pp. 195, 196, 217, 304.

³ Genealogy, p. 177.

rule and make his men amenable to justice, but this was a measure which was applied to all the Highland landed men at this time.¹

Within his own country, for a great part of his time, the earl had to maintain his own authority and position by force of arms against his neighbours, especially against George, Earl of Caithness, with whom several sanguinary engagements took place. These, however, were not blood-feuds so much as the results of disagreements about land, property and jurisdiction. To ascertain, so far as possible, the causes at work in producing these disturbances, it will be expedient to look in this connection at the earl's land transactions and acquisitions.

As has been noticed in the preceding memoir of his father, the earl, while the fortunes of the house were under the cloud of forfeiture, and the title had been conferred upon another, received from Queen Mary a grant of the lands in the barony of Aboyne, Aberdeenshire, which his father had possessed.² In addition to this the queen gifted to him the reversion of certain lands which had been wadset by his father,³ and his uncle, Robert, bishop of Caithness, into whose hands, as superior, the feu lands of Caithness had fallen, regranted them to him.⁴ The bishop's charter was duly confirmed under the great seal by Mary and Darnley, who acquitted the son of any participation in the crime for which his father at the time suffered exile. These rights, however, expired when the forfeiture was rescinded in 1567, but they are interesting as showing the regard had to the family of Sutherland during the only, and happily very brief, period in which it ever fell under the disfavour of the Scottish Crown.

¹ Register of the Privy Council, vol. iv. pp. 249, 484, 803; Calderwood, vol. iv. p. 632; Thorpe's Calendar, p. 575.

² Vol. iii. of this work, pp. 129-131. 6th March 1563-4. Instrument of sasine thereon, 11th May 1564, in Sutherland Charter-chest.

³ Gift under the privy seal, dated 6th March 1563-4. *Ibid.*

⁴ Charter, dated 15th April 1564, confirmed on 4th October 1565. *Registrum Magni Sigilli*, vol. iv. No. 1669.

After his father's death, and during the earl's minority, negotiations were entered into between George, Earl of Huntly, and Y. Mackay of Farr, relative to the latter's entry to his paternal estates. The Mackay country of Strathnaver and Farr had been gifted to Huntly by Queen Mary in 1567, after the death of Donald Mackay, on the ground that they had fallen into the hands of the Crown by his death without legitimate issue.¹ But Huntly, in 1569, agreed with Donald's son, at Elgin, to restore to him the lands of Strathnaver, so far as these were not the property of the Earl of Sutherland, for payment of four thousand merks; and in the final contract between them in the following year the Earl of Sutherland was one of the parties, and signed the deed. As the contract shows, he had a very direct interest in the transaction. Some of the lands which were being granted to Mackay were among those feued to the earl's father by Robert, bishop of Caithness, including Skaill, Regebole, Sandwat, Ellenhall [Isle of Hoa], Alsthelarbeg, and Alsthelarmoir, and to decide the question it was submitted to the decision of John, Earl of Athole, Sir John Bellenden of Auchnoule, justice clerk, Mr. Robert Crichton of Elliok, lord advocate, Sir James Balfour of Pittendriech, president of the court of session, George Gordon of Gicht, and Alexander Gordon of Abergeldie, for the Earl of Sutherland, and William, Lord Forbes, John Grant of Freuchie, Mr. Duncan Forbes of Monymusk, John Calder of Asloine, Mr. Robert Lumsden of Clova, and Mr. Alexander Skene, advocate, for Y. Mackay, with the Earl of Huntly as oversman. Besides that there were the lands of Kinnauld, Golspitour, Killecolmkill, and Edderachillis, of which the Earl of Sutherland claimed the superiority, and as he further charged Mackay with having occupied his lands of Strathfleet and Braechat during his

¹ Note of charter in Sutherland Charter-chest. Cf. Register of the Privy Council, vol. i. p. 670.

nonage, it was made a stipulation of the agreement that he should cease from interfering with these lands.¹

Two days later the earl granted the charter agreed upon to Mackay,² but it was placed in the keeping of William, Lord Forbes, and sasine was not to be taken until complete payment of the stipulated amount had been made. This was accomplished by 20th April 1571,³ as on that day Mackay took sasine. On the day the charter was granted Mackay gave his bond of manrent to Huntly at Aberdeen, to which the Earl of Sutherland adhibited his name as a witness.⁴ Mackay died in the following year; and in 1576, after Earl Alexander was fully established in his own estates, the Earl of Huntly conferred upon him the gift of the ward and non-entry of Strathnaver and the Mackay lands from the date of Y. Mackay's death.⁵ This gift proved of little avail to the Earl of Sutherland at the time, but it was afterwards the means of strengthening his hold upon Strathnaver.

In 1576 the earl was served heir to his uncle, Alexander Gordon, in the lands of Kintessack, and through his countess, applied to Lady Agnes Keith, Countess of Moray, and now also Countess of Argyll, to sign and seal, with her present husband for his interest, a precept of *clare constat* in his favour therein, which he sent for that purpose.⁶ They must readily have agreed to the request of Lady Sutherland, as Sir Robert Gordon states that the earl gifted these lands, which were situated in the earldom of Moray, to the Regent Morton, to purchase his friendship and favour in his law-suit with the Earl of Caithness, for reduction of the latter's powers of justiciary

¹ Copy contract, dated 29th July 1570, in Sutherland Charter-chest.

² Original in Sutherland Charter-chest, 29th July 1570.

³ Instrument of sasine in Sutherland Charter-chest.

⁴ Miscellany of the Spalding Club, vol. iv. pp. 228, 229.

⁵ 15th April 1576, in Sutherland Charter-chest; Genealogy, p. 164.

⁶ Vol. ii. of this work, p. 112.

over Sutherland. Morton, according to Sir Robert, took the lands, but yet gave his support to the Earl of Caithness, though, happily in the end, the decision was in favour of Earl Alexander.¹ Before the expiry of this year also, Earl Alexander took sasine in the feu-lands granted to his father in 1558, receiving a precept of *clare constat* from his uncle, Robert, bishop of Caithness, the original granter, for that effect.²

During the minority of Mackay's son and heir, Hucheon or Hugh, his guardians, who were his half-brother, John Beg Mackay, and his cousin, John Moir Mackay, adhered to the earl, probably in consequence of his becoming superior of Strathnaver. But the Earl of Caithness won over Hucheon Mackay for a time, giving him in marriage his own sister, Lady Elizabeth Sinclair, widow of Alexander Sutherland of Duffus, and through him raised strife in the country between the Mackays and the clan Gunn, which led to an invasion of Strathnaver and the battle of Creagh-drumi-down, in which the earl was involved. This set on foot a series of reprisals among the various clans interested, and for a time the Mackays maintained an attitude of hostility towards their feudal lord, taking part with Caithness and others against him. But, as the sequel shows, the earl afterwards brought Mackay back to his allegiance.

Just about this time also, through some "contentious words" which passed in the king's presence in council between George Gordon of Gicht and Alexander Forbes, younger of Tollie, the two families of Gordon and Forbes were roused to renew a deadly feud against each other which had just been apparently settled; and, with others, both persons just named were slain. In order to pacify the country and end this feud, the council required the Earl of Sutherland, as a chief among the Gordons, and other heads of houses on both

¹ Genealogy, p. 172.

sasine, dated 29th and 31st January 1576-7,

² Precept, dated 15th, and instrument of in Sutherland Charter-chest.

sides, to subscribe assurances for keeping the peace for six months to come, under the pain of rebellion. The earl, as formerly noticed, had in his minority taken part in the feud against the Forbeses, especially in the battle of Crabstane fought in 1572.¹

Having now a son, and having learned by his own experience the evils of wardship during the minority of an heir, the earl judged it prudent to place his son in possession of the fee of all his earldom, while he himself retained the liferent; and as he died before his son attained majority, his foresight probably saved his son much inconvenience. Sir Robert Gordon states that the earl took this step in 1577 when his eldest son was but one year old, and further that in resigning his estates, Earl Alexander made an entail thereof to the heirs-male of his own body, whom failing, to descend to the house of Huntly, "and this he did least the earldome of Southerland should by a daughter fall from the surname of Gordoun to some other family."² But the earl's resignation was not made until 18th March 1580-1,³ and the charter by King James the Sixth thereon was granted on the 23d of the same month,⁴ though sasine was not taken till 11th June 1583.⁵ For the statement that the earldom and estates were entailed by Earl Alexander to the house of Huntly there seems no foundation, as not even a hint of such a thing appears in any of the deeds of that earl during his whole life. Sir Robert has probably confused this entail with that made by his own brother.

Moreover, when he resigned the earldom to his son, the earl made resignation also in the hands of his uncle, Robert, bishop of Caithness, of the feu-lands of Caithness for a re-grant of these to himself, and the lawful heirs-male of his body, whom failing, to the eldest heir-female of his body,

¹ January 1579-80. Register of the Privy Council, vol. iii. p. 261; cf. Genealogy, pp. 164, 174.

² Genealogy, pp. 172, 232.

³ Vol. iii. of this work, pp. 153, 154.

⁴ Registrum Magni Sigilli, vol. v. No. 152.

⁵ Original instrument of sasine in Sutherland Charter-chest.

without division, whom failing, to his own heirs and assignees whomsoever; and he had a charter of the lands from the bishop the same day he resigned them, 4th February 1580-1, on which he was infeft on 28th September following, and which was confirmed to him by King James the Sixth on 23d November 1581.¹ He received also from the bishop, in February 1580-1, a new lease of the teinds of certain of his lands in the parishes of Loth and Culmalie or Golspie, for the lifetimes of himself and his countess and John, Master of Sutherland, and nineteen years thereafter, for which the duty payable was £80 Scots, but in addition the earl obliged himself to pay to the bishop, during his lifetime, 880 merks, making in all 1000 merks yearly. One condition in the lease was that every three years the earl should find two Edinburgh burgesses as sureties for payment of this duty, and that the deed should remain in their hands for the greater security of payment. This additional payment is said to be made for good deeds, and pleasures done to them by the bishop, and later references in the lease connect these with the feu-lands of Caithness.² The bishop is in this lease styled Earl of March, and commendator of the priory of St. Andrews, as well as bishop of Caithness, and the earl's negotiations with him took place at St. Andrews, where he resided until his death in 1586. He succeeded to the earldom of Lennox after the death of his nephew, Earl Charles, and had a charter of the earldom from King James the Sixth on 16th June 1578, in which he was created Earl of Lennox.³ But when Esme Stewart, Lord d'Aubigny, his nephew, came to Scotland from France, King James persuaded the now aged churchman and noble to give up Lennox, and accept of the earldom of March in

¹ Instrument of resignation, feu-charter, and sasine in Sutherland Charter-chest. Confirmation, *Registrum Magni Sigilli*, vol. v. No. 277.

² Copy lease contained in summons of

transference of cautioners at the instance of Ludovick, Duke of Lennox, in 1587, also original lease in Sutherland Charter chest.

³ *Registrum Magni Sigilli*, vol. iv. No. 2785.

its place. He accordingly received a charter of the earldom of March on 25th October 1582, creating him and the lawful heirs-male of his body Earls of March.¹ But as the transfer of the earldom of Lennox took place in March 1579-80, Robert Stewart, as this lease shows, assumed the title of Earl of March long before he received the charter of creation, and there is evidence that he acted and voted in parliament under this title in November 1581.² In 1584 the Earl of Sutherland obtained another charter of the same feu-lands of Caithness, with exception of the lands of Culmalie, Kirkton, and Rogartmoir.³

The Earl of Huntly, his brother-in-law, having died in 1576, the Earl of Sutherland was appointed one of the curators of George, sixth Earl of Huntly, who was then under age.⁴ From him, in May 1583, the Earl of Sutherland received a grant of the superiority of the lands and barony of Farr, and of the sheriffship of Sutherland, for which he gave up the lands of Aboyne. This exchange is not mentioned in the charter of confirmation by the king of Huntly's grant, but the deed of excambion is noted by Sir Robert Gordon in the appendix to his case in 1766.⁵ This placed the earl in the position of being Mackay's superior, a condition of affairs which was not relished by the Earl of Caithness, who afterwards endeavoured to induce Huntly to revoke his grant. But the Earl of Sutherland declined to give up his acquisition, and notwithstanding the annoyance and temporary displeasure of Huntly, he resigned the lands of Farr and Strathnaver into the hands of the king for a

¹ Registrum Magni Sigilli, vol. v. No. 448.

² Acts of the Parliaments of Scotland, vol. iii. p. 237.

³ Charter, dated 5th September, in Sutherland Charter-chest.

⁴ Register of the Privy Council, vol. iii. p. 401.

⁵ Genealogy, p. 180; Case, Appendix, p. 24. Registrum Magni Sigilli, vol. v. No. 580. Original instrument of resignation by Huntly, dated 29th May, procuratory of resignation, 7th May, crown charter of resignation thereon, dated 5th July, and instrument of sasine, dated 6th August 1583, in Sutherland Charter-chest.

re-grant to his eldest son, John, Master of Sutherland, who thereupon received a crown charter of resignation from King James the Sixth.¹

While he thus extended his possessions northward, the earl, at the same time, succeeded in acquiring a substantial interest in Ross-shire, across the Kyles of Oykel, by annexing a very considerable portion, if not the whole, of the estates of George Ross of Balnagowan. That laird seems to have been on a visit to Dunrobin between October and December 1583, and during that period the negotiations took place. Both the earl and the laird had young families, and to cement more firmly the friendship between the two houses they agreed that George Ross should marry his eldest son and heir-apparent, David, to Mary Gordon, the earl's daughter. Failing either of those named by death, then the next son and heir of the laird of Balnagowan was to marry a daughter of the earl so long as any remained. If George Ross should have no heirs-male to succeed in his estates, then he agreed that John, Master of Sutherland, should marry his eldest daughter, Jean Ross, or, as before, the earl's eldest son should marry the laird's eldest daughter, and the laird should infest them in his whole estate, reserving the liferent and the conjunct fee lands of his wife, Marjory Campbell. Further, it was stipulated that if the laird of Balnagowan had heirs-male, yet he should not contract any of his daughters in marriage without the consent of the Earl of Sutherland, and that he should give his bond of manrent to the earl, and cause all his kin to do the same against all persons, excepting only the government and the Earl of Argyll. In the event of David Ross or the heir-male of the body of George Ross not fulfilling the contract of marriage, Ross was to pay a penalty of 10,000 merks, and the penalty was of the same amount for breach of his bond of manrent :

¹ Procuratory of resignation, dated 21st April, instrument of resignation and crown charter thereon, dated 20th May 1588, in

Sutherland Charter-chest. Cf. Registrum Magni Sigilli, vol. v. No. 1546.

but should he, in the event of having no heirs-male of his body, fail to marry his eldest daughter to the Master of Sutherland, the penalty was £20,000 Scots. On the earl's part, 4000 merks were to be given with his daughter as tocher, payable after the marriage took place, and he was to grant to Ross his bond of maintenance against all persons, saving only the government and the Earl of Huntly, and failure in either of these two points involved him in a penalty of 4000 merks.

In addition to this, and in view of the marriage, George Ross of Balnagowan obliged himself presently to infest the earl's daughter, Mary Gordon, who was only to marry David Ross "at the perfyte aige and tyme prescryuit to all minoris be the law and consuetude of the realme to be mareit," in lands yielding a rental of 400 merks yearly, with another davach of land in augmentation thereof. The lands named were Lythestoun, Mylntoun, Little Dallas, and Downie, in the barony of Westray and parish of Eddertoun; Langwell, and Tutumtarvache, Strethall, Dawauchtall, and Culcarne in Strathoikel; and the kirklands of the abbacy of Fearn, and Drumofearn as the davach land in augmentation, and these Mary Gordon was to possess, in the event of the marriage not taking place, until the penalty of 10,000 merks was paid.¹ In these lands she was duly infest,² and she was also infest in the lands of Easter Gany on a charter by George Ross granted at the same time.³ Moreover, on 1st December, the laird of Balnagowan, for no apparent adequate reason, granted a charter selling to the Earl of Sutherland evidently his whole estate, including his lands of Strathoikel, Invercaslay, with the

¹ Minute of contract, dated 11th October 1583, and contract of marriage, undated, in Sutherland Charter-chest.

² Instrument of sasine, dated 7th and 8th July 1584, with charter of confirmation thereof, on 3d March 1583-4, by James the Sixth, giv-

ing date of charter by Ross as 10th November 1583, *ibid.*

³ Charter of Easter Gany, dated 10th, and instrument of sasine thereon, dated 11th November 1583, *ibid.*

fishing thereof called Stralak, half of Cullane and Cassillaw, Glencaslay, Glenmuke, Crocane, Tutumtarvach, with its fishings, the two Turnochis, with the fishings of Esseckell, Kinlochell, Drumloch; the lands of Amat and Langwell, with the fishings of Einig, Dallanachtane, and Downie, with their mills and forests; the lands of Strathcarron, Soyal, Knockinarrow, Langwell, with its fishings, Skewitiquhaill, and Greenyards, with their fishings, Auchingullane, Little and Meikle Dolles, Ardmuir, Balleliche, Miltown of Westray, Little Dawane, Essebolg, and Annat, with mills and forests, lands of Balnagown, with the mains, fortalices, and kirklands, Auchnagyle, Torrenlea, and Knockartie, Pettecowie, Badcall, Multowie, Cowlneaha, and Ballinlone, with mills and forests, patronages, etc., all in the earldom of Ross and county of Inverness. Of this extensive grant of lands the earl obtained a confirmation from the crown;¹ but how bitterly and dearly Ross rued this remarkable transaction will appear from the prolonged lawsuits which afterwards took place over the matter, and the fact that he, disregarding his bond of manrent to Sutherland, took arms with the Earl of Caithness in his sanguinary feuds with Sutherland.

For a series of these were now about to break out which involved the country in much bloodshed. The old Earl of Caithness died in 1582, and was succeeded by his grandson, George, fifth earl, who, while quite of a mind to maintain the traditional feud with the family of Sutherland, had his animosity increased by the success of Earl Alexander in reducing the usurped jurisdiction of Caithness over Sutherland, which was done just before the fourth earl's death. When, in 1584, the decision of the lords of session was ratified by the parliament, Caithness protested. Mackay was now at his service, and between them it was arranged to make an attack upon some of the vassals of Sutherland in Assynt, whither accordingly, in 1585, Mackay

¹ Registrum Magni Sigilli, vol. v. No. 790, dated 3d March 1584-5.

led a force both of his own and Caithness' men. On learning this the Earl of Sutherland organised two parties, one to proceed to the scene of action in defence of his vassals, and the other to act against Caithness. Mackay was obliged to retire to his own country, and at the intervention of mutual friends, chiefly Huntly, whose sister Caithness was about to marry, hostilities between Sutherland and Caithness were averted, and they came together at Elgin to settle the terms of amity. It was, however, but for a short time that the peace lasted. One of the articles agreed upon was that steps should be taken by both for the removal of the clan Gunn, especially from Caithness, as they were reputed to be the authors of much of the discord between the two counties.

On his return home, Caithness, who had promised to deliver up such of the clan as were on his estates, declined to fulfil the agreement, and Huntly again interposed, when it was arranged that both earls should simultaneously send an armed force to drive the clan Gunn out of both Sutherland and Caithness. This roused the clan to take desperate means for their defence, and as the forces in pursuit were still rivals, the Gunns first attacked the Caithness men at Aldgowne, and beat them off with severe loss, while the Sutherland men managed never to sight the foe. According to Sir Robert, however, they made up for this by dealing effectively with the clan Gunn by themselves, and forcing them out of their territories towards the more mountainous west.¹

For a short time there was peace, but in the nature of things it could not last, and in 1587 a pretext was found for breaking it in the somewhat insolent conduct of George Gordon of Marle, son of Gilbert Gordon of Garty, and a Sutherland vassal, towards the Earl of Caithness. This was resented by a siege of Marle by Caithness, when, in attempting to escape,

¹ Genealogy, pp. 177-181.

Gordon was killed. The Earl of Sutherland again assembled his men, and two considerable forces soon lay facing each other on opposite sides of the river of Helmsdale. Beyond some skirmishing, however, nothing very serious was done on this occasion, as once more by Huntly's efforts the two earls were brought together for friendly arbitration at Edinburgh in 1588. Meanwhile mutual assurances were exchanged, which were renewed from time to time until the agreement was completed, but in the interval the Earl of Sutherland obtained a letter of special protection to himself and countess and household from King James the Sixth against his enemies. In that writ the king states that he has annexed the kirklands of Caithness to the Crown, and that consequently the feu-duties were now payable to him. He therefore grants this protection against all molestation of his kirklands in Caithness or elsewhere, and commands George, Earl of Huntly, sheriff of Inverness, and his deputes, Sir Patrick Gordon of Auchindoun, Thomas Gordon of Cluny, James Dunbar of Cumnock, sheriff of Elgin and Forres, and his deputes, James Dunbar of Tarbat, David Dunbar of Durriss, John Campbell of Caddell, Hucheson Rose of Kilravock, Colin Mackenzie of Kintail, Rorie Mackenzie of Ardophailie, Simon, Lord Lovat, Thomas Fraser of Knokie, William Fraser of Stryne, [John] Grant of Freuchie, Lachlan Mackintosh of Dunachton, Alexander Ross of Balnagowan, George Ross of Balnagowan, younger, Nicolas Ross of Pitallane, Robert Monro of Foulis, and Robert Monro, fiar of Foulis, to rise in arms with their kin and friends and assist the Earl of Sutherland when required for the above purpose.¹ How far this command was honoured by those referred to may be judged from the fact of a renewal of the protection two years and a half later, in which the language is somewhat changed. The persons named are now charged to desist and cease from troubling the Earl of Sutherland

¹ Original protection, dated 6th May 1588, in Sutherland Charter-chest.

and his friends, and of new commanded to give him their assistance when required, being assured of full remission for all slaughters, mutilations, or spoliations committed on any person in the execution of this commission.¹

Indeed it was just after the issue of the first protection that the feud between Sutherland and Caithness reached its climax, and involved the whole district on one side or the other. Sir Robert Gordon relates a succession of raids and reprisals which now took place. Caithness refusing to fulfil the conditions of his agreement, the Earl of Sutherland sent a body of men into his country who spoiled the parishes of Latheron and Dunbeath. Then having fortified himself with a commission from the Crown against Caithness for the slaughter of Gordon of Marle, he advanced in person into Caithness with all his following, laid siege to the castle of Girnigo, and for twelve days beleaguered that fortress, while his troops ravaged the country far and wide. The town of Wick was burned, but the church was not touched, save that the tomb of the late Earl of Caithness was rifled of his heart which had been deposited there in a casket of lead, the contents of which were now strewn to the wind. At last the Earl of Caithness sent to desire a cessation of hostilities, and a reference of their differences to mutual friends, to which the Earl of Sutherland the more readily agreed as the prospect of reducing Girnigo, owing to its strength and supplies, was remote. At the making of the truce he accordingly returned to Sutherland, having, according to Sir Robert, lost but one man in the expedition. This seems, however, a somewhat remarkable statement, considering the magnitude of the operations Sir Robert himself describes, and also a statement by Ross of Balnagowan, in legal pleadings made in March 1588-9,² that in this feud "there is laitie the number of thre hunderethe personis all slane togidder and at a tyme." Sir

¹ Original protection, dated 6th November 1590, in Sutherland Charter-chest.

² To be afterwards more fully referred to.

Robert places the expedition in the February preceding, and it is probably the same to which Ross, who was personally in the field, alludes. If so, Sir Robert's computation of the loss of Sutherland is very much understated.¹

Proceeding, Sir Robert narrates that not long after the making of the truce, and before any reference had been made, the Earl of Caithness violated it by sending a force of men to spoil the Earl of Sutherland's place of Baddenligh, who killed his herdsman there. In retaliation, at Whitsunday 1589, Earl Alexander sent another expedition into Caithness, who "ranged at large, spoiled and wasted frielie all the cuntrie befor them, filled many places with rwyne and desolation, pursued the enemie with a bloodie execution, so long as their furie did last, killed divers of the Seill-wick-Iwer and other inhabitants of Catteynes, and so returned home into Southerland with a great booty, without skirmish or the losse of one man."² Following upon this, three thousand Caithness men, under Sinclair of Murkle, ravaged Strathullie and Strathbrora, but were pursued by Mackay, who was now of Sutherland's party, and forced to abandon their booty, and the Earl of Sutherland himself prepared to advance in force into Caithness, where also all available men were assembled to meet them. But though Earl Alexander did lead his men into Caithness, on the renewed intervention of the Earl of Huntly he withdrew, both the chief combatants agreeing to submit their differences to him and other mutual friends at Elgin.³

The decree given by the arbiters, as well as the formal submission of their quarrel and differences by the two earls, has been preserved, and is printed in another part of this work.⁴ Details are set forth of the slaughters and spoliations of both parties since 13th February 1587-8 to the date of the decree, and both parties being considered to be equally guilty, they are

¹ Genealogy, pp. 193-197.

² *Ibid.* p. 198.

³ *Ibid.* 199, 200.

⁴ Vol. iii. pp. 157-167, 26th and 29th November 1589.

required to acquit each other for ever. The other heads of adjudication by the arbiters show the causes of enmity between the two earls, of which these slaughters and spoilings were the dire result. First, there was the question of the hereditary right to the exercise of justiciary, which the Earl of Caithness claimed over all the lands belonging to the Earl of Sutherland which were within the bounds of Caithness. This the judges disallowed, and decreed that all such lands should be exempt from the power of justiciary claimed by Caithness. Secondly, there was the question of the reversion of the lands of Strathullie, which the Earl of Sutherland claimed from the Earl of Caithness in terms of a contract made by their respective predecessors. This was an old story, dating back to 1516, and the judges not feeling themselves competent to deal with it effectively, ordained the parties to take the case to the lords of council and session, and to do so without delay. To secure the maintenance of peace and concord, both earls were placed under heavy penalties for the observance of a mutual bond of friendship to be entered into between them, and the heads of which are set down, chiefly the respecting of the lawful jurisdiction and property of each other, and mutual assistance in case of attack from others. The penalty for breach of this bond was appointed to be 50,000 merks, but it was not to be accounted a breach thereof if the Earl of Caithness invaded any of the Earl of Sutherland's dependants, and the Earl of Sutherland proceeded to their aid. Further, both earls were enjoined to cause their followers to grant mutual letters of slains, and to repossess all, or the heirs of such as had been slain, who had been ousted from their farms or lands, or had been compelled to leave the same for fear of their lives, whether in Caithness, Sutherland, or Strathnaver, since April 1586.¹ After this decision the Earl of Huntly granted to the Earl of Sutherland, and his heirs and

¹ Letters of Charge, dated 1st July 1590, in Sutherland Charter-chest.

successors, being Earls of Sutherland, the office of sheriff of Inverness within Sutherland, excepting Strathullie, and also over the lands which he held in Strathnaver and Caithness. This grant was confirmed to the earl by King James the Sixth in 1590.¹

For some time after this pacification there seems to have been a disposition on the part of both earls to honour their bond, but Sir Robert Gordon notes that amongst their followers, who, indeed, had been the principal losers, active reprisals still took place. The Earl of Sutherland, in accordance with the decision of the arbiters, carried the question of the reversion of Strathullie to the court of session. He raised proceedings against Caithness, and a fortnight after he had done so, he again complained that Caithness refused to carry out the terms of the decret-arbitral, especially in the reponing of evicted persons to their possessions and the giving of letters of slains. The court accordingly ordered Caithness to perform his obligations by the decret within six days.² To strengthen his position, as he had placed his son, the Master of Sutherland, in possession of the fee of the estates, the earl assigned the bond of reversion granted by the Earl of Caithness in 1516, to the Master of Sutherland, with power to sue for its fulfilment, and redeem the lands,³ and in consequence a new summons was granted by the lords of session at the master's instance for the appearance of the Earl of Caithness before them.⁴

The reply made by Caithness to these proceedings was a practical one. Sir Robert says that in October 1590 he sent a friendly and highly complimentary letter to the earl (some correspondence had been passing between

¹ Charter, dated at Bog of Gight, 8th December 1589; Confirmation, 19th June 1590, *Registrum Magni Sigilli*, vol. v. No. 1738.

² Letters of Charge, dated 15th July 1590,

in Sutherland Charter-chest.

³ Vol. iii. of this work, pp. 168-170.

⁴ Summons, dated 6th August 1590, in Sutherland Charter-chest.

them for some time previously regarding the situation), and immediately afterwards he made a sudden incursion into Sutherland with a strong force of Caithness men, penetrating to Backies, within a few miles of Dunrobin, and then retiring with a large booty. The invaders were not, however, permitted to depart unmolested, but unhappily, Earl Alexander lay sick in his castle at the time, and a contention arose between the Gordons and Murrays for the honour of first attacking the foe. As neither would yield, the Murrays retired to a hill and looked on while the Gordons attacked the invaders by themselves near Clyne, and rescued the prey. Among the slain on the side of the Earl of Caithness was Nicolas Sutherland, brother of the laird of Forse. Under cover of night the Earl of Caithness regained his own country, only to find that in his absence it had been ravaged in turn by Hugh Mackay of Farr, who was now a strong ally of the Earl of Sutherland.¹

In the spring of the following year renewed efforts were made to terminate this discord and bloodshed between the two northern earls, and at last these were crowned with success. A new submission was made by both to the friendly arbitration of George Sinclair of Mey on behalf of the Earl of Caithness, and Sir Patrick Gordon of Auchindoun on behalf of the Earl of Sutherland, with the Earl of Huntly as oversman.² Their decret was issued ten days later, and enjoined the earls to adhere to the terms of the last decret-arbitral respecting the staunching of the feud. They also dealt with the question of the reversion of Strathullie, which they required Caithness to make over to the Earl of Sutherland, who in return was required to make over to Caithness the lands of Wick and Papigo, South and North Kilimsters, and the Mill of Windles, in the parish of Wick, together with Vlgramoir and Vlgrabeg, Thormisdale, Easterdale, and Westerdale, in the

¹ Genealogy, pp. 201-204.

and Decreet-arbitral thereon, dated 26th

² Submission, dated 16th March 1590-1,

March 1591, in Sutherland Charter-chest.

parishes of Halkirk and Skennand, under reservation, however, of certain feus set by the earl. Sir Robert Gordon says that the earls personally met on this occasion at Strathbogie, when all bypast injuries were forgiven on either side, old griefs and grudges no more to be revived, but buried from henceforth, together with the memory of these later times. He adds that Earl Alexander then disposed some of the feu lands of the bishopric lying within Caithness, for the ten davochs of land lying upon the east side of the river of Helmsdale, which had formerly been given by Adam, Earl of Sutherland, to John, Earl of Caithness, in 1516.¹ In the renunciation of Strathullie made by Caithness in favour of the Earl and Master of Sutherland, on 20th May 1591, these davochs are named Balnavaliach, Kildonan, Suisgill, Kinbrace, Knokfin, Free, Helmsdale, and Auchadalie.²

In this last decreet-arbital there was a new claim introduced by the Earl of Caithness, who required that Elizabeth Sinclair, his father's sister, and the wife of Hugh Mackay, should have the adherence of her spouse, and that their lawful children should succeed to his heritage. The arbiters, however, declined to take up this matter, directing Caithness to seek his remedy in a legal way, but declaring that the Earl of Sutherland in fortifying Mackay in his defence of himself should not be held to have broken his band with Caithness.

The relations of Mackay to the two earls had completely changed during the progress of the feud just narrated. At first he was a partisan of Caithness, and married the late earl's sister, who must have been very much his senior in years. At the same time he was legally, as has been formerly shown, the vassal of the Earl of Sutherland, but he ignored that earl's legal

¹ Genealogy, pp. 204, 205 ; cf. *Registrum Magni Sigilli*, vol. v. No. 1977.

² Renunciation, also Procuratory of Resignation by Caithness, dated 4th June 1591, in Sutherland Charter-chest.

rights and took an active part in the feud against him. When truce was proclaimed between the earls in 1587, the Earl of Sutherland declined to admit Mackay to be a party with Caithness and himself, and as it became part of the agreement made by the earls to proceed together against Mackay, the latter saw it to be his best policy to leave Caithness and place himself in the mercy of his legal superior. After some preliminary negotiations, the earl and Mackay met at Elgin in the end of November 1588, and agreed upon terms of peace. But meanwhile Earl Alexander had resigned his right to the lands and barony of Farr, in favour of his son, the master, to whom King James the Sixth confirmed the same.¹

In the agreement which was made between them the earl promised, in return for Mackay's bond of service, to infeft him in the lands of Strathnaver by a precept of *clare constat*, in those lands in which his father Y. Mackay died last infeft, and he was also heir of his brother John Beg Mackay. At the same time the earl's doing so was not to prejudice his own right to the lands of Aslercarmoir, Aslercarbég, Carnagarrou, Sandwat, Carnamaniche, Skaile, and Regebole, with the isle of Hoa, and salmon-fishings of Allingarrow, Laxford, and Sandwat. These the earl claimed in terms of the charter thereof by Robert, bishop of Caithness, to his father, Earl John. Mackay also claimed them, and the question of possession was referred to the arbitration of Sir Patrick Gordon of Auchindoun, Thomas Gordon of Clunie, Alexander Gordon of Tullimenit, Mr. Alexander Gordon, chancellor of Moray, Andrew Monro of Dauchartie, and Angus Mackintosh of Dunachton, chosen by the Earl of Sutherland, with John, Master of Forbes, James Baillie of Tarbat, George Sinclair of Mey, Alexander Bayne of Tullich, Hugh Monro of

¹ Procuratory, dated 21st April, and Instrument of Resignation, dated 20th May 1588, in Sutherland Charter-chest; also agreement at Elgin, 29th November 1588, the

signatures appended to which are reproduced in facsimile on p. 170 *postea*. See also *Registrum Magni Sigilli*, vol. v. No. 580.

Assint, and Mr. Robert Graham, archdean of Ross, chosen by Mackay, Lachlan Mackintosh of Dunachton being appointed oddman and overseer. Their decision was to be given before 15th November of the following year, when, if the lands named were found to belong to the earl, Mackay agreed to pay him 2000 merks for them before 20th November 1590, otherwise they were to remain the earl's property. But notwithstanding this the earl signifies his pleasure that Mackay should continue to enjoy and possess these lands so long as he has possession by tolerance of the lands of Durness, for payment merely of the duties thereof contained in the earl's charters.

Further, Mackay is to be entered in the lands of Strathnaver for true and singular service, and is to sign a heritable bond of manrent in the same form as the deceased William Sutherland of Duffus made to Alexander, Master of Sutherland, which had been ratified by William Sutherland, presently of Duffus, he and his heirs being astricted to honour and serve the Earl of Sutherland with his kin, friends, and followers against all men, the king and the authority alone excepted. On the other hand, the earl obliged himself to discharge Mackay of all by-run debts of money, non-entry duties, questions of law, fires and slaughters, for the extinguishing of all deadly feud in the future, and to give him his bond of maintenance and defence against all, the king and the Earl of Huntly only excepted.

As soon as he was infeft in Strathnaver and before he received this discharge from the earl, Mackay was to infeft the earl and his heirs heritably in the lands and barony of Westmoyn, including the lands of Eriboll, Standlane, Ardnaboill, Hoip, Mustraw in Stratharrodaill, Ellen, and Ryzie, and also in the lands of Millenes and Kayndloche in the barony of Kintail, the whole being warranted to be worth to the earl 20,000 merks. When Mackay should have obtained from William Sutherland of Duffus (who was present at their meeting) the lands of Edderachillis, clearly as his own property, he

was to infest the earl and his heirs therein by charter of alienation, and the earl was then to grant to Mackay a letter of reversion bearing the sum of 20,000 merks, and containing the stipulation that notwithstanding the earl's infestment in the lands and fishings beforementioned, it should not be lawful to him or his heirs to enter thereto till it were proved before Donald Gorm [Macdonald] of Sleat, Lachlan Mackintosh of Dunachton, Mr. Hector Monro, apparent of Foulis, Andrew Monro of Dauchartie, Hector Munro of Kildermorie, Hugh Monro of Assynt, or in case of their refusal, before the judges competent, that Mackay had broken his bond of service. These lands were in that case to become the property of and be possessed by the earl and his heirs until redeemed by Mackay and his heirs for 20,000 merks.

And finally, for the honourable and dutiful service to be done by Mackay, the earl tolerates him and his heirs, being of perfect age, and having Mackay's place and the command of his country, to possess and enjoy his feu lands of the barony of Durness, but only from year to year during the good will of the Earls of Sutherland, and for payment of the feu-duty contained in the earl's charters thereof from Robert, bishop of Caithness. But it was not to be lawful for the earl to remove Mackay from the lands until breach of his bond of manrent were proved, otherwise the barony of Westmoyn, the lands in the barony of Kintail, and the sum of 20,000 merks thereon, were to lapse to Mackay.¹ Three days later the earl granted the promised precept of *clare constat* to Mackay.²

This arrangement appears to have been a very fair one for Mackay; but in the following year another agreement was made between them which considerably modified the former, and which was then or a little later followed by a new presentation on the part of the earl of the state of matters between

¹ Copy Contract in Sutherland Charter-chest, 29th November 1588.

² Original Precept, dated 2d December 1588, in Sutherland Charter-chest.

them. In this second agreement the lands which in the former were submitted to arbitration are found by the arbiters to pertain to the Earl of Sutherland, as part of the feu lands of Caithness, and not to be a pendicle of the barony of Farr. Yet notwithstanding this the earl binds himself to grant Mackay a charter of donation of these lands to be held of him for ward and relief. He also discharges Mackay of the sum of 2000 merks, and Mackay in turn discharges all previous contracts made between the earl and him prior to the date of the present agreement, especially the one above described, and in particular the obligation contained therein to enter him by precept of *clare constat* in Strathnaver, to discharge him of all by-run debts due by his father and brother for Durness from 1567 to Whitsunday 1589, and for the non-entries of Strathnaver since the earl's entry thereto, thereby reponing the earl in all his rights as before the making of the first agreement, which is to be held as cancelled and destroyed.

Thereupon, probably the same day, Mackay grants an obligation to the earl as his superior in Strathnaver, in which he acknowledges the earl's undoubted right to pursue him and his heirs, not only for the non-entry duties of Strathnaver and the relief thereof since 1583, but also for the by-run duties of Durness from 1567 until March 1589, which extend in all far above £50,000 Scots, and that if the earl should pursue him for these he could not fail to evict him from the whole property of Strathnaver, and he binds himself as for himself, and as heir of his father and brother, to pay this sum of £50,000 Scots to the earl before 1st November next, or failing this to make a formal resignation of the whole lands and barony of Farr in the earl's favour.¹

Mackay was thus now legally entirely at the earl's mercy, not only as his superior, but as having the power to deprive him of his ancestral property. The earl, however, desired no more than to effectually detach Mackay from

¹ Copy, undated, but probably in March 1589, in Sutherland Charter-chest.

Caithness, and secure his allegiance to himself. Mackay also showed that this was his own desire, by taking an active and leading part against Caithness in the feud between the earls, and as he had now repudiated his wife, the aunt of the Earl of Caithness, on account, as Sir Robert Gordon alleges, of her adultery with a kinsman of her husband, the Earl of Sutherland gave him his elder daughter, Lady Jane Gordon, then fifteen years of age, in marriage. "She was," says her brother, Sir Robert, "a lady of excellent beauty and comeliness, witty, indued with sundry good qualities, both of mynd and body." They were married in December 1589, and had several children, the eldest son being Donald, first Lord Reay.¹ Prior to this the earl had again by precept of *clare constat* infest Mackay in Farr,² but it was in order that he might resign it, as he did a few days later, in the earl's favour,³ who, having thus secured his right, reponed him in the lands. Mackay also at this time, however, made over to the earl the lands of Ereboll, Ardrieboll, Hoip, Miudale, Ellan, and Strathall, to hold of the Crown.⁴

George Ross of Balnagowan, to whom reference has already been made as having entered into agreement with the Earl of Sutherland for the marriage of their children, and as having made over his lands to the earl, and given him his bond of manrent, was, during the Caithness feud, a supporter of the Earl of Caithness against Sutherland. This could only have been from motives of hostility to the latter, as his principal estates and interests lay on the other side of Sutherland, or rather the Sutherland estates lay between Caithness and Ross. He had evidently quickly repented of his transactions with the earl, and indeed no motive is apparent why he should ever have entered into them. Shortly after the outbreak of the feud he commenced

¹ Genealogy, p. 200.

² Original precept, dated 31st October 1589, in Sutherland Charter-chest.

³ Original instrument of resignation by

Hugh Mackay of Farr, dated 8th November 1589, *ibid.*

⁴ Original charter by Mackay, dated 2d November 1589, *ibid.*

legal proceedings against the Earl of Sutherland for the purpose of reducing the deeds he formerly granted. He held a reversion of his grant, but when he came to make use of it, he found that the earl had omitted to append his seal to it, and that therefore it was not altogether in legal form. He accordingly summoned the earl to appear before the lords of session, and append his seal to the reversion. In another summons of the same date, he required the earl to deliver to him accurate copies of the several contracts that had been made between them since 1580, especially the contract of marriage, and the charters of alienation to the earl himself and to Mary Gordon, his daughter, which had not been made in duplicate as they ought to have been. He wished to pursue the earl for fulfilment of some of these, and for reduction of others.¹

The Earl of Sutherland meanwhile took steps for obtaining possession of the lands which Ross had granted to the earl's daughter, by summoning him to appear in the sheriff-court of Inverness, and see due warning made to him and his tenants therein to remove themselves therefrom, a proceeding which Ross endeavoured to counteract by obtaining letters of advocation, charging the sheriff and his deputed to desist, a charge which was duly made, but disregarded.² Ross then procured another summons, charging the earl and the sheriff and his deputed to appear before the lords of council, and the reasons adduced by him for refusing the decree of the sheriff-court were—First, That the case was too weighty for a court composed of men not versed in law, seeing the subject of process was that of five or six baronies; Secondly, The Earl of Huntly, the sheriff, could be no competent judge in his case, on account of his relationship to the Earl of Sutherland, and his consequent

¹ Original summonses, dated March 6, 1588-9, in Sutherland Charter-chest.

March, also charge to sheriff-court, and decret of warning by sheriff-court, dated 22d March 1588-9, *ibid.*

² Original letters of advocation, dated 6th

interest; and Thirdly, In respect of the late "deidlie feid" broken out between George, Earl of Caithness, and Alexander, Earl of Sutherland, "in the quhillk trubill thair is laitlie the number of thre hunderethe personis all slane togidder and at a tyme," when the complainer was actually in the field with his friends, and assisted the Earl of Caithness, while Huntly and all his people assisted the Earl of Sutherland. Moreover, Huntly had lately avowed himself a party with Sutherland in the said feud and "cummer," and so the complainer could not with safety go to the town of Inverness.¹

Probably the troubles with Caithness prevented this matter proceeding further at the time; but even when these had been set at rest, the controversy continued between Ross and the earl, for in the end of 1593 the earl twice raised summonses of "spulzie" against Ross, whom he charged with wasting his lands on several occasions. One was in February 1590, when he took from the lands of Strathbrora twelve mares and a courser, and another was in 1592, when he took from the lands of Schenis other twelve mares and a "mowsellit horse." The earl estimates his loss through the theft of these at £100 for each of the two horses, and their lost labour at 13s. 4d. each daily; and 100 merks for each of the mares, with £100 more for each in foals yearly. But the greatest spoliation was that made on the lands of Auchany in July 1593, when Ross is alleged to have carried off fifty work horses, each worth £40, with other 10s. each for lost labour; forty-four mares, each worth £40, with other £20 each on account of loss in foals; nine score great kye with calf, each worth 20 merks, with £10 more for each in loss of milk, stirk, butter, cheese, etc.; fifty draught oxen and twenty young oxen, worth £20 each, with their lost labour at six firlots of oatmeal each, at the price of £4

¹ Original summons, dated 22d March 1588-9; also another summons to the earl and his daughter, dated 2d April 1589, to quash the proceedings of the sheriff-court on account of the injunction, in Sutherland Charter-chest.

per boll; two hundred and fifty milk ewes, worth 40s. each, with 30s. more each for loss of wool, lamb, butter, cheese, etc.; two hundred widders, worth £3 each; two hundred she goats, worth 30s. each, with other 30s. each for loss in milk and kid; twenty-four brood swine, worth £4 each, and each having thirteen gryces, worth 30s. each. Besides the above-mentioned stock there were carried away three score of double plaids, each worth 10 merks; forty stones of wool, valued at 10 merks the stone; twenty-four swords, at £10 the piece; thirty bows, worth each 10 merks; and thirty dozen arrows at 30s. a dozen; twenty kettles, each worth £3; ten brewing caldrons, each worth £40; and £1000 in thirty, twenty, and ten shilling pieces, and in half-merk pieces. For these spoiliations Ross was cited to appear and answer on 15th February 1593-4. But the differences between him and the earl were not settled in Earl Alexander's time, and became a legacy to his son.¹

Of another of the Caithness families who had taken part against him in the Caithness feud, that of Sutherland of Forse, the earl became the legal guardian by the death of the laird during the minority of his heir. The earl was superior of the lands of Drummoy, Backies, and Torrish, the original possessions of the Forse family, and he used his right by selecting a young Gordon lady as a wife for his ward. He could not compel Alexander Sutherland of Forse to marry her, but he instructed his messengers to protest for payment of the double of the marriage duty if he refused her. She was Margaret Gordon, daughter of the lately deceased John Gordon of Buckie.² It is interesting to note in this connection that this laird of Forse soon afterwards sold the lands in which the Earl of Sutherland was his superior, Drummoy, to Hugh Gordon of Ballone, and Backies and Torrish to John Gordon of Backies.³

¹ Summonses, dated 6th September and 7th December 1593, in Sutherland Charter-chest.

² Vol. iii. of this work, p. 175.

³ In 1606, June 6. These lands were resigned in the hands of the Earl of Sutherland for the purpose stated. Documents in Sutherland Charter-chest.

Reference was made in the earl's agreement with Mackay to his friendly relations with Sutherland of Duffus. As in the case of Forse, William Sutherland of Duffus, at an earlier date, became a ward of the Earl of Sutherland, who, when he afterwards established him in his possessions, caused him renew and ratify the bond of manrent which his great-grandfather, William Sutherland of Duffus, had made to the earl's grandfather, Alexander, Master of Sutherland, in 1529, and they appear to have continued throughout on very friendly terms.¹ Duffus was the possessor of the lands of Golspietower, his family having acquired them from James Dunbar of Cumnock, in 1527, and the Earl of Sutherland wishing to obtain these lands, agreed to exchange them with Duffus for the lands of Roartmoir, with mill. The terms of the excambion were arranged on 30th May 1590, by Sir Patrick Gordon of Auchindoun and William Sinclair of Dunbeath. This arrangement, however, did not take effect, and in 1594, the earl and his son, the master, and Duffus, mutually renounced their agreement, and Duffus at the same time engaged himself to resign the lands of Golspietower into the earl's hands, so that they might thereafter remain in the earl's possession, and he was also to cause his brother-german, James Sutherland of Kinstarie, to appear before the sheriff or commissary of Moray, and renounce any claim he had to these lands. By this contract the opportunity was taken to rectify a mistake in a charter of the lands of Kinnauld, which had been granted to Duffus by Hugh Murray of Aberscross, in warrandice of the lands of Auchandra, wherein salmon fishings belonging to the lands of Kinnauld were included. But the earl showing that no such fishings were attached to these lands, Duffus formally renounced the alleged fishings.²

¹ Vol. iii. of this work, p. 151. Precepts of *clare constat*, etc., 21st February 1579-80, and 15th March 1580-1, in Sutherland Charter-chest.

² Contract, dated 28th March 1594, in Sutherland Charter-chest.

Towards the close of his life, and just as his father had done before him at a similar period of his life, Earl Alexander obtained service of himself as heir-general to Adam Gordon, Earl of Sutherland, his great-grandfather, and to Elizabeth Sutherland, Countess of Sutherland, his great-grandmother.¹ He altered the day of Dornoch Fair, called St. Barr's Fair, from 25th September to 10th October.² He seems, during his last years, to have been frequently in bad health. One instance has been already referred to when the Earl of Caithness made a raid into the vicinity of Dunrobin, and the earl was unable to take the field against him, being then sick in bed. Another occasion is chronicled in the register of the Privy Council, before which the earl had been summoned to appear on 27th February 1592-3, when the council excused his absence on account of his "present disease and inhabilitie," which had been certified to them by William Gray, minister at Lairg and Rogart, and Andrew Anderson, minister at Loth, who both appeared to verify their certificate. His procurator, David Monro of Nigg, who also appeared and "excuseit the absens of the said erll be his said disease," was instructed to inform the earl of the prorogation of the case until 15th May following.³ He died at Dunrobin on 6th December 1594 in the 43d year of his age, and was buried in Dornoch cathedral. His character is thus summed up by his son, Sir Robert :—

"Earle Alexander wes ane honorable and hyemynded man, one that loved much to be weill followed, verie liberall. . . . At his return into his owne cuntrey, being absent from thence some few yeirs, he found the same in great trouble and disorder, occasioned by the government of ane euemie during his minoritie, which he pacifeid without the effusion of blood, therby

¹ 12th January 1590-91, vol. iii. of this work, pp. 167, 168.

² Genealogy, p. 232.

³ Register of the Privy Council, vol. v. pp. 41, 42.

purchasing to himself the vndoubted commendation of clemency. Some he appeased and reconciled vnto him by his liberalitie, others he essayed by fair forbearance to purchase their love, evin of some who had bene most bent against him and his freinds . . . Earle Alexander was a most assured performer of his word, when he had once ingadged himself, which he hath left as ane hereditary qualitie to his children. He wes verie constant and resolute in the prosecution of his purposes. He wes by nature framed to wind and insinuat himself so into everie man's affection, that not onlie from thenceforth they did alwise remayn constantlie faithful vnto him, bot also they did easalie hazard their lyves and ther fortunes in any extremitie of danger for his sake. He wes verie vpright in all his actions, vnfitt for these our dayes, wherein integritie lyeth speechles and vpright dealling is readie to give vp the ghost." He left the charge of his children and general affairs to his countess.¹

Alexander, eleventh Earl of Sutherland, was twice married, his first wife being Lady Barbara Sinclair, daughter of George, fourth Earl of Caithness, who has been already referred to. His second wife was Lady Jane Gordon, daughter of George, Earl of Huntly, who, born in 1546, was, on 25th February 1565-6, married to James Hepburn, fourth Earl of Bothwell, and a dispensation for their marriage was granted by John, archbishop of St. Andrews, on the 17th of that month.² This marriage was not of long duration. Both the spouses raised actions of divorce against each other. The countess accused her husband of infidelity, and obtained a divorce, while Bothwell also obtained a similar decree on the ground of consanguinity. This was in order to marry Queen Mary, which he did in May 1567, a step which quickly hurried both the queen and himself to their ruin. Lady Jane Gordon, how-

¹ Genealogy, pp. 232, 233.

Pitcairn, Criminal Trials, i. pp. 462*, 463* ;

² Parish Register of Canongate, quoted by

vol. iii. of this work, p. 131.

ever, continued to enjoy the liferent lands provided to her by Bothwell, and dealt with them as her property in liferent, these being Crichton, with the tower, Thornydikes, Lochquhorett or Borthwick and Vogrie, all in the county of Midlothian, and also Nether Hailes. She was married to Alexander, Earl of Sutherland, at Strathbogie on 13th December 1573. "She was," says Sir Robert Gordon, her son, "a vertuous and comlie lady, judicious, of excellent memorie, and of great vnderstanding above the capacitie of her sex; in this much to be commended, that dureing the continuall changes and particular factions of the Court in the raigne of Quein Mary, and in the minoritie of King James the Sixt (which wer many) shoe alwise managed her effairs with so great prudence and foresight that the enemies of her familie culd never prevaile against her, nor mowe these that wer the cheiff ruellers of the state for the tyme to doe anything to her prejudice. . . . Further shoe hath by her great care and dilligence brought to a prosperous end many hard and difficult bussines, of great consequence apperteyning to the house of Southerland. And by reasone of her husband, Earle Alexander, his seiklie disposition, together with her son's minoritie at the tyme of his father's death, shoe wes in a manner constrayned and forced to tak vpon her the managing of all the effairs of that house a good whyle, which shoe did performe with great care, to her owne credet, and the weill of that familie; all being committed to her charge by reason of the singular affection which shoe did carie to the preservation of that house, as lykwise for her dexteritie in managing of business."

Sir Robert also adds that after the death of her second husband, Earl Alexander, she married Alexander Ogilvie of Boyne, her object being to secure the interests of her children. Within a few years she was again left a widow, and so remained until her death. She carried out the designs of John, tenth Earl of Sutherland, who had made borings and discovered coal



at the river of Brora, and to her belongs the honour of first working the coal in Sutherland, while she also originated the salt-works there. She resided for many years in the house of Cracock or Crakaig in the parish of Loth, which she built.¹ On account of being a Roman Catholic she was frequently challenged by the authorities for harbouring priests and jesuits.² She survived till 1629, dying at Dunrobin, on 14th May of that year, in the eighty-fourth year of her age, and was buried beside her husband, the Earl of Sutherland, in the cathedral church of Dornoch.³ They had issue five sons and two daughters.

1. John, twelfth Earl of Sutherland, of whom a memoir follows.
2. Alexander, who died in infancy.
3. Adam, who also died in infancy.
4. Sir Robert Gordon of Gordonston, Baronet, of whom a short memoir follows.
5. Sir Alexander Gordon of Navidale, of whom also a short memoir follows.
1. Lady Jane, who was born on 1st November 1574, and married Hugh Mackay of Farr, and had issue, Donald, first Lord Reay, and other children.
2. Lady Mary, who was born 14th August 1582, and married, in 1598, David Ross of Balnagown. She died in 1605, without issue.

¹ Genealogy, pp. 168, 169.

² Vol. ii. of this work, p. 9; Pitcairn's Criminal Trials, vol. i. p. 348; Register of the Privy Council, vol. v. p. 218.

³ Genealogy, p. 409.

*James Earl of
Sutherland*

*Sir John Gordon
Tane of the Land*

Wolfgang Malyd
 off dom Bogano
 ad vices
 Alex^r Earl off
 Sutherland

Donald Gormie
 of Galloway
 Hugh Mackay
 of Farr

Lachlan Mackay
 of Farr

Hugh Mackay
 of Farr

Signatures to agreement between Alexander, Earl of Sutherland, and Hugh Mackay of Farr, dated at Elgin, 29th November 1588, referred to on p. 159 *antea*.



XIV.—JOHN, TWELFTH EARL OF SUTHERLAND.

THE HON. AGNES (OR ANNE) ELPHINSTONE, HIS COUNTESS.

1594-1615.

ONCE more the Earldom of Sutherland devolved upon an heir in his minority, but on this occasion with no such disastrous consequences as formerly. When Earl Alexander died, his eldest son, John, was in his nineteenth year, but as already narrated he had been betimes placed by his father in possession of the fee of his estates,¹ and consequently he had not to undergo a period of non-entry.

John, twelfth Earl of Sutherland, was born on 20th July 1576. How his early years were spent, his brother, Sir Robert Gordon, does not relate, except that he attended school at Dornoch under Mr. William Pape. After his father's death he went to Aberdeen and paid his court to his kinsman, Ludovick, Duke of Lennox, whom King James, after the battle of Glenlivet, had appointed lieutenant in the north, and he remained at Aberdeen until the duke's departure. He next made a visit, in 1595, to George, Earl of Caithness, at Girnigo, for the purpose of cementing their friendship, and with amiable counsels, of rectifying some minor causes of dispeace. He was received with cheerful hospitality, and they parted great friends. But he learned to his dismay that while being entertained by Caithness, that earl had despatched a secret mission into Strathullie to slay a valued follower. The mission failed in its object, but the treachery of the act so roused the wrath of the youthful

¹ He was infeft in the earldom on 11th June 1583, upon the resignation made by his father on 18th March, and crown charter following thereon, dated 23d March 1580-1.

Charters, etc., in Sutherland Charter-chest. Cf. Registrum Magni Sigilli, vol. v. No. 152. In 1588 he was also infeft in Farr, *ibid.* No. 1546.

earl that he summoned his vassals, and would have made a raid in force on Caithness, if the Earl of Huntly had not interposed and secured peace.¹ By the privy council both earls were then required to find caution in 20,000 merks for keeping the peace and maintaining his majesty's authority.²

In the beginning of the year 1597 the Earl of Sutherland went to court, and took up his residence in Edinburgh for a considerable time. During this year he attained his majority. Towards the latter end of it, in November and December, a meeting of parliament was held in Edinburgh, in which the earl took his seat, the principal business being the restoration of the catholic earls of Angus, Erroll, and Huntly. A formal riding of parliament took place on the 13th of December, on which day the restoration of the three earls was proclaimed at the cross of Edinburgh, when the king attended the parliament in person, and the Earl of Sutherland claimed, and was accorded, his hereditary right of bearing the sword of state before the king.³ The Earl of Caithness was also present at this parliament, and disputed the right of the Earl of Sutherland to take precedence of him. This was the beginning of a fresh feud between these two earls, which lasted during the lifetime of this Earl of Sutherland, and was only settled by a formal renunciation to his son in 1616, by Lord Berridale, the eldest son of Caithness.⁴ The question of precedence came before the king and council in February 1601, but decision was postponed till the tenth day before the meeting of the next parliament, whenever the same should be held, when both parties were ordained to produce their evidents and writs, with certification that if either of them failed herein, no writs would "be heard afterwards on his behalf."⁵ It was to some extent this case which was the occasion of the making of the decret

¹ Genealogy, pp. 233, 234.

² Register of the Privy Council, vol. v. p. 738.

³ Calderwood, vol. v. p. 668; Acts of the

Parliaments of Scotland, vol. iv. pp. 123-130.

⁴ Genealogy, pp. 235, 236.

⁵ Register of the Privy Council, vol. vi. p. 212.

of ranking of the nobility of Scotland by a special commission in 1606, according to which the nobles were afterwards required to take their places in parliament. Among the earls Sutherland was ranked the sixth, and Caithness the fourteenth. The five earls placed before the Earl of Sutherland were Angus, Argyll, Crawford, Erroll, and Marischal. These earls were not ranked according to the dates of their respective creations, some of which were long posterior to the creation of the Earl of Sutherland. It dates back to about 1235, in the reign of King Alexander the Second, while Angus, the earliest of the five, dates only from King Robert the Bruce. It was, however, left open to any peer who thought himself aggrieved to have his claim decided by the proper legal court,¹ and at a later period in the history of the Sutherland family this was done.

About 1597 the earl entertained the intention of going abroad for a time, and before the meeting of parliament just referred to obtained a written permission from the king and council for himself and three landed men with him to go to France, Flanders, and any other places beyond sea.² He, however, postponed his departure until July 1598, as he attended a meeting of the convention of estates at Edinburgh in the end of the previous month, where Mouday was appointed a weekly holiday throughout Scotland.³ Before going he also signed a bond giving caution in 20,000 merks, for which nine landed men in the north were his sureties, that good rule and order would be maintained in his domains.⁴ He left the management of the estates during his absence in the hands of his mother, Lady Jane Gordon, Countess of Sutherland, and was abroad for more than two years, returning in September 1600. His object in thus travelling on the Continent was, according to Sir

¹ Register of the Privy Council, vol. vii. p. 218.

² 29th October 1597. Vol. ii. of this work p. 10.

³ Acts of the Parliaments of Scotland, vol. iv. pp. 158-160; Register of the Privy Council, vol. v. p. 462.

⁴ *Ibid.* p. 746.

Robert Gordon, not merely his own recreation, but the acquisition of such knowledge and experience as would fit him for being of greater service to his king and country.¹

Soon after his return, John, Earl of Sutherland, married the Honourable Agnes (or Anne) Elphinstone, the eldest daughter of Alexander, fourth Lord Elphinstone, then Master of Elphinstone and lord high treasurer of Scotland. The marriage took place on 1st February 1601, and on the same occasion her next sister, Jean, was married to Arthur, ninth Lord Forbes. So important were the nuptials considered, that Lent, which should have begun on the 5th of that month, was postponed to allow them to take place at Edinburgh, where they were graced by the presence of King James, his queen, and the most part of the nobility.²

The earl's prospects of becoming a statesman were hindered by a somewhat delicate constitution, and also by the removal of the court from Edinburgh to London within a short period after his marriage, and before he had time to put his designs in operation. With all the vigour, however, that he could command he applied himself to develop his estates and benefit his people. The coal-pits at Brora were opened during his time, and kept going by him, and at the same place salt-pans were erected and salt made, which was in demand not only in Sutherland and the neighbouring country, but also for exportation. He diverted the river Loth, to make its course more direct from the hill to the sea. In this Glen of Loth the earl and his retinue on one occasion had a narrow escape from being overwhelmed and perishing in a snow storm. On 13th February 1602, the morning being fine, the earl set out for his house at Killeirnan, in Strathullie, the road to which lay through this glen. The ground was already deep in snow, and just as they got among the hills another blinding storm overtook them.

¹ Genealogy, pp. 236-239.

² Birrel's Diary, p. 48 ; Genealogy, p. 240.

Those who kept together, and refrained from drinking "aquavitie," which, says Sir Robert, "happened by chance to be there," managed to weather the storm; but three of the earl's retainers, including Donald Mackean, his harper, perished in the snow, while others would have shared the same fate, had not their comrades carried them upon their shoulders.¹ About this time, following upon an order by the government for the holding of musters and weaponsaws among the highlanders, which had been neglected, a demand was made by King James for a levy of highlanders to assist Queen Elizabeth in subduing a rebellion which had broken out in Ireland. Each of the great highland landowners was required to send so many men, and the number demanded from the Earl of Sutherland and Mackay conjointly was one hundred. Captains and officers were to be appointed, and powers were given to compel the men to enlist.²

In 1601 the earl obtained a crown charter of his earldom and other possessions from King James the Sixth, and the grant is of considerable importance in several respects. By it the earl entailed the Sutherland estates and earldom, failing heirs-male of his marriage with Anne Elphinstone, and other lawful heirs-male of his own body, upon Robert Gordon, his elder brother-german, and the heirs-male of his body, and failing these upon Alexander, his younger brother-german, and the heirs-male of his body. Failing the earl's brothers and their issue the estates were entailed upon Adam Gordon, son of George, Marquis of Huntly, and his heirs-male whomsoever. By this charter also the king recognised and confirmed the erection of the earldom of Sutherland by King David the Second into a regality, and of new erected not only the ancient earldom, but also all the lands now granted into an entire and free regality, with free chapel and chancery. He also created the Inver of Brora into a free burgh of barony

¹ Genealogy, pp. 237, 246, 252.

² Register of the Privy Council, vol. vi. p. 343.

and regality, to be called *INVERBRORA*, with all the privileges of such burghs, power of holding courts, and a weekly market on Saturdays, and of keeping four fairs in the year, each of forty-eight hours' duration. Further, he annexed and erected all the feu-lands of the see of Caithness, which, by act of parliament, were now held of the Crown, together with the other possessions of the earl, into a separate and distinct sheriffdom to be called the sheriffdom of Sutherland, appointing the Earls of Sutherland hereditary sheriffs and coronators of the sheriffdom, and Inverbrora was constituted the chief burgh of the shire. All were to be held by the Earl of Sutherland and his successors of the Crown, blench, for payment of a pair of gilt spurs at mid-summer, if asked, the holding being changed from that of ward and relief.¹

By this charter a considerable modification was made in the extent of the shire of Sutherland, and, what was of more importance, the earl now secured full judicial control over all his estates, including the lands he owned in the county of Caithness. To the Earl of Caithness this arrangement was far from acceptable, and though the real relations between the two earls were at no time sincerely friendly, the Earl of Sutherland was generous enough to perceive this, and to make over to Caithness all the remaining feu-lands he held in that county, along with his rights of sheriffship over these lands. A large part of the lands in Caithness, as mentioned in the previous memoir, had already been made over to Caithness by Earl Alexander in exchange for Strathullie.

During the Earl of Sutherland's absence on the Continent, Sir Robert Gordon relates that the Earl of Caithness stirred up hostilities. Pretending a desire to hunt with his household in Durness, he sought and obtained permission from Mackay, in name of the Earl of Sutherland, to do so. But

¹ Dated 29th April 1601. Original charter in Sutherland Charter-chest.

when Mackay found that Caithness was mustering a large force of his men with which to invade Sutherland, he assembled his friends and followers to resist them; and matters were in this posture when the Earl of Sutherland returned. The Earl of Caithness refrained for the time; but in July 1601, after the obtaining of the charter referred to, as that earl still proclaimed his determination to hunt on his neighbour's lands at pleasure, the Earl of Sutherland, supported by Mackay and also by the Munros, prepared to invade Caithness. Apparently beforehand in his preparations, Caithness entered Sutherland with his army as far as Ben Griam, where he encountered the forces of the Earl of Sutherland, but before fighting began he sent messengers to explain that his demonstration was made merely for the purpose of counteracting Mackay's "brags and boasts," and to offer the Earl of Sutherland permission to enter Caithness twice as far as he had invaded Sutherland, if he wished. In reply, the Earl of Sutherland gave him till next morning to leave the country or sustain battle; and the retreat of Caithness averted bloodshed.¹

In November 1604 the two earls met at Dunrobin, when it was arranged that the Earl of Sutherland should sell to Caithness all the church lands he possessed within the county of Caithness, the price being fixed at forty thousand merks, which were to be paid on or before 11th May following. This sum was duly paid; but as it was considered that the contract required alteration in several points, a new agreement was entered into at Elgin on 30th April 1605. The lands sold were those of Stambuster, half of Brymmes, Forss with the mill, Baillie, Lythmoir, Owist, Dorarie, Myrremichaelis, Scrabster with its castle and pertinents, and others. The Earl of Sutherland came under obligation to complete his own title to all these lands, and then convey them to Caithness, to whom he gave a bond, in which

¹ Genealogy, pp. 240-243.

he, his father-in-law, Alexander, Lord Elphinstone, and two other persons were obliged to have all concluded by a fixed day, under the penalty of 20,000 merks. The earl had already, in 1601, been served heir to his father in the feu-lands of Caithness,¹ but he was again retoured therein,² and delivered the necessary deeds on 11th November 1605, which was before the day appointed. His bond should then have been returned to him, but Caithness retained it for years; and though, in 1611, the Earl of Sutherland commenced a process before the lords of session to obtain its delivery, and went through all the forms, even to caption, to enforce their lordships' decree, he failed to obtain it. It was only in 1616, after the Earl of Sutherland's death, that a discharge was granted by Caithness and his son, the Master of Berriedale, to the earl's son and successor, acknowledging that the bond in question had been fulfilled in all its parts.³

The reason of this was doubtless, as already remarked, the undercurrent of hostility which, notwithstanding these concessions on Sutherland's part, Caithness maintained towards him. Sir Robert Gordon says that Caithness, in July 1607, attempted to renew his exploit of 1601 of hunting without permission in Sutherland. But this the earl promptly stopped, and was aided by his brother-in-law, Hugh Mackay of Farr. Huntly prevailed upon the two earls a little later to meet at Elgin, and come to terms of peace, and this they did, but, according to Sir Robert, the Earl of Sutherland was supported there so strongly by the Frasers, the Dunbars, the Mackenzies, the Munros, the Mackintoshes, and others, that Caithness was quite put out of countenance and would never again condescend to meet with his neighbour earl in a similar way.⁴

Sir Robert narrates at the same time how this Earl of Caithness tried to

¹ Genealogy, p. 243.

² 22d July 1605. Abbreviate of Retours, Caithness, No. 6.

³ Original documents in Sutherland Charter-chest.

⁴ Genealogy, pp. 256, 258.

emulate the conduct of Hanun, king of Ammon, to the messengers of David, king of Israel. Some of the Earl of Orkney's servants were obliged through stress of weather to take refuge on the Caithness coast, and were brought to the earl, who first made them drunk, and then shaved one side of their heads and one side of their beards, forcing them in that condition to go to sea again in their boat, notwithstanding that the tempest had not abated. The men succeeded in gaining their own shores in safety, but Orkney resented the outrage committed on his servants, and brought an action at law against Caithness. Patrick, Earl of Orkney, at this time was on terms of great friendship with the Earl of Sutherland, who, with his brother, the historian, had paid him a visit in August 1602, at Birsay and Kirkwall, being conveyed thither in the Earl of Orkney's warship, called the "Dunkirk," and spending a fortnight very pleasantly in the islands. Earl Patrick returned the visit at Dunrobin in 1604, and was honourably entertained. During his stay a son was baptized to the Earl of Sutherland, and named Patrick, in honour of the visitor, who stood as the child's godfather.¹ This seems to have been the earl's eldest son, but he died in infancy. About two years later, when the Earl of Orkney was summoned before parliament to answer to a charge of treason, the Earl of Sutherland attended in Edinburgh from May to July, probably in the interest of Orkney, the proceedings against whom were eventually quashed by the king as being frivolous.² In this year, 1606, on account of "some variance and contraversie" between the Earls of Sutherland and Caithness, both were ordained by the council, under pain of rebellion, to subscribe, within twelve hours after being charged so to do, such form of assurance as should be presented to them, to endure till 1st August 1607.³

¹ Genealogy, pp. 248, 252.

² Acts of the Parliaments of Scotland, vol. iv. pp. 278, 279, 396.

³ Register of the Privy Council, vol. vii. p. 233.

His health failing him, and being advised to go to foreign parts for its improvement, the Earl of Sutherland, in June 1608, obtained licence from the king and council to absent himself from the country for three years. He did not, however, avail himself of this permission, but for the same reason he obtained a similar permit in January 1611. The royal letter represents the earl as being "subiect to diverse diseassis and infirmiteis of body, and that for the recoverie of his helth he is advisit to repair to foreyne countreyis," and allows him to go to whatsoever parts beyond sea he pleases.¹ He took advantage of this permit, and remained abroad for over two years, chiefly in France, returning home again in May 1613. Sir Robert states that he travelled into France, Flanders, and England for his pleasure and recreation.²

Perhaps on the former occasion of receiving the licence to go abroad, the earl was delayed by a sanguinary fray which took place in Dornoch on 1st July 1608, in which two ministers of the name of Pape, brothers, were nearly killed, and a third brother, a lawyer, actually slain.³ Complaint having been made to the privy council, the earl, both as landlord and as judge of the country, was, on 14th July, charged to present the perpetrators of this outrage before the council, on pain of rebellion. Mackay of Farr was also charged to the same effect as a landlord. The culprits, however, having made good their escape from the country, were not to be found; and for failure to obey their commands, the council in September ordered the Earl of Sutherland and Mackay to be denounced rebels. As in November the culprits were still at large, the council granted commissions to the Earl of Sutherland and Mackay within Sutherland, to the Earl of Caithness within Caithness, and to the authorities of Ross and of Cromartie respectively, to make search for the offenders, try them and administer justice upon them, but none of them were taken. On other occasions also in the inter-

¹ Vol. ii. of this work, pp. 12, 13.

² Genealogy, p. 278.

³ *Ibid.* p. 257.

vening years the earl was required by the council to search for and apprehend fugitives from justice who were supposed to be lurking in his country.¹

During the earl's absence in France a fresh and serious outbreak occurred between Sutherland and Caithness, involving bloodshed and subsequent legal proceedings before the council. The exciting cause was one Arthur Smith, a coiner of false money, who, in 1599, having fled from Banff into Sutherland to escape justice, was arrested there by the Countess of Sutherland, and handed over to the authorities. He was condemned to death at Edinburgh for crimes confessed by himself. He appears to have been a cunning and rare artificer, as during his imprisonment he made a lock of such intricate workmanship that nothing like it had ever been seen. This was presented to King James, and was the means of procuring him, first a respite, and afterwards his liberty. Passing into Caithness, this man was taken into service by George, Earl of Caithness, who kept him for seven or eight years, providing him a subterranean chamber under Castle Sinclair, to which there was a secret passage from the earl's bedchamber, and no one else had access. In course of time the whole of the surrounding country was discovered to be filled with spurious coin, both gold and silver. Sir Robert Gordon, brother of the Earl of Sutherland, who had been left in charge during the earl's absence, complained to the king, and obtained a warrant for the arrest of Smith. Being unable to execute it himself, he placed the commission in the hands of his nephew, Donald Mackay, and John Gordon, younger of Embo, who, with a company of men, went in May 1612 to Thurso, where Smith had a house, and seized him. Some of the friends of the Earl of Caithness endeavoured to rescue him, but to avoid this Smith's captors slew him, and also, in self-defence, several of his would-be rescuers.

Immediately cross-summonses were issued for legal processes between

¹ Register of the Privy Council, vol. viii. pp. 129, 161, 189, 359, 443.

Caithness, Sutherland, and Mackay, the last named having a special complaint against Caithness for unlawfully seizing and imprisoning one of his servants in Castle Sinclair, and keeping him there in irons for seven weeks. At the king's desire, however, the matter was made one of friendly arbitration before the lords of council, and parties, strongly accompanied, came to Edinburgh for that purpose. After some difficulty, all parties were induced to submit to this mode of settling their differences,¹ and although both Caithness and the others had been bound over by the council to keep the peace, they did not leave Edinburgh before a melee had taken place on the High Street, though fortunately without serious result. The award of the arbiters was to be declared in May 1613, and parties were summoned to attend at Edinburgh at that date.

The council, however, failed to decide the question, and ordered the parties to make a new submission, referring it to the Marquis of Huntly; but he, in turn, seeing little hope of success, shifted it back upon the council. Caithness then threatened to take redress into his own hands, and in October 1613, assembling his men, he marched for Sutherland, carrying cannon from Girnigo in his train. The Earl of Sutherland, aided by Mackay and others, massed his forces on the heights of Strathullie, but a battle was averted by the wise counsels of the friends of Caithness, who advised him not to hazard a fight, but await the council's decision. Sir Robert Gordon, by his influence at court, ultimately secured a royal remission for the slaughters made at Thurso, and so ended the affair.²

With his brother-in-law, Hugh Mackay of Farr, the Earl of Sutherland maintained constant friendly relations, and received his continued and ardent support. The Earl, in 1600, along with Arthur, Master of Forbes,

¹ Vol. iii. of this work, pp. 183-187; Pitcairn's Criminal Trials, vol. iii. p. 231; Register of the Privy Council, vol. ix. pp. 383, 409.

² Genealogy, pp. 279-296.

became surety to the council that Mackay and his men would keep the king's peace, and redress injuries, conform to the laws. In the same year he granted a charter of alienation and sale to Hugh Mackay of Farr, in life-rent, and Donald Mackay, his son, in fee, of all the lands and barony of Farr, and also by another charter confirmed to them the lands of Broneach, Dilrit, Cattach, and the island of Stroma. After his own infeftment by the Crown in Strathnaver in 1605, the earl renewed his grant to the Mackays in the following year, but some questions were allowed to remain over at that time for future settlement, respecting the marches between Sutherland and Strathnaver. These were amicably settled when, in April 1613, the earl, his two brothers, and his two nephews, Donald and John Mackay, accompanied by a number of Sutherland gentlemen, paid a visit to his father-in-law, Lord Elphinstone, at the castle of Kildrummy, in Mar. Submission was made to the arbitration of four friends, Lord Elphinstone, Lord Forbes, Sir Robert Gordon, and Mr. Robert Forbes of Menie, and an arrangement effected, when the earl at this time made over Durness to his brother-in-law and nephews, as a fee for their service to the house of Sutherland, it being stipulated that it should always remain with the chief of the Mackays, and not be disposed by him, even to a brother. Sir Robert says the close friendship of Mackay with Sutherland was a sore thorn to Caithness, and that he attempted in various ways to sever them, but could not succeed.¹

In connection with Strathnaver it may be mentioned that in 1601 George, Marquis of Huntly, confirmed to John, Earl of Sutherland, the agreement made with his father, Earl Alexander, in 1583, whereby they exchanged the lands of Aboyne for the superiority of Strathnaver, and Huntly further promised never to oppose this arrangement in any way.²

¹ Original charters, etc, in Sutherland Charter-chest. Genealogy, pp. 296, 299.

² Copy obligation, dated 24th September 1601, in Sutherland Charter-chest.

Another of his neighbours, with whom his father's relations at the time of his death were unsatisfactory, was by this earl won back to be a fast friend of the family. This was George Ross of Balnagown, who seems foolishly to have gifted away his estates, as is narrated in the previous memoir. He and the earl met at Dornoch in February 1597-8, and arranged that the marriage of David Ross, apparent of Balnagown, and Lady Mary Gordon, the earl's sister, who were contracted to each other in 1583, should take place before 11th November following, her dowry to be, as formerly arranged, four thousand merks. To preserve amity, and promote the standing of the patrimony of Balnagown in the name of Ross, the Earl of Sutherland agreed to resign whatever rights were acquired by his father in the lands of Balnagown, in favour of David Ross and the heirs-male of this marriage, whom failing, the other heirs-male of the body of David, whom failing, the heirs-male of the said George Ross, whose liferent was reserved. In the event of there being no such heirs-male, it was agreed that Mackay of Farr, Angus Murray, citizen in Dornoch, Hugh Gordon of Ballalone, Alexander Gordon of Ciderhall, John Gordon of Golspietower, and John Gordon of Kilcolmkill, on the part of the Earl of Sutherland, and George Sinclair of Mey, Alexander Ross in Invercharron, Hugh Ross of Tollie, Nicolas Ross of Pitcalzean, Alexander Ross, portioner of Wester Ganie, and Mr. John Ross, parson of Logy, on the part of George Ross, should meet at Dornoch, on the last day of November when the occasion required it, to choose an heir-male for Balnagown, bearing the name and arms of Ross. The parties named were empowered to fill up any vacancy caused in their number by death, and to choose an oversman, by whose decision the principal parties to this agreement pledged themselves to abide.¹ A year or two later the earl was present at the making of a contract of marriage between Hugh, the son

¹ Original contract, dated 21st February 1597-8, in Sutherland Charter-chest.

and apparent heir of Hugh Ross of Tollie, and Margaret Gordon, second daughter of John Gordon of Golspietower, and widow of John Sinclair, apparent of Dinn, which also took place at Dornoch.¹

Out of his Sutherland estates the earl, during his time, granted a considerable number of wadsets. He seems from time to time to have been somewhat pressed for want of money—a common complaint in those days—and Sir Robert notes under the year 1609 that “about this tyme the inhabitants of Southerland did shew ther exceiding great love towards Earle John in giveing him a generall support of money in regaird of his neidfull employments and weighty effairs, both at home and abroad, which they did so willinglie performe (although it did extend to the tenth part of their frie goods), that none in all the cuntrey, of what degrie soever, wold be exemed; which voluntarie good will of his cuntriemen, the Earle of Southerland did requyte with all kyndnes vpon every occasion.” Sir Robert also notes under this year the discovery of “a rock of bastard kynd of cristall . . . in the burn of Golspie, hard by the Glen of Dounrobin.”²

Through the influence of Sir Robert Gordon, who was much at court, the Earl of Sutherland obtained, in 1612, from Ludovick, Duke of Lennox, high admiral of Scotland, an heritable gift of admiralty within the diocese of Caithness, the profits to be accounted for to the duke and his heirs.³ Some years previously, as Sir Robert records, fourteen huge whales, some of them ninety feet in length, were stranded on the shore near Dornoch, and appropriated by the inhabitants; also two large ships were driven ashore and wrecked, the one, full of Norwegian timber, at Unes, and the other, full of Dutch commodities, at Kintradwell, on the coast of Sutherland. The sailors of the former were all drowned, but those of the latter, finding

¹ Contract, dated 22d June 1601, in Sutherland Charter-chest.

² Genealogy, pp. 259, 260.

³ *Ibid.* p. 279.

it impossible to save their ship, sold it to the Earl of Sutherland. Lennox laid claim to the salvage, and also to the whales, and some controversy ensued, but Sir Robert narrates that it was not maintained, and that the duke resigned his interest in favour of the earl, his kinsman.¹

This Earl of Sutherland, notwithstanding the general adoption of the principles of the Reformation throughout Scotland, adhered to the old faith of his family, which was catholic. He was quite unobtrusive in his religion, yet he suffered in its behalf on account of the general odium aroused by the popish plots which disturbed the reign of King James the Sixth, and in which his neighbour Earls of Huntly, Angus and Erroll, took a more active part. In 1602 the general assembly appointed a minister to reside for three months with the earl and his family to instruct them in the reformed faith, and later, in 1606, at the convention of ministers held at Linlithgow, it was ordained that the Earl of Sutherland and his wife and mother should be confined in Inverness, for receiving the benefit of instruction from the ministry there.² This order does not seem to have taken effect, and for a considerable time the earl was unmolested. Sir Robert Gordon indicates that the earl's troubles on this account were renewed in 1614, at the instigation of the Earl of Caithness, purely with the view of giving annoyance. "He moves the archbishop of St. Andrews and the clergie of Scotland to molest and trouble the Earle of Sowtherland for his religion, surmising that he wes a Roman Catholick, whereof the bishops did informe his majestie, by whose warrand the Earle of Sowtherland wes afterwards warded at St. Andrews."³ The earl craved a month's delay from the bishops, promising that before that time he would either give them satisfaction, or obey their

¹ Genealogy, p. 239.

² Register of the Privy Council, vol. vi. p. 477; vol. vii. p. 283; Calderwood's History, vol. vi. p. 608.

³ Genealogy, p. 298.

command, but his request was refused by the high commission court, which then bore rule in matters ecclesiastical. However, Sir Robert Gordon, being informed by his brother, Sir Alexander, of the state of matters with their brother, the earl, used his personal influence with the king, who immediately granted an order, suspending that for his warding for fully two months, or until 20th April following.¹ The reasons given by the king for so doing were the state of the earl's private affairs, and the stormy nature of the weather, making it almost impossible for him to travel. Sir Robert says the postponement of the earl's warding was till 26th August, at which date he did enter himself in ward at St. Andrews. If this be so, he probably received a second extension of his time of liberty. He was only a few days in St. Andrews when the bishops required him, either to subscribe and communicate, or ward himself in the castle of Edinburgh; so, seeing no escape, he yielded to attend church. They then pressed him to communicate, but he asked and obtained leave to reside in Edinburgh, and had his lodgings in Holyroodhouse. The Countess of Sutherland and their family accompanied him, and here his youngest daughter, Mary, was born, and here also she died, when little over two months old. At Edinburgh the earl "haunted the preachingis daylie as occasione offred," and "subscryved such articles as wes desyred," and having done so, he wrote to his brother, Sir Robert, to acquaint the king with these facts, and also with his intention, if allowed to return to his estates, "to haunt the churche at home," only he begged that he should not be urged to receive the communion until the deadly feud between him and Caithness was settled. When that was done, he promised either to give the ministry satisfaction therein or abide their censure. Sir Robert's application was successful, and, in March 1615, the earl was permitted to return home, on giving caution "wnder paine

¹ Vol. iii. of this work, p. 188. Dated 31st January 1614.

of fyue thousand merkis ather to subscriue and suear, or ellis to cntir in waird again at Mertimes nixt.”¹

During the warding of the earl in St. Andrews and Edinburgh, the Earl of Caithness was employed to reduce an insurrection in Orkney made by Robert Stewart, natural son of the Earl of Orkney. He succeeded, and both that earl and his son were executed. After this service Caithness went to court to sue for a reward. His movements and designs were reported by the Earl of Sutherland to his brother, Sir Robert, who was then absent from court on account of domestic affliction. But as the quarrels between Sutherland and Caithness were at the time *sub judice* by the king, and were liable to be prejudiced if Caithness were allowed his own way at court, Sir Robert immediately repaired thither, and succeeded in defeating any designs of Caithness. That earl came to Edinburgh from court in January 1615, while the Earl of Sutherland was resident at Holyrood, and laid an information soon afterwards with the privy council that the Earl of Sutherland had the previous night beset his house in order to take his life. For proof he produced a burges of the city as his author, but the man denied having told him any such thing, and Caithness was reprimanded for his unfounded suspicions and rashness in bringing such charges against noblemen.²

The earl's absence and a severe winter told heavily upon the prosperity of Sutherland during that year, and the earl, after his return, lamented that many of his people would have to suffer through famine and want of seed corn. His own great expenses at St. Andrews and Edinburgh had stopped useful works and improvements which he had commenced in his own country, one of which was the reparation of the cathedral church of Dornoch. “If I haid stayed at hame,” he says, “the church of Dornach haid bene weill repaired or now, and monie good turnes done that never wilbe done in my

¹ Vol. ii. of this work, pp. 113-120.

² Genealogy, pp. 299, 310.

absens." He had a residence in Dornoch, and he tells his brother, Sir Robert, that if he got leave to remain at home, he and Mackay, and the "haill gentilmen of the contrey" intended to live there during the coming winter, and so "mak the toun better."¹

But that was not to be ; and the temper of the high commission court was not further tested in his case. He was seized with "a bloodie flux and dissentrie" at Dunrobin, and was conveyed thence to his house at Dornoch, where he died on 11th September 1615, in the fortieth year of his age. He was buried among his ancestors at Dornoch. His character is portrayed by the hand of his brother, Sir Robert, in kindly terms. He says, Earl John was exceedingly beloved by the inhabitants of his country, unto whom he had been a loving father and a careful master. He was very religious and godly, not overruled by any notable or main vice ; endowed with divers good parts and qualities both of mind and body, well-disposed, and active in all manner of bodily exercises ; of a comely countenance and personable body ; for integrity and upright dealing, so just that no man, yea, not his greatest enemies, could touch his reputation with the least spot of dissimulation and deceit. He was loving, kind and courteous unto all men, if not rather too familiar with his own, which often breedeth contempt. He left his house overburdened with debt, which he was urged to contract, partly by the troubles which he had sustained for his religion, and by the restless and unruly endeavours of his enemies who troubled him with tedious and unnecessary suits in law, partly also by enterprising some works—salt pans at Brora, which, at his great cost, were just finished and brought to perfection when he died. His death interrupted their working. In his will he left the care and government of the family and his estates to his brother, Sir Robert Gordon, tutor of Sutherland, his eldest son being but six-and-a-half years old.²

¹ Vol. ii. of this work, pp. 117-129 ; Genealogy, p. 309.

² *Ibid.* p. 313.

Of Agnes Elphinstone, countess of John, twelfth Earl of Sutherland, little is on record. Sir Robert says she was a lady of good inclination, of a meek disposition, and very provident. He adds, that during her short widowhood she spared a reasonable portion for her children out of her jointure estate; and repaired the house of Crakaig. A letter to her tailor in Edinburgh for dresses to herself and daughter in February 1616, and his account, are preserved at Gordonston.¹ She died at Crakaig on 18th September 1617, aged thirty-six, and was buried at Dornoch.

The children of John, Earl of Sutherland, and his countess, were—

1. Patrick, born in 1604.
2. Alexander.
3. Robert; all three dying in infancy.
4. John, who succeeded as thirteenth earl, and of whom a memoir follows.
5. Adam, born 15th May 1613. In 1631, he entered the service of Gustavus Adolphus, king of Sweden, and had just been promoted to the rank of lieutenant-colonel, when he was killed at the battle of Nordlingen, 27th August 1634. He died unmarried.
6. George, who was born after his father's death, on 9th February 1616. He attended the university of St. Andrews. He received from his brother in 1639 the two davoch lands of Doll in wadset, but held them only till 1642.² He led a company of Sutherland men to Newcastle in 1640, and wrote thence to his uncle, Sir Robert Gordon, on the progress of affairs. He was first captain in General Leven's regiment in the Scots army in Ireland, and rose to be lieutenant-colonel. He had engaged as captain in a regiment raised by the Earl of Irvine as the French king's body guard, but obtained leave to delay this service for a year. He married, in 1643, Lady Rose Macdonnell, daughter of Randal, first Earl of Antrim, and had a son George.

¹ Social Life in Former Days, by Captain E. Dunbar Dunbar, second series, pp. 75, 77.

² Original documents in Sutherland Charter-chest.

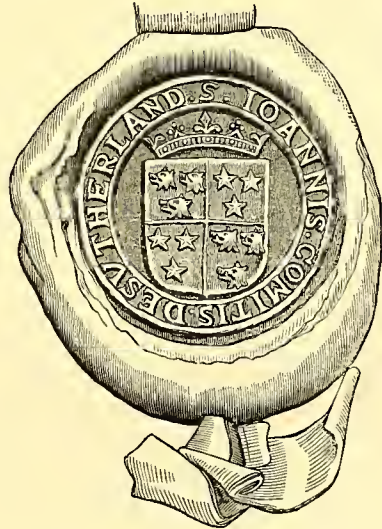
The daughters were—

1. Jane, who died in infancy.
2. Elizabeth, who married, on 25th February 1619, James Crichton of Fren-
draught. She was mother of the first Viscount of Fren-
draught.
3. Anne, who married, in December 1623, Sir Gilbert Menzies of Pitfoddels,
and had issue. She went abroad in July 1648 on account of her religion,
but the ship was wrecked on the coast of Holland, and she perished.
4. Mary, born 19th November 1614, and died on 2d February following.

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SIR ROBERT GORDON OF GORDONSTON, Tutor of John, thirteenth Earl of Sutherland.
Born 1580. Died 1656.

ON the death of John, twelfth Earl of Sutherland, leaving his eldest son and heir a child in the seventh year of his age, the care and control of the earldom of Sutherland, and of its youthful owner, naturally and legally devolved upon Sir Robert Gordon. He, by nature, education, and position was admirably qualified for his duties as tutor of Sutherland, and the confident recommendation of all things to his care by his brother on his deathbed, rendered the charge a still more sacred trust—a trust which he executed with such fidelity as to greatly benefit his pupil and the house of Sutherland, and secure his own lasting credit and honour. For the chief events of his own life we are indebted to the biographical notes supplied by himself in his “Genealogy of the Earls of Sutherland.”

The fourth, but second surviving son of Alexander, eleventh Earl of Sutherland, and Lady Jane Gordon, his countess, Sir Robert Gordon was born at the castle of Dunrobin on 14th May 1580. His nurse or foster-mother was Margaret MacRaith, widow of John Gordon of Drummuy, who lived at Culmalie Kirktown. With his elder brother, John, he attended, at Dornoch, the school of Mr. William Pape (who was afterwards minister of Dornoch), until 1596, and two years later, at his own request, was sent, with his younger brother, Alexander, to the university of St. Andrews. Here they remained for six months, and then went to Edinburgh, the university of which they attended for three years. The studies of Sir Robert were privately superintended by Mr. William Craig and Mr. John Rae, both regents in the university, and to them he renders his dutiful acknowledgments. At this university, he tells us, he so behaved himself as to win the love of the principal and regents there. In 1602 he returned to Sutherland and accompanied his brother, the earl, on his visit to the Earl of Orkney. Taking a resolution to travel on the Continent, Sir Robert and his brother, Alexander, obtained a licence from the king and council to do so, and to remain abroad for the space of seven years.¹ They were accompanied by Mr. John Gray, afterwards dean of Caithness, and going through England into France in the beginning of 1603, made a stay of two months in Paris. Thence he visited Orleans, and journeyed by the Loire to Saumur, where he spent five months, and was

¹ Dated 25th May 1602. Vol. ii. of this work, p. 11.

1021
tatis Suc. 41.



frequently in the company of the learned Philip de Mornay, Sieur Du Plessis, and governor of Saumur. At Poitiers he remained twelve months, perfecting his studies in civil law, and employing himself in manly exercises. After seeing other parts of the country, he made a stay of four months at Bourges in Berry, then one of six months at Paris, whence he returned home through England in October 1605.

In January of the following year he entered the service of King James the Sixth, being appointed one of the gentlemen of the privy chamber, and was sent with the Duke of Lennox in 1606 to meet Christian, King of Denmark, at Gravesend, and bring him to London. He rose rapidly into favour with King James the Sixth, who in 1609 bestowed upon him the honour of knighthood, and granted him a yearly pension of £200 sterling. On a visit to Sutherland in the following year he was taken ill of a tertian ague, which confined him to Dunrobin for seventeen weeks, but he returned to his duties in England in 1611.

He married, at London, on 16th February 1613, Louisa, only daughter and heiress of John Gordon, Lord of Longormes and Dean of Salisbury. She had been brought up in France with Queen Henrietta Maria, and in England with the Princess Elizabeth, and was married the second day after the marriage of that princess to the Elector Palatine of the Rhine. Sir Robert's wife when married was of the age of fifteen years and two months. Her father, a son of Alexander Gordon, bishop of Galloway, and a nephew of George, fourth Earl of Huntly, had settled in France, and married, first, in 1576, a noble and rich widow, called Antoinette de Marrois, with whom he obtained the lordship of Longormes and other lands. By her he had several children, but all of them died in infancy, and, she dying in 1591, he married secondly, in 1594, Genevieve Petaw, daughter of M. de Moylett, first president of the court of parliament in Brittany, by whom he had this only daughter, Louisa. John Gordon was famous for his erudition and accomplishments, and was recalled from France by King James the Sixth in 1603 and made dean of Salisbury. His lady was at the same time appointed to a charge about the Princess Elizabeth.

After his marriage, Sir Robert Gordon had his family residence at Salisbury, and here it appears at this time he first applied himself to the historical studies out of which in later years emerged his work on the "Genealogy of the Earls of Sutherland." It probably quickened his literary tastes and proclivities that when in March 1615 he accompanied the king on a visit to Cambridge, the university authorities there made him a master of arts. He also accompanied the king to Scotland in 1617, bringing his family with him, and after remaining in Edinburgh until the court's return and

during the session of the parliament, he went to Sutherland, where he remained a considerable time. During the king's visit there were frequent sports and friendly contests at Holyrood between the English and Scottish courtiers. A prize and a silver arrow were offered for the best display of archery, and these were won by Sir Robert.

The death of his father-in-law at Salisbury, on 3d September 1619, recalled Sir Robert and his household to England, whither he went in November of that year. By this event considerable property both in England and France devolved upon him, but, as he judged it prudent to get clear of possible entanglements in France, he went there in January 1620 and sold the lordship of Longornes to Walter Stewart, son of Anthony Stewart of Clerie. After a visit to the Duchesses of Lennox at Aubigny in Berry, he returned to England in August of that year, and afterwards to Scotland, where he was constrained by the council to lead an expedition into Caithness to reduce the Earl of Caithness. That earl's creditors had set the law in operation against him, but he derided all the summonses of the council and fortified himself in his castle of Akerhill against the king's forces. At Sir Robert's approach, however, the earl fled to Orkney, and all his castles were surrendered. After Sir Robert's return to England, on the death of Esme, fourth Duke of Lennox, in 1624, he was appointed one of the commissioners on the Lennox estates, and a curator of the youthful Duke, James. King James died in the following year, but Sir Robert was continued in his office as gentleman ordinary of the privy chamber by King Charles the First.

Sir Robert was a warm supporter of the Nova Scotia colonisation scheme of Sir William Alexander of Menstrie, afterwards Earl of Stirling. In return for his contribution of 3000 merks Scots he received a charter of 16,000 acres of land on the east side of the bay called Port de Mouton, erected into a free barony called the BARONY OF GORDON, and with powers of regality. To people his barony, Sir Robert agreed to send out a number of settlers from Sutherland, well equipped with weapons and implements, and supplied with cattle and provisions.¹ In connection with this national enterprise, Sir Robert had the distinction, on 28th May 1625, to be created the first knight baronet of Nova Scotia.

After the passing of the act of revocation of King Charles the First, Sir Robert was in 1626 appointed one of the members of the commission of surrenders consequent upon that act, and for several years he served on this commission, which dealt with the church lands throughout the kingdom. In this work the earldom of

¹ Genealogy, p. 371 ; Hist. mss. Commission's Sixth Report, Appendix, p. 684.

Sutherland was directly interested, and his mother wrote to remind him of this, when King James initiated the measure which his son carried into effect.¹ In 1629 he was summoned to Scotland to pay the last duties to this now venerable lady, who, dying on 14th May at Dunrobin, was laid to rest in Dornoch cathedral. During her whole life she had held fast to her early faith, notwithstanding many trials which she had to endure on that account, including warding and excommunication. Sir Robert frequently interposed for her relief, though he did not share her religious sympathies. He was twitted for this on one occasion in a letter from Lord Berriedale, who in a post-script says, "Lat thir presents remember my loue to my good lady, your mother, and show hir ladyship that I mynd shortlie to follow hir in suffering for Christ his saik, whilk (it feares me) yow never mynd to do."² In her testament Sir Robert was appointed executor of her last wishes.

The funeral obsequies of his mother being completed, Sir Robert returned to England, but had not been long there when he was sent back to pacify the north of Scotland, which had been thrown into a fierce ferment by the quarrel between the lairds of Rothiemay and Frendraught. Huntly having resigned his sheriffship of Inverness, it was conferred upon Sir Robert, who, in the matter referred to, acted in this capacity. Spalding says the office was conferred only for one year, but Sir Robert seems to have held it longer.³ In 1631, upon the departure abroad of James, Duke of Lennox, who was hereditary lord high chamberlain and admiral of Scotland, Sir Robert was appointed by him, with the king's consent, vice-chamberlain of Scotland. In his capacity as an officer of state, Sir Robert's duty was to attend the king personally at state functions in Scotland, and consequently he attended the coronation of King Charles the First at Edinburgh in 1633, and carried the king's train from the castle to the abbey of Holyrood, in which service he was assisted by the eldest sons of four earls. He also attended the king in his later visit to Scotland in 1641. Sir Robert's fifth son, Charles, was named after the king, who acted as one of his god-fathers on the occasion of his baptism in September 1632.⁴

For fifteen years, from 1615 to 1630, Sir Robert Gordon was tutor of Sutherland, and had the care and active control of the earldom during the minority of his nephew, John, the thirteenth earl. As his duties at court did not permit more than occasional

¹ Vol. ii. of this work, p. 132.

² Letter, dated 2d October 1627, in Sutherland Charter-chest.

³ Register of Royal Letters by the Earl of

Stirling, vol. i. p. 375; Spalding's Memorials, vol. i. p. 21.

⁴ Hist. mss. Commission's Sixth Report, Appendix, pp. 682, 683.

residences in Sutherland, Sir Robert obtained from the king letters to the lords of council and session, requiring them to regard the interests of the Earl of Sutherland in any matters that came before them affecting him, especially as on account of his near consanguinity to the king, he had resolved to have a special care of his education and estate.¹ At the outset Sir Robert was considerably hampered by the intrigues of his nephew, Donald Mackay, who, having been intrusted by the late earl during his latter years with a large share of authority throughout Sutherland, saw that he was now likely to be superseded. Having no landed interest in Sutherland proper, he purchased Golspietower and some other lands, and persuaded the younger Countess of Sutherland to make over to him all her jointure lands in return for the payment of an annuity in money. These transactions, however, required the consent of the tutor, and he refused to ratify them, as on his arrival in Sutherland he had been told of several things which led him to suspect Mackay's intentions. By Sir Robert's friendly persuasions Mackay was induced at the time to renounce these transactions. Shortly afterwards Sir Robert took Mackay with him to London, kept him at the court for a month, and introduced him to King James the Sixth, who knighted him. On his return to Strathnaver, Mackay, regretting his diminished power, and fretting under an adverse decision in a question of marches between Strathnaver and the Sutherland estates, went over for a time to the Earl of Caithness, but soon fell out with him, and was obliged to seek a reconciliation with Sir Robert. These differences, however, were finally laid aside in 1622 by Mackay agreeing to defer all further questions between his house and that of Sutherland until the earl attained his majority.²

With the Earl of Caithness, as the hereditary foe of the house of Sutherland, Sir Robert laid his account for much trouble, and he was not mistaken. But by a foolish act in causing the stackyard of Arthur, Lord Forbes, who had succeeded to a property which Caithness expected to inherit, to be set on fire and burned, that earl placed himself so much in his power that he was willing to make any terms, so that he might escape the vengeance of the law. Sir Robert Gordon took advantage of this for entering into a new agreement, wherein all bygone causes of animosity between the two houses were mutually remitted, and Caithness with his son, Lord Berriedale, for themselves and their heirs, renounced all pretence of sheriffship or jurisdiction over the Sutherland or Strathnaver lands, and any lands now or in future belonging to the Earls of Sutherland within the diocese of Caithness, and they promised

¹ Genealogy, p. 322.

² *Ibid.* pp. 323-326, 335, 347-355, 366, 373.

never from henceforth to contend with the Earls of Sutherland for precedency or priority of place in parliament, but to keep peace and amity with them and their friends, and not to harbour fugitives from justice, all under heavy pecuniary penalties. Besides this they agreed to pay to Lord Forbes and Mackay 20,000 merks, and deliver up the actual incendiaries of the corn. Caithness and Sir Robert afterwards exchanged complimentary visits at Girnigo and Dunrobin. Sir Robert states that during these broils he rode from Scotland to the Court of England six times within fifteen months, at great pains and expense.

But the Earl of Caithness had also the Government to deal with in reference to the burning of the corn, and was obliged as a punishment to make over some part of his recently acquired church lands to the bishop of Caithness. On doing this he was to receive a remission. His creditors in Edinburgh, however, thinking this their opportunity, got the remission stopped until he came to terms with them, and they set the whole machinery of the law in operation against him. Unable to pay, Caithness was ultimately driven to defy the law, which occasioned the expedition against him already referred to, when the earl was driven out of his estates and these put under the care of Lord Berriedale in trust for the creditors.¹

Sir Robert also relates some minor differences which he had during his tutory with the Laird of Duffus, Gordon of Embo, and others, but by tact and perseverance he succeeded in settling all in an amicable way. He was able to pay off all the debts on the estates left by the late earl, though not to redeem the wadsets. He dispensed justice strictly, and was ably supported in the maintenance of order by his brother, Sir Alexander Gordon of Navidale, who took charge in his absences. During his tutory the Cathedral Church of Dornoch was repaired, the roof being covered with slates from a newly discovered quarry near Dornoch, and from the same slate quarry a new roof was put on Skibo Castle. Sir Robert also repaired the church at Golspie, and got it made the parish church instead of Culmalie Kirkton, which had hitherto held that position, Golspie being more central to the parish and nearer Dunrobin. He also repaired the parish churches of Lairg, Loth, and Kildonan, while Mr. John Gray, deacon of Caithness, repaired that of Clyne at his own expense.²

When the young Earl of Sutherland attained the age of fourteen years he chose as his curators his two maternal uncles, and two others—but the chief control was continued in the hands of Sir Robert for the next seven years, or until the earl reached

¹ Genealogy, pp. 318, 331-336, 361-382.

² *Ibid.* pp. 346, 361, 399.

the age of twenty-one. At the expiry of that period, in 1630, he resigned his tutory, after fifteen years' government of the earldom, and in the following year he had the satisfaction of seeing successfully completed, a work which had cost him great labour for the last seven years of his tutory, namely, the settling of the sheriffship and regality of Sutherland, the disjoining it from the shire of Inverness, and erection of the town of Dornoch as the head burgh of Sutherland. He had but a year or two previously obtained from the king that Dornoch should be made a royal burgh.¹

During his tutory Sir Robert, in the fear that both he and his brother Sir Alexander might die before the earl became of age, took the trouble to write in full detail his advices to the young earl concerning the management of both his person and his estates. These are contained in a small quarto ms. volume of over 60 folios, which is entitled—"Sir Robert Gordone, his Fearweell, conteyning certane precepts and adwertisments to his nephue, Jhon Earle of Southerland." In his concluding remarks he says—"It may be if God spare my dayes and health, that by his assistance and grace I shall performe some of these things before your majoritie. But sieing ther is none besyds my selfe and yowr vncle, Sir Alexander, descended of yowr owne famelie to manage the affaires of your house during your nonage, I hawe therfor wryten these precepts for yow that in case God do call vs to himself yow may advyse with these instructions as if wee were alywe to give yow counsell."

So far as appears, however, this "Fearweell" was never delivered to the young Earl of Sutherland, as it remained in the possession of the descendants of Sir Robert Gordon till the year 1843, when either the original or a contemporary copy was presented by one of them to the late Duke of Sutherland. Sir Robert was spared long enough to see most of his designs carried into effect, either by himself as tutor, or by the earl at his advice, and he was able personally to tend the moulding of the young earl's character into an honourable and robust manhood. The entire treatise is printed in another part of this work.²

With regard to his own lands and estate, the first of Sir Robert Gordon's possessions was the estate of Kinmonivie, in the parish of Lairg, which he acquired with the adjacent properties of Toroboll, Doulay, and Rhive, in wadset from his brother, Earl John, in 1602. After acquiring Kinmonivie Sir Robert took that territorial designation. Later, in 1612, he acquired from Reid of Aikenhead all the right which Bishop Reid of Orkney had acquired to the lands of Strathnaver by the gifts of the bastardly

¹ Genealogy, pp. 382, 406, 422, 451.

² Vol. ii. Appendix.

of Donald Mackay, which that bishop had received from Queen Mary, and he further obtained for himself from King James a gift of the non-entry of Strathnaver since the death of Bishop Reid. He purchased the lands of Golspietower, in 1620, from John Gordon and his son, afterwards of Embo, and gave them as a portion to his daughter, Catherine. Similarly he bought the lands of Backies and Golspiekirkton. But because all these lands were in proximity to Dunrobin he redeemed Golspietower from his daughter and made them over to his nephew the earl in 1633. In that year Donald, Lord Reay, granted to Sir Robert, his uncle, a mortgage of the lands of Farr, Torrisdale, and others in Strathnaver; and when, in 1642, John, Earl of Sutherland, purchased all Strathnaver from Lord Reay, Sir Robert renounced in the earl's favour all claims he had upon the Mackay lands.¹

In addition to these lands in Sutherland possessed at least for a time by Sir Robert, he inherited the possessions in France, England, and Scotland of his father-in-law, John Gordon, dean of Salisbury. These were, in France, the lordship of Longormes, to which reference has been made already; in England, some property about Salisbury; and in Scotland, the lordship of Glenluce in Galloway. This lordship had belonged to Lawrence Gordon, abbot or commendator of Glenluce, youngest brother of the dean of Salisbury, in whose favour it was erected by King James the Sixth into a temporal lordship in 1602,² and upon his death, in 1610, without lawful heirs-male of his body, it passed, according to the destination in the charter, to his next heir-male, the dean, who disposed it to Sir Robert Gordon, his son-in-law.

The possession of Glenluce, however, can hardly be said ever to have been realised by Sir Robert. On the death of the commendator conflicting interests immediately arose. The bishop of Galloway thought the lordship necessary for maintaining him in suitable dignity; while the Gordons of Lochinvar, who had formerly possessed the abbacy, had a certain reversionary interest, all the more so that the commendator when alive had expressed a desire that it should revert to that family failing heirs-male of himself.³ George Makcartney in Argrenand, the commendator's agent, who attended him during his last days, refers to this in a letter to the dean: "It wes your vmquhill brotheris wish that althocht it be nocht in his latter will that the laird of Lochinwer

¹ Genealogy, pp. 316, 400, 449, 473, 481, 509; vol. ii. of this work, p. 131; and Writs in Sutherland Charter-chest.

² Registrum Magni Sigilli, vol. vi. No. 1338.

³ The commendator left only an illegitimate son, Alexander Gordon. He had also two daughters by Mary Cunningham, his wife: Margaret, who predeceased him, and Janet.

succedit to the leving of Glenluce falzeing airis maill ather of himself or your lordschip in respeck fra thame it come, and [he] had maid ane faithfull promeis thairanent as he dyueris tymes schew me, and speciallie on his deidbed, quhilk then tuichit his conscience, hot he could nocht mend it haifing tane Glenluce to his airis maill."¹ Hence in disposing of his personality the dying commendator gave the laird of Lochinvar an interest, "gif his wyff he with harne being of the maill keynd." McClellan of Bamey [Balma], who was married to an aunt of the commendator, made interest to have his second son, James, eutertained at the schools out of the commendator's estate, and that the dean might be a "father" to himself, which, says Macartney, "he comandit to be done, and he [Balma] hes the first lettir wes maid all interlynit, and my lord causit the wicker and me subscriue the samyn, nocht knawand of Bameyis fals craftie consaittis, quha befor the corpis wes half cled with mulis past haistilie out of the kirk but ony guidnichtis; and sensyne, as I am surlie informit, is riddin to Mr. Johnne Gordoun to get ane handling of Glenluce, haifand the interlynit lattir will and supplicatioun thairin, quhairthrow he may get the mair credeit at Mr. Johnnis hand. Bot he did lyk ane doubill disceuer, as he wes all his dayis, and discewit heath my lord, the wicker and me; and I houpe it sall succed na hettir with him nor in the rest of all his actiounes bygane. For it wes newer my lordis will that ather he nor Clarie sould haiff had ony handliug of his leving hecaus he wes sa sair hittiu with thame befor."²

In the letters quoted, and others, reference is frequently made to the hishop's endeavours to get possession of the abacy, hut so long as it was in the hands of a churchman he did not succeed. After the death of the dean of Salishury, however, he applied to the king, who instructed the privy coucil of Scotland to iuestigate Sir Rohert's right to Glenluce. When this was found good and valid, King James, still desirous of adding that living to the see of Galloway, offered Sir Rohert £2000 sterling for it, which was accepted, and Sir Rohert was permitted to retain his right thereto until he received payment or security for the same. This was in 1622, and in 1625 King James granted warrant for payment of this sum to Sir Robert. The warrant was renewed in 1632 hy King Charles the First, and a proposal made for his receiving the fourth part of the henefit of the copper mouey to be coined in Scotland hy William, Viscount of Stirling, till the amount of his deht was paid. But the

¹ Letter, dated in February 1610, in Sutherland Charter-chest.

11th February 1610, in the Sutherland Charter-chest, cf. vol. iii. of this work, pp. 177-

² Letter to the Laird of Lochinvar, dated

183.

money not being paid by 1635, Sir Robert made a representation to the king on the matter. He had, he said, received neither principal nor interest, nor yet the profits of the abbey for the past thirteen years, the sum of which now amounted to £4450 sterling as certified under the hands of the bishop of Ross¹ and Dr. Whytford, and he petitioned the king for a grant of the reversion of the place of either Gulston or Moyle, two of the three prothonotaries of the common pleas, that of Bromley being already granted in reversion. To this the king agreed on the understanding that Sir Robert would first deposit with the archbishop of Canterbury a bond for surrendering the abbey of Glenluce in favour of the bishop of Galloway.²

As already stated, Sir Robert Gordon attended King Charles on his visit to Scotland in 1633, and, in the following year, at the king's special instance, he was appointed a member of the privy council of Scotland. He was selected by the king and council for a special mission to Shetland, in the same year, to investigate and deal with a number of grievances and oppressions of which the islanders had complained. His previous success in the case of Caithness was remembered, and he was considered most qualified to carry out the expedition successfully.³ The matter, however, was delayed. In the same year also he was made a member of the high commission court.⁴

During the events of the second Reformation struggle in Scotland Sir Robert at first adhered to the king, and supported his measures. He joined in taking the covenant known as the king's covenant, and was one of those appointed to canvass for signatures in his own part of the country. In 1638 he was summoned by the chamberlain of England to attend in the army of King Charles at York, and later the king sent him to comfort Huntly, who had been imprisoned by the covenanters at Edinburgh, when Huntly sent him back with messages to the king, and to acquaint his majesty with the progress of events in Scotland. He was the first to tell King Charles that Leslie had been appointed generalissimo of the covenanters' forces. His nephew, George, brother of the Earl of Sutherland, was with the covenanters, at the

¹ In a letter from John, bishop of Ross, to Sir Robert Gordon, dated 2d October 1636, the following passage occurs:—"I thanke you kyndly for your kynd remembrances and wish to be engaged, yea morgadged in this sort of debt, and be redeemed at what ransom you will." [Original in Sutherland Charter-

VOL. I.

chest.]

² Vol. ii. of this work, pp. 13-16; State Papers, Domestic, 1623-1625, p. 502; and 1635, p. 63.

³ The Earl of Stirling's Register of Royal Letters, vol. ii. pp. 741, 770.

⁴ Baillie's Letters, vol. i. p. 425.

head of a detachment of men sent by the earl, and he informed Sir Robert that the Scots parliament were taking proceedings against him. But the pacification of Berwick restored peaceful relations, and instead of being required to attend at the bar of the house, Sir Robert was present in the parliament of 1641 with the king as an officer of state, and was also continued in his office of privy councillor. During the king's stay in Edinburgh Sir Robert was commissioned to proceed to Glasgow to choose and appoint the magistrates of that city. This privilege anciently belonged to the archbishop of Glasgow, but since the abolition of episcopacy, it had devolved upon the king. Sir Robert was cordially received in Glasgow, was feasted, and also made one of the burghesses.¹

Sir Robert returned to his service at the English court with the king, but owing to the conflict now proceeding between the king and parliament, matters had become so unpleasant that he resolved to retire from the court. He had from time to time been making purchases in Morayshire, chiefly in the parish of Spynie, and these included the lands of Drainie, Ettles, Plewlands, Ogston and Bellormie, some of which were united and erected by the king in 1642 into the BARONY OF GORDONSTON. Hither accordingly Sir Robert brought his family from England in 1643, including his mother-in-law, now over eighty years of age, and she died there in the end of the same year. Here, too, Sir Robert spent the last twelve years of his life.²

These were for the most part eventful and troublesome years, and during some of them Moray suffered severely from the ravages of Montrose and others. Since the pacification Sir Robert had joined the coveunanters, and in 1642 was intrusted by the general assembly with a commission to visit, along with several ministers, the churches of Ross, Sutherland, Caithness, Shetland, and Orkney, and to report upon their condition. Montrose, however, knowing his long service with the king, expected to receive his assistance "both openly and in secrett," as well as that by his influence he would gain over the Earl of Sutherland to the king's cause. Sir Robert was deputed by his neighbours in Moray to deal with Montrose in the interests of the county. Spalding says that he came to Montrose at Elgin in February 1645, but in the following year the presbytery of Elgin granted him a testificate that since his residence among them Sir Robert had been "a main advancer off the true religion, and a great forderer and helpe in what concerned this present reformation; and is well affected to the church and peace off this country, and hath yeelded full and constant obedience to all publick

¹ Genealogy, p. 508; Baillie's Letters, vol. ii. p. 5.

² Genealogy, pp. 480, 496, 497, 510.

ordinances off the church." A similar testificate was given by the officers of the garrison of Spynie, who state that Sir Robert had lent them great assistance, and that anything that had "escaped the said Sir Robert, proceded from the violence of the enemy in his bounds, threatening daily both his own and his tenants' ruine with fyre and sword."¹ Major General Middleton dates a letter from Gordonston in January 1648.² The damage sustained by his estates during these troubles was estimated at £10,401, 9s. 8d. Scots.³

Sir Robert took an active part as member of shire committees and local commissions in the north, and in this connection he wrote to John Grant of Ballindalloch in reference to a difference between him and his chief, the Laird of Grant.⁴ He died at Gordonston in March 1656, and was buried at the old church of Ogston, now Drainie, on the 21st of that month.⁵ He was in the seventy-seventh year of his age, and was infirm for several years before his death. He made several testaments, the last of which, dated in March 1656, is printed elsewhere.⁶ The others are dated in 1650, 1652, and 1654. That of 1654 bequeaths to his son, Ludovick, and his heirs-male, the testator's order of knight baronet, with some diamonds upon it, which if the recipient pleased, he might carry about his neck on a small golden chain, as well as upon a ribbon. He expected that his wife would leave her great diamond jewel with the picture of King James upon it to his eldest son and grandson to be an heirloom in the family, as it was her mother's wish she should do so, unless she were forced to sell it for payment of their debts. Also that she would give to their eldest grandson and his heirs-male "the bed and furniture of tent stitch wrought upon grein cloth, with the curtains, valance, coopboord, cloith, stooles, chair, and couch apperteyning thereto," which were all the handiwork of her mother, Genevieve Petaw. He also recommended to his wife and their eldest son the building of the church of Drainie, especially as they had taken down the old church of Kinnedor.⁷ As formerly remarked, Sir Robert was a keen student of history, and amassed a considerable library. When it was sold by one of his descendants in 1816, the rarity and value of many of the books were matters of general comment in subsequent book manuals.

¹ Hist. mss. Commission's Sixth Report, Appendix, pp. 681-683; Spalding's Memorials of the Trubles, vol. ii. p. 448.

² Vol. ii. of this work, p. 41.

³ Acts of the Parliaments of Scotland, vol. vi. part ii. p. 719.

⁴ The Chiefs of Grant, vol. ii. p. 84.

⁵ Brodie's Diary, p. 175.

⁶ Vol. ii. of this work, pp. 198-201.

⁷ Hist. mss. Commission's Sixth Report, Appendix, p. 683.

Gilbert Gordon of Sallachy, the continuator of Sir Robert Gordon's History, and who knew him well, says, "I may, without flatterie, affirme Sir Robert Gordon to be a man indued with notable gifts of mind and body ; judicious, active, liberal, yet provident, truly generous and noble hearted ; sober and moderate in his dyet, hating all drunkennes and intemperancie ; well seen in historie ; wise as any hath bin these many ages, of that familie ; religious, given to peace, spending much time in taking away controversies and settling of such debates as did aryse amongst the inhabitants of that province. He hath by his wisdom, dexteritie, and providence restored almost the decayed state of that hous and familie, considering the burden wherewith his brother, Earl John, had left his estate overwhelmed, by reason of his troubles with the Earl of Cateynes, the disingagement and advancement whereof hath still bin Sir Robert Gordon his greatest care ; yea, rather too farr transported and carried with a fervent affection that way, having therein spent a great part of his time and off his meanes. He hath compassed by his policie and wisdome severall and intricate busines which concerned the hous and familie of Sutherland, and brought them to a prosperous end ; being ofteu crossed in these affaires and designes, not onlie by his enemies, but also by his own nearest friends and kinsmen. A most constant performer of his word and promise when he hade once ingadged the same ; sincere and honest in all his proceedings, and so reputed generallie be all men ; too vehement and passionate in any action, which naturall imperfection he did often moderate by judgement and discretion ; a painfull and exact justiciary, without partialitie ; a man dealing trulie, fearing God, hating covetousness ; a great maintainer and assister of the church and churchmen within these bounds ; a stout and eager defender of the inhabitants of that countrie from the injurie of their adjoyning neighbors ; a close and wise dealer with his own contriemen, whereby he procured their love and favor,—a hard matter among so many factions whereunto they are inclyned. He may be justlie caled a rare instrument in Southerland, for the advancement of God's church there, for the weill of that familie, and for the flourishing estate of the commonwealth in that countrie, having much reformed the fashions and customes of the inhabitants of that province, conforme to that which he hade observed elsewhere in his travills abroad. But men are not saints ; these vertues must needs be accompanied with some vices : A bitter enemy, so long as he professed it ; cholerick ; but his eminent virtues did overballance and obscure these vices." ¹

¹ Genealogy, pp. 447, 448.

Louisa Gordon, the wife of Sir Robert, survived till September 1680, dying at the advanced age of eighty-three years. Their issue and descendants are given in the tabulated genealogy of the families of Gordon of Gordonston and Navidale, printed in another part of this volume. Over their burial-place, which was in the old parish church of Ogston, near Gordonston, the widow of Sir Robert's grandson erected in 1705 a beautiful mausoleum in mediæval Gothic style, which contains a mural tablet recording the deaths of a number of the members of the family. It begins—

S	D
17 R G	E D. 05

Here's a register of the age and death of the most considerable persons of the family of Gordonstoun here interred—Dame Genewieu Petaw, the daughter of Gideon Petaw, Lord of Mault in the Isle of France, widow of John Gordon, Lod. of Glenluce and Dean of Salisbury, and the mother-in-law of Sir Robert Gordon of Gordonstoun, died Dec. 6th, 1643, in the 83d year of her age.—Sr. Robert Gordon of Gordonstoun, son to the Earle of Sutherland, by my Lady Jean Gordon, daughter to the Earle of Huntley, died March 1656, aged 77 years.—Dame Lucia Gordon, his lady, daughter to John Gordon, Lod. of Glenluce and Dean of Salisbury, by D. Genewieu Petaw, died 7ber 1680, aged 83 years.

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Robert Gordon

SIR ALEXANDER GORDON, Knight, of Navidale, Sheriff of Sutherland.

SIR ALEXANDER GORDON was the fifth, but third surviving, son of Alexander, eleventh Earl of Sutherland, and Lady Jane Gordon, Countess of Sutherland, his wife, and was born on 5th March 1585 at Dunrobin. Like his two elder brothers he received a university education at St. Andrews and Edinburgh, and afterwards travelled for about two years in France. His first purchase of land was made in 1595, when only ten years old, when he bought the mill of Innes and some adjacent ground from Alexander Gordon, apparent of Oxhill.¹ In June 1610 he married Margaret, daughter of Donald Bane Macleod of Assynt, also called Neilson, and in the following year obtained from his brother, the earl, in wadset, the lands of Auchindean in the parish of Dornoch, from which he took his first territorial designation. He had also from his brother, in wadset, the lands of Marle, Eubesdale, Torboll, Kildonan, West Helmsdale, and Achadale in the parish of Kildonan, and the three davochs of Lairg in the parish of Lairg.² Navidale, then in the parish of Loth, now in Kildonan, by which he is usually designated, he acquired later.

He assisted his brother Sir Robert greatly in the management of the Sutherland estates during their nephew's minority, and held the office of sheriff of Sutherland. King James the Sixth, on visiting Scotland in 1617, conferred the honour of knighthood upon Sir Alexander Gordon at Holyrood, when some other north country gentlemen were similarly honoured.³ He was frequently concerned in quelling local commotions in the north of Scotland. In 1613 the privy council associated him with the Earl of Enzie in a commission against Allan Cameron of Lochiel,⁴ and in Sutherland he had frequent skirmishes with the Earl of Caithness, and with others. One such took place, just after his nephew's death, with the laird of Duffus in reference to certain teind sheaves, and Sir Alexander relates the incidents of the case in a letter to his brother.⁵ He was employed by the Marquis of Huntly in 1628 to reconcile Fren draught and Rothiemay, and succeeded in doing so.⁶ Sir Alexander's property marched with Caithness, and in the summer of 1618 the Earl of Caithness sent him a letter com-

¹ Copy charter, dated at Urquhart, 24th October 1595, in Sutherland Charter-chest.

² Charters and Reversions in 1611 and 1612, *ibid.*

³ Genealogy, p. 343.

⁴ Register of the Privy Council, vol. x. pp. 185-190.

⁵ Vol. ii. of this work, pp. 125-129.

⁶ *Ibid.* p. 147.

plaining that his shielings had been built on this occasion beyond the accustomed bounds, and desiring him to remove them. At the same time Sir Alexander received word that his shielings had been demolished by the Earl of Caithness. He replied to the earl's letter deprecating this treatment, and informed him that on a certain day in the following week he would rebuild the shielings whatever opposition the earl might make to his doing so. He accordingly rebuilt the shielings at Torrish in Strathullie, and without any molestation from the Earl of Caithness.¹ Sir Robert Gordon relates another fray which took place in 1626 between Sir Alexander and the laird of Duffus and his friends regarding the apprehension of one of the clan Gunn, called Angus Roy. It was accompanied by a passage of arms at the bridge of Brora, but Sir Alexander succeeded in asserting his authority in the matter.²

Like his mother and eldest brother, Sir Alexander adhered to the catholic religion in which he was brought up. In his mother's testament, Sir Robert Gordon, as executor, was ordained, as he desired her blessing, to pay over to Sir Alexander a sum of 500 merks for such causes as she had desired Sir Alexander to show to him. This may have reference to some religious rites after her death. Under the high commission court Sir Alexander himself had to suffer much on account of his religion, and for refusing to conform to episcopacy. Thinking he would obtain more freedom for its exercise in Ireland, he went thither in August 1631, with his wife and family.³ But he seems to have returned to Sutherland in 1632, to arrange about part of his lands there which his nephew, the Earl of Sutherland, desired to redeem. He was back again in 1636, and made a stay at Dornoch of several months' duration.⁴ He appears then to have been still in possession of Navidale. But nothing further is known of his later career.

By his wife, Margaret Macleod of Assynt, Sir Alexander Gordon had issue five sons and two daughters. They were :—

1. Captain Alexander Gordon, who was born on 17th September 1614. In 1637 he led a company of his countrymen to Germany in the regiment of Colonel Alexander Cunningham, for the service of Sweden. He afterwards fought in the royalist army of King Charles the First, and was slain at the battle of Edgehill in October 1642.⁵
2. Captain John Gordon, who was born on 17th February 1616. He accom-

¹ Genealogy, p. 352.

² *Ibid.* p. 402.

³ *Ibid.* p. 449.

⁴ Vol. ii. of this work, pp. 153-155, 163-169.

⁵ Genealogy, pp. 262, 485, 511.

panied his brother to Germany in 1637, and afterwards led a company of Sutherland men, sent by the earl, to assist the covenanters against King Charles the First in 1640. He accompanied the Scots army into Ireland as a lieutenant, and after the capture of the Earl of Antrim was on one occasion, in October 1643, appointed upon his guard. He found means to convey ropes to the imprisoned earl, or as Spalding puts it—"This Livetennand Gordoun craftellie convoyit wp vnespyit in his breikis certane towis, be the quhilk the erll escaipit and wan frielie away," and he adds, "the livetennand follouit and fled also."¹

3. Robert, who was born on 25th September 1617.
4. Francis, who was born in November 1623; and
5. Patrick, born in 1627.

The daughters were—

1. Jean, who married in 1631, as his second wife, Angus Mackay of Bighouse, without issue.²
2. Elizabeth.

¹ Genealogy, pp. 262, 329, 502, 513; Spalding's Memorials of the Trubles, vol. ii. pp. 291, 292.

² Genealogy, pp. 362, 451.

A. Gordonne



XV.—JOHN, THIRTEENTH EARL OF SUTHERLAND.

LADY JEAN DRUMMOND (PERTH), HIS FIRST COUNTESS.

HON. ANNA FRASER (LOVAT), HIS SECOND COUNTESS.

1615-1679.

JOHN, thirteenth Earl of Sutherland, who was commonly called Earl John Glas, was born on 9th March 1609, and succeeded to the earldom on the death of his father in September 1615, when he was not quite seven years of age. Previous to this we learn nothing regarding him except that his father, shortly before his death, in a letter to his brother, Sir Robert Gordon, begs him to obtain and send him a pair of the finest virginals, "seing my bearnis ar learning to play and sing." In his last will and testament the earl had committed his heir and other children to the care of Sir Robert, who was at once advised of his brother's death. He hastened down from London, and after a brief stay in Edinburgh, arrived in Sutherland in December 1615, where he at once took up the duties of his tutory.

The first mention of the young earl is in a writ narrating his mother's revocation of a grant which she had made to him in 1613, while he was still Master of Sutherland. She had then resigned in his favour the lands of Doll, Brora water, and the cruives and salmon fishing of that river, but now, in November 1615, she appeared before the commissary of Caithness, and declared that she had made the grant by the special command and desire of her late husband, and to her own great prejudice, as she had received no corresponding benefit. She therefore revoked her grant, and desired to be replaced in her full right of the subjects in question.¹ The countess at a

¹ Revocation, 9th November 1615, in Sutherland Charter-chest.

later date was visiting her father, Alexander, fourth Lord Elphinstone, at Kildrummy castle, and among other reports of that visit given by Sir Alexander Gordon of Navidale to his brother Sir Robert, there is a reference to the revocation cited above: "I heir our guidsisster sayis to all men schoe will nawayis byid be hir fatheris delywerance in rewoiking in hir soneis fawouris it (that) quhilk schoe first rewoikit. . . . I lippen (trust) for na better at hir hands, for quhen scho left the howse off Dunrobin sa bair that scho left nocht sa mikill as the cruik thairin, and tuik away the ald kist quhilk keipit the bread in pantrie, quhilk the Erll of Cathnes left thair, I think schoo sall do littill wther guid to hir sone." She is also apparently reported as saying, "that schoo will not giwe hir geir to mak wpe his tutoris, bot if schoo mey spair ony guid it will be to thaeis that ar onprovyidit, quhilk I lippen als littill for as the rest."¹

Sir Robert lost no time in making arrangements for serving his young ward as heir to his father, and in terms of a royal dispensation on account of his minority, the formal retour was duly made at Inverness on 4th June 1616. The lands of the earldom were, with the hereditary office of sheriff and coroner, valued at one thousand merks, and in time of peace at five hundred merks; the lands of Knockfin and others at £66 and £36; and the barony of Farr at £50 and £13, 6s. 8d.² The sum of forty merks was paid to the exchequer as the estimated value of the gilt spurs, which were due to the Crown at the entry of each heir to the earldom. Sasine followed on the retour in June 1617, in terms of a precept from chancery, dated 13th November 1616,³ while the sum of £333, 6s. 8d. was paid in 1617 to Ludovick, Duke of Lennox, as a composition for the amount of the non-entry duties.

The young earl was placed under the care of Mr. John Gray, dean of

¹ Letter from Dunrobin, 30th June 1616, in Sutherland Charter-chest.

² Copy retour in Sutherland Charter-chest.

³ Inventory of writs, *ibid.*

Caithness. His mother had quarrelled with his grandmother, Lady Jane Gordon, and with his uncle, Alexander, and the dowager countess accordingly sent him to Mr. Gray, as she states in a letter to Sir Robert, "to lerne sum mair vertes nor he culd sie athir vith hir [his mother] or me." Another reason given is that his mother had proposed to send him to her father, Lord Elphinstone. Lady Jane begs Sir Robert to see to his outfit, etc., as she thinks the others will not spend much upon him.¹ Further information is given by George Gray of Swordale, in a letter to Sir Robert about the same date: "My lord is ofttest with Mr. Jhone, my brother, for my ladie thoct fit to hawe him in Mr. Jhonis cumpany for fear the archibischope suspect his educatioun with hir. We heir say my Lord Elphinstoune thinkis to bring him to himselff; alwayis it is overschoone yit to wair great expensis on his vpbringing, for any learning he mey be capabill off yit, he mey gett the samen in Suthirland."²

Several questions arose at this time with the young countess affecting the lands of Doll and the fishings of Brora. Sir Robert Gordon appears to have required her to retract her revocation formerly referred to, and we have glimpses of the affair in letters to him. Gray of Swordale writes: "Ther is bot cold faschouns amongst our ladeis at home, and in speciall ther is no faschouns betuix my young ladie and your brother the sheriff,³ alwayis scho sayis that scho will sattill lowinglie with your worschip at your hame-cuming; yit I fear the contrar, for sa far as I cane heir from my ladie and hir man, William Elwhingstoune, scho myndis only to giwe the fischeing of Brora for hir teindis and nawayis to giwe the Doll."⁴ Later on in the same year, Sir Alexander Gordon refers to the subject, and objects strongly to

¹ Letter, 24th September 1616, vol. ii. of this work, p. 123.

² Letter, 25th September 1616, in Sutherland Charter-chest.

³ Sir Alexander Gordon of Navidale.

⁴ Letter, 25th September 1616, *ut supra*.

such an arrangement. He wishes, if possible, that a settlement may be deferred until a meeting for conference can be had between the parties.¹ Sir Robert himself states that a meeting for arbitration was appointed for October 1617, but the question was set at rest by the sudden death of the young countess in the preceding September.

Another dispute arose with Sutherland of Duffus, relating to the teinds of Skelbo, Torboll, and Proncy, particularly the latter. Sir Alexander Gordon, who took a prominent part in the affair, expresses himself indignantly on the shame it would be if the Earl of Sutherland "suld be outshot be his awin wassall." He then explains how he had, as sheriff, arrested the corn on the lands of Proncy to secure payment of the teinds. This arrestment Duffus had obtained authority to loose, and immediately had all the barley cut and carried to the farmyards, which, says Sir Alexander, "I thoct werie hard and ane gryt lichtlie,² nocht onlie to the Erll off Suthirland (quha is bot a barne) bot lykwayis to ws quha hes ane cair off his adois for the tyme." Sir Alexander in return assembled a number of men and horses, and, taking the grain from the barnyards of Duffus, carried off the teinds. The tenants called upon for this work did not respond very readily; and in commenting on this, Sir Alexander exclaims: "I pray God the Erll of Sutherlandis guid turn be never lippinit to manie in this cuntrey, for I think giwe they sawe his bake at the wall in ane gryt mater they wald stres thame selffis littill to releiff him quhen they maid scruppill in sik ane triffill."³ Parties took the matter to the court of session, where it was ultimately decided against Duffus, and the teinds secured to the Earl of Sutherland. Other questions in dispute with Duffus were at a later date settled by arbitration.

Meanwhile the young earl was quietly pursuing his studies at Dornoch

¹ Vol. ii. of this work, p. 126.

² Mark of contempt.

³ Vol. iii. of this work, pp. 126, 127.

under the care of Mr. John Gray. At least, that is all we learn regarding him between the years 1616 and 1622, the information being chiefly derived from the tutory accounts. £67, 13s. 4d. were paid for his provision and board at the school in Dornoch for part of the year 1616. His clothes for that year cost £53. An entry for 1617 states that £67, 13s. 4d. were given for "my lord's provisioun and his pedagogue and servant this year at schoole for marts, muttone, butter, cheis, and talloune, and that at Dornogh." Similar entries occur for the years 1618, 1619, and 1620, the money paid being £10 more, in addition to two chalders of victual. In 1621, the earl's tuition was shared by his brother Adam, when £110 was paid for board, etc., with the same sum in 1622.¹

Some of the young earl's pursuits are indicated by entries during two years of sums of £12 and £10 respectively, for bows and arrows, golf clubs and balls, to be used by him, as well as for books, paper, ink, and other school necessaries. An entry in 1617 records the payment of £16 for a saddle and horse furnishings, followed by a similar entry of £10 in December 1618. His first "hunting" expedition is mentioned in August 1618 as taking place in "Sleutedell" or Glen Sletdale, his residence during the stalking season being at Crakaig. The earl, during 1618, was indisposed, as £13, 6s. 8d. is given "to Neill Betone, phisitian, for coming to Sutherland to cure my lord, being diseased."² In 1620 and 1622 also he was seized with illness,

¹ Tutory Accounts, 1615-1622, in Sutherland Charter-chest.

² This Neil Beton seems to have been the descendant of a long line of physicians, the first of whom on record was Ferchard called Leche, described as "Ferchard Beton, a native of Islay, and a famous physician," who received a grant of lands in Sutherland from King Robert the Second in 1386. There is an

interesting inscription in Iona to the memory of one of these medical Beatons, who is said to have attended King James VI.: *Hic jacet Joannes Betonus Maclenorum Familie medicus qui mortuus est 19 Novembris anno Domini 1657 et etatis sue 65. Donaldus Betonus me fecit 1674. Ecce cadit jaculo victricis mortis inique qui toties alios solverat ipse malis. Soli Deo gloria.*

£44 being paid in the former year "to one William Cumming for healing and curing my lord's head, being diseased;" and for the same service in 1622, £40 was paid, besides three bolls of victual, the last being given to a woman that dressed and cured the young earl's head. In 1621 a visit to Elgin is noted, made by the earl in company with his grandmother, Lady Jane Gordon, and his brothers and sister in the month of August.

In 1622 the young earl resigned a number of church lands in the parishes of Durness, Golspie, and Dornoch, with the office of constable of the castles and palace of Skibo and Dornoch, into the hands of the bishop of Caithness.¹ In the following year he selected Sir Thomas Urquhart of Cromartie, Sir Alexander Gordon of Navidale, James Elphinstone of Barns, and Mr. John Gray, dean of Caithness, as curators for the remainder of his minority. The earl and his curators lost no time in granting a full commission to Sir Robert Gordon to manage the whole estate of Sutherland during the minority of the earl. That commission narrates the previous good management of Sir Robert as tutor.² The earl and his curators granted yearly discharges to Sir Robert until 1630, when the earl attained his majority.

Sir Robert Gordon states that when the young earl chose his curators, it was resolved by them that he should in the following spring be sent to "the universitie to be bred in vertue and learning." The earl was accordingly, in the following April, sent to Edinburgh, and began his studies there. So much interest did his clansmen and people take in his career, or, as Sir Robert Gordon has it, so exceedingly loving and thankful did they show themselves, that they not only contributed a marriage portion for the earl's sister, but they voluntarily subscribed a yearly sum to assist in maintaining the earl and his two brothers at the university for five years in a manner befitting

¹ Copy procuratory of resignation, Dornoch, 26th August 1622, in Sutherland Charter-chest.

² Original Commission, dated 20th October 1623, at Halmyre.

their rank. Even Sir Donald Mackay joined in this contribution: "So much did they value and regaird the good breiding and education of him who wes to governe and command them, knowing how much it doth concerne everie state and cuntrey to have weill bred and wyse superiors."¹ The earl, "becaus that ensueing summer-seasone wes lyklike to prove hote," was made to reside at Leith for a time until he became "acquented with" the air of Edinburgh. Of his career at Edinburgh university there is no record, but he studied there for less than two years, being removed in December 1626 to St. Andrews. One of his teachers in Sutherland, and for some time in Edinburgh, was a Mr. Gilbert Gordon, who was dismissed by Sir Robert from attendance on his nephew. This the ex-tutor greatly resented, and wrote a long letter of remonstrance to Sir Robert, which the latter described as a "railing libel." The letter, however, tells us nothing of the earl himself, and need not here be further detailed.²

The Earl of Sutherland entered the college of St. Andrews on the same day with the young Earl of Montrose, afterwards the famous marquis.³ The two young earls became friends, though Sutherland was three years the elder. They joined in each other's pastimes, and invited each other to breakfast and occasional festivities.⁴ We have, however, very few references to the Earl of Sutherland's career at college. In 1628 his uncle, Sir Alexander Gordon of Navidale, paid him a visit at St. Andrews, and reported to Sir Robert Gordon that the earl and his two brothers were in good health. The

¹ Genealogy, pp. 382, 383.

² Printed in "Social Life in Former Days," second series, pp. 57-64, where the writer's signature is given as "A. Gordoun," but Sir Robert in his reply (in the Sutherland Charter-chest) refers to him as Mr. Gilbert Gordon.

³ Nomina incorporatorum et jurantium in religionis articulos et Academiae leges, 26

Januarij 1627, e Collegio Salvatoriano; rectore Roberto Hovæo, S.S. Th. D., et Collegii Mariani præfecto; regente M. Gulielmo Martino.

Joannes Gordonius, Comes Suthirlandiæ.

Jacobus Gramus, Comes Monterouse.

[Acta Rectorum, University of St. Andrews.]

⁴ Napier's Life of Montrose, vol. i. pp. 43, 49.

earl profited by his uncle's visit to obtain a new steed, the one he was riding, a black horse, apparently supplied to him by Sir Robert Gordon, being described as a very "iwill pennieworthe." "He rydes so hottlie that no man is able to sitt him . . . his lordschipis foottmanis shoulder bone and choller bone ar broken with ane fall he gatt off him."

Mr. J. Cunningham, who writes this information to Sir Robert Gordon, also states that Sir Alexander was very desirous that the earl should go north, but the earl refused to leave St. Andrews unless Lord Elphinstone sent for him. As to the earl's progress in study, the writer says, "Gif his lordschip wald tak paines his lordschip wald do reasonable, bot alwayes I hope his lordschip sall nott think his tyme eweill spent heir, for his lordschip will be wery ydle gif he do nott some good." We learn from the same source that the earl's brother, Adam, was to come to the college in November, though not quite up to the usual standard of scholarship, but the youngest brother, George, was esteemed likely to be the scholar of the family.¹

The earl remained at St. Andrews until 1630, when he reached his majority, and was accounted capable of managing his own affairs. In May of that year he was, according to a fashion that arose at that period, retoured heir to three of his remote ancestors, William, first Earl, William, fifth Earl, and John, eighth Earl of Sutherland.² These retours, however, are not reliable as statements of the family pedigree. They were, no doubt, given up in terms of information furnished by Sir Robert Gordon, and they embody the errors found in his History. About two months later the young earl granted to Sir Robert Gordon, who had already received discharges from the curators of his dealings as tutor, but who had, by their request, continued to manage the minor's estate, a full acquittance of all his

¹ Vol. ii. of this work, pp. 147-149: who Mr. Cunningham has not been ascertained.

² Vol. iii. of this work, pp. 189-191: 14th May 1630.

administration. The discharge embraced, not only all dealings with the rents and profits of the earldom, but also all supplies and additions granted to the earl by his countrymen and friends, and any claims he had to his mother's property. These moneys had all passed through Sir Robert's hauds, and were accounted for by him.¹ In November of the same year, the earl granted to his uncle a six years' lease of the chaplainry lands of Golspie-Kirkton, with the annual rent of the lands of Drummoy, and the privilege of the passage boat and port of Unes, at a yearly rental of forty bolls barley, to be delivered at the ferry of Unes or the girmel of Golspie.²

The earl now began to take part in public affairs, and even before his formal entering into possession of his estates he used his influence along with that of his uncle, Sir Robert, to avert a threatened spoliation of the lands of Fren draught belonging to his brother-in-law. A quarrel about salmon-fishings, between James Crichton of Fren draught and his neighbour, William Gordon of Rothiemay, had led to the death of Gordon, and embroiled their relatives. In May 1630, Sir Robert Gordon, on his way northward from Ediuburgh, learning at Strathbogie that a band of two hundred highland marauders were at Rothiemay with intent to plunder Fren draught, where the Earl of Sutherland and Sir Alexander Gordou of Navidale were on a visit, at once apprised them of the fact, and they all proceeded to Rothiemay, where they induced the plunderers to disperse.³

The earl soon after this accompanied his uncle to Inverness, and thence to Sutherland, from which he had been six years absent. Sir Robert indicates that the interval was spent in travelling abroad, but in August 1631 the earl was in Edinburgh, where he concluded an agreement with King Charles the First about the sheriffship of Sutherland. In 1601, as

¹ Extract discharge, dated 1st July 1630, in Sutherland Charter-chest.

² Lease, 11th November 1630, *ibid.*

³ Genealogy, p. 418.

narrated in the previous memoir, King James the Sixth erected the earldom of Sutherland into a free regality, with the usual privileges, and appointed the earls to be hereditary sheriffs of Sutherland, which previous to that date was included in the sheriffdom of Inverness. Sir Robert now procured the erection of Sutherland into a separate jurisdiction. To this end overtures were made to King Charles the First in 1627, by which it was proposed that the earl should resign his right to the regality and the heritable sheriffship into the king's hands. The idea was favourably entertained by the king, because the proposal appeared likely to increase his revenue by yielding a certain yearly feu-duty, and also because it promoted his intencion of reducing all heritable offices under the Crown. He wrote to this effect to the commissioners of tithes desiring them to proceed in the matter, and authorising them to pay a sum, not exceeding £1000 sterling, for the privileges surrendered, or a lower rate if they could so arrange.¹ A similar letter was issued to the commissioners of surrenders in October 1628,² but it was only in 1631 that a final agreement was concluded.

The Earl of Sutherland by this agreement resigned into the king's hands the heritable offices of sheriff and coroner of Sutherland, and his heritable right of regality, in return for which his majesty promised him £1000 sterling. On the other hand, adding the districts of Strathnaver, Edderachilles, Durness, Strathhalladale, Assynt, and "Fairintoscar alias Sleischeles," the latter being part of the parish of Creich, to the district known as Sutherland, the king erected the whole into a free and separate sheriffdom to be called the sheriffdom of Sutherland. Dornoch, which a few years before, in 1628, had been erected into a free royal burgh with the usual privileges, was declared to be the head burgh of the new sheriffdom, with right to send a

¹ Letter, 15th July 1627. Register of Royal Letters, vol. i. p. 191.

² 20th October 1628. *Ibid.* p. 314.

commissioner to parliament. The hereditary offices of sheriff and coroner of the new sheriffdom, and the right of regality over the earldom of Sutherland, were then re-granted to the earl in the form of a wadset or mortgage, these offices to be held blench of the Crown, and to be redeemable on the payment of the sum of £1000 sterling. This contract was signed both by the king and the earl, and was followed by a charter of the sheriffdom a few days after signature. The whole agreement and charter were formally ratified by parliament in 1633.¹

The earl, in May of the same year, 1631, whether he had returned home or not, was requested by the Marquis of Hamilton, then fitting out a force to serve in Germany under Gustavus Adolphus, to assist him in recruiting. In response to this request the earl's brother, Adam Gordon, "having resolved to travell abroad, went into Germany, with a number of resolute soldiers, to serve the King of Sweden, and to visit these kingdomes."² This contingent afterwards did good service in the thirty years' war.

One of the consequences of the feud between the earl's brother-in-law, James Crichton of Frendraught, and Gordon of Rothiemay, was the burning, on 9th October 1630, of the castle of Frendraught, and the unfortunate death of the Viscount of Melgum or Aboyne, second son of George, Marquis of Huntly. This melancholy event led to a coolness between the families of Sutherland and Huntly. Spalding tells us how, upon the morning after the fire, Lady Frendraught, the earl's sister, "buskit in ane white plaid and ryding on ane small nag, haueing ane boy leiding hir hors without ony mae in hir company; in this pitifull maner scho cam weiping and morning" to Gordon Castle, desiring to see the marquis. She was, however, refused

¹ Contract signed 18th July and 26th August 1631; charter, 4th September 1631; Acts of the Parliaments of Scotland, vol. v. pp. 62, 63.

² Genealogy, p. 450; vol. ii. of this work, p. 38.

entrance, "so scho returnit bak to her awin hous the same get (way) scho cam, comfortles."¹ Similar treatment was shown to the earl himself, when, about fifteen months later, he came to Gordon Castle on his way southward. He had been staying at Quarrywood, near Elgin, whence he rode with a small company of attendants to "the Bog," as Gordon Castle was then familiarly called, hoping to pass the night there. He was a kinsman of the Marquis of Huntly, and was journeying to Edinburgh to celebrate his marriage with Lady Jean Drummond. Either of these facts might have won for him a pleasant reception; yet he was coldly received, and the marquis, in conversation, told him he must give up the laird of Fren draught or himself. The earl replied that he would prefer the friendship of the marquis to that of his brother-in-law, but he could not, with honour, repudiate the latter, so long as he was law-free. The marquis said sharply, "Then God be with you, my lord," and turned his back upon the earl, who responded in like manner, and going out, took his leave of the marchioness and her daughters. She urged him to remain all night, as his chamber was prepared for him, but he declined, and passed the night in a tavern adjoining the castle gate. He pursued his journey southward early in the morning, and when he returned later in the year, with his bride, they avoided "the Bog" by crossing the water to a hostelry on the other side.²

Soon after the earl's marriage, his uncle, Sir Alexander Gordon of Navidale, who, like his mother, was a Roman Catholic, as he found it difficult to exercise his religion in Scotland, resolved to go to Ireland. He offered his estates to his nephew, but in a letter to his brother, Sir Robert, complained that the earl had dealt hardly with him. It is not clear how this was so, but apparently the earl pressed the conclusion of some parts of the bargain more rapidly than was convenient for Sir Alexander, though the latter

¹ Spalding's Memorials of the Troubles, vol. i. p. 19.

² 3d January 1632. *Ibid.* pp. 27-29.

acknowledged he had received his money.¹ The final interview between the earl and his uncle took place in Edinburgh, where the former had remained after his marriage. In September 1632, he and his countess proceeded on their way northwards. They halted for a fortnight at Drummond Castle, the residence of the lady's father, whence the earl wrote to his uncle, Sir Robert, that the ship, laden with their furniture and other goods ordered from London, had arrived safely at Prestonpans, and that a vessel was shortly to convey the whole to Sutherland.² The earl and countess reached their own country in safety, and apparently resided at Dornoch for the winter.³

In this and the following year, 1633, the earl redeemed various lands which had been mortgaged by his predecessors, particularly the lands of Rovie-Kirkton and others known as the Terrell's lands in Strathfleet, alienated by the fifth Earl of Sutherland.⁴ These and other private affairs led him to absent himself from the parliament of 1633, though it was presided over by King Charles in person, and he sent his proxy to the Duke of Lennox. Sir Robert Gordon visited Sutherland in this year, 1633, and acted as peacemaker between the Earl of Sutherland and Donald, Lord Reay, who had quarrelled about the lands of Durness. The dispute was arranged and a contract signed by the parties whereby the earl granted the lands in question to Lord Reay in feu, the latter and his heirs becoming bound to serve and accompany the Earls of Sutherland at parliaments and conventions when required. They were also bound to come into Sutherland at every wappenschaw, and that under the Earl of Sutherland's banner and colours. Lord Reay also renounced in favour of the earl the warrandice of Strathnaver, which had formerly been a cause of debate.⁵

¹ 21st July 1632. Vol. ii. of this work, pp. 153-155.

² 22d September 1632. Vol. ii. of this work, pp. 157, 158.

³ Cf. Genealogy, p. 461.

⁴ *Ibid.*

⁵ *Ibid.* p. 463.

Following upon this came a dispute between the earl and Archibald, Lord Lorne, afterwards Marquis of Argyll. The chief of the M'Ivers in Caithness, being, on some quarrel, removed from his lands by Lord Berriedale, son of the Earl of Caithness, in retaliation began a series of deprecatory expeditions into Caithness, accompanied by some western islanders, over whom Lord Lorne claimed jurisdiction. They generally returned with their plunder through Sutherland unmolested by the inhabitants, though the Earl of Sutherland seized and hanged some of the band. After a time, M'Iver was apprehended by Lord Berriedale and executed, but his followers continued their marauding practices, and under various leaders, widened their area of plunder to Ross and Sutherland. The earl's agents, in 1633, apprehended ten of them, along with Ewen Aird, their leader, who were taken to Dornoch, tried and executed, Lord Reay and other principal gentlemen of Ross and Sutherland being on the assize. This act was commended by the privy council, the earl thanked for his prompt justice, and a commission was issued to him and others to proceed against any of the clan M'Kinnon, to which the marauders belonged, if they should invade either Ross or Sutherland. The earl's proceedings, however, gave great offence to Lord Lorne, who claimed that clan as subject to his jurisdiction alone, and personally complained to the privy council that the Earl of Sutherland had, without a commission, seized and executed the king's free subjects, not being in his own jurisdiction. The council, however, formally approved the earl's action, and renewed his commission, while Lord Lorne was bound over to keep the clan M'Kinnon in check, and this incident led to Ross and Sutherland being freed from the incursions of the islanders.¹

The Earl of Sutherland, in common with several other northern magnates, received, in June 1634, a royal letter, requiring him to assist in a general

¹ Genealogy, pp. 463-467.

contribution among the inhabitants of the diocese of Caithness for the building of the cathedral church of Dornoch.¹ The result, however, is not known. About this time the earl was interested in a dispute with Sir John Gordon of Embo. Lord Reay had offered for sale certain lands in Strathnaver to Robert Gray of Creich, who obtained the earl's consent as superior, on condition that the earl was afterwards allowed to buy the lands. Meanwhile Reay made the same offer to Sir John Gordon, who immediately bought the lands without consent of any one, and refused to give the earl any conditions, which incensed the latter exceedingly. Another matter in which the earl took an active part was in raising more men for service in Germany under the command of Captain Adam Gordon of Kilcalmkil, who, in November 1635, wrote a grateful letter to Sir Robert Gordon.²

There was at this time also a renewal of the strife between Crichton of Frendraught and the Gordons, which probably tended to widen the breach between Huntly and Sutherland, though the earl is not referred to as taking any open part in the feud. But the privy council considered it necessary to take precautions, and they exacted bonds from Huntly, Sutherland, and Seaforth, with Lord Lorne and other chiefs of the highlands, making them responsible for the good behaviour of their people. Any coldness, however, which might have arisen between the now aged Marquis of Huntly and his young kinsman was forgotten at the death of the former, and the earl, if he did not accompany the *cortege* from Strathbogie, was certainly present at the funeral at Elgin. He walked in the procession when, on 30th August 1636, the coffin of the marquis was borne from his residence in Elgin to the cathedral, where his forefathers were buried. The earl was one of the pallbearers, and a number of the neighbouring barons and gentlemen attended,

¹ Register of Royal Letters, vol. ii. p. 770 ; cf. Genealogy, p. 471.

² Vol. ii. of this work, p. 161.

while three hundred torches gave light to the ceremony, which took place at night.¹

The Earl of Sutherland was, in 1636, appointed one of a commission, with the bishop of Caithness, Sir Robert Gordon, and others, to value the teinds of Sutherland, Strathnaver, Edderachilles, Assynt, and other districts in the neighbourhood, and to augment the stipends of the ministers. This valuation and provision for the ministers in every parish was settled by the common consent of the laity and churchmen.² In the early part of 1637, the earl and Lord Reay entered into treaties for the sale of the lands of Strathnaver to the earl, which was afterwards effected, though the completion of the purchase was deferred.³

The political and religious storm, which had for some time been threatening Scotland, broke suddenly in the church of St. Giles, Edinburgh, on 23d July 1637, when the service-book, imposed by royal authority, was rejected by the assembled congregation. The spirit then roused did not subside, but spread rapidly over the country, and petitions came to the privy council from all parts remonstrating against the service-book. Not only so, but as soon as the harvest was over, the petitioners and protesters of all ranks, noblemen, gentlemen, and ministers, crowded to Edinburgh to impress the government with their views. Among these came the Earl of Sutherland, in time to join an important meeting of noblemen and ministers who drew up a petition to the council in view of the expected coming to Edinburgh of the Duke of Lennox, who, it was hoped, would act as a mediator with the king.

This meeting was held in the house then occupied by the Earl of Wemyss, which stood near the council-chamber, and was largely attended by the nobility, nearly one hundred ministers also being present. Their petition was couched in the most respectful but firm terms, and urged the importance

¹ Spalding's Memorials, etc., vol. i. p. 74. ² Genealogy, p. 481. ³ *Ibid.* pp. 484, 485.

of their cause, craved the consideration of their just grievances, and that a way might be found by which they might be freed from the fear of the service-book and all other innovations of that kind. When the Duke of Lennox, who had been at Paisley attending his mother's funeral, came to Edinburgh, he was received on his way to the council-chambers by an imposing array of ministers ranged on the south side of the High Street, while a line of nobility and gentlemen was drawn up on the north side. There they waited all the forenoon, while their petition was given in, but no hearing was granted, and in the afternoon they resumed the same order. The Earl of Sutherland, who had been one of the first to sign it, presented the petition, but after long waiting, he and the Earl of Wemyss were summoned before the council and informed that the paper would be sent to his majesty with the duke, who would relate everything. The two noblemen, on reporting this answer to their comrades, were sent back to request that the king's answer might be at once notified to them, but the council had already been dismissed.¹

The petitioners waited for some weeks, in growing impatience, for the reply they expected from court, when it was reported that the answer would arrive on the 17th October. It did arrive on that day, but was concealed, and its import was only announced by a proclamation commanding the petitioners against the service-book to leave Edinburgh within twenty-four hours. Other obnoxious acts were also proclaimed, but, as noted in histories of the period, there were certain circumstances which made the first proclamation peculiarly offensive and irritating. In reply to these proceedings of the council, which were believed to be instigated by the bishops, the petitioners took a bold step. They drew up a paper, which, beginning by deprecating the proclamation against them as undeserved, openly and strongly remonstrated against the bishops, whose introduction of the service-

¹ *Rothés' Relation*, pp. 8-10; *Gordon's Scots Affairs*, vol. i. p. 18.

book and book of canons the petitioners declared to be contrary to the king's intentions, and subversive of religion and liberty. They therefore complained of the prelates, craved that the matter might be brought to a trial, but that the bishops should not sit as judges in such a cause. This petition was at once very largely signed, and was pressed upon the attention of the privy council. The Earl of Sutherland was one of the deputation to the council, and in the evening of the same day, 18th October, he aided in moving and carrying a resolution for obtaining a wider subscription of this important document. It was also resolved to concur in opposition to unlawful judicatories such as the High Commission, should any of their number be cited before that court.¹

The next meeting at which the earl is recorded as being present took place on 15th November 1637, when it was proposed to try and communicate directly with the king. On the 17th, in obedience to suggestions from the council, the petitioners broke up their larger committees, and bade farewell to each other before dispersing to their several districts. This separation was urged under pretext of keeping the peace, but also with a view to disunite the petitioners. The council's proposal, however, that a few commissioners should act for the majority, led to the establishment of that organisation known as "The Tables," which became so powerful an instrument for uniting and guiding popular opinion. It was in the hands of these commissioners that the petitioners left their cause when they parted amid hearty prayers for the king and their own welfare. It does not appear that the Earl of Sutherland was one of the first commissioners named, but he was one of those who remained in Edinburgh to watch for and guard against any punishment which might be inflicted on that city.

After this date, however, the earl's name is not mentioned in connection

¹ *Rothes' Relation*, pp. 20, 21, 49, 50.

with any of the further proceedings until the month of February 1638. He appears to have remained in Edinburgh, as his countess died there on 29th December 1637, and the attention required by her in her last illness may have withdrawn him from active service. But he stood among his brother peers, on the famous 28th of February 1638, in the church of Greyfriars, when the memorable document, known as the "Confession of Faith or National Covenant," was read aloud by Johnstone of Warriston, and afterwards subscribed. The draft of it had been under serious consideration, and was not accepted without debate, but the earl is not named in connection with the deliberations, though he was probably present. But when, after the public reading of the document and the final satisfaction of those who hesitated, the time came for those interested to prove their sincerity by their signatures, the earl, according to a contemporary historian, was the first to step forward and write his name, becoming thus the foremost covenanter.¹ It was, perhaps, his rank as premier earl of Scotland which led him to take so prominent a place, but, we are told, he was immediately followed by Sir Andrew Murray, minister of Abdie, in Fife, and the historian commends them as "two noblemen, who, out of zeale to ther professione, without any by-ende, thought it ane happinesse to be amongst the first subscribers and swearers to the covenant."²

After the first subscriptions, there was a rush to append signatures to the covenant, and taking advantage of the general enthusiasm, copies were multiplied, which were transmitted over the various shires and presbyteries to be signed by the principal persons in the separate localities. To defray the expense of this and other necessary proceedings, a voluntary contribu-

¹ Gordon's Scots Affairs, p. 43.

King Charles First in 1633, and was at a later date, in 1641, created Lord Balvaird.

³ *Ibid.*, pp. 43, 44. Mr. Andrew Murray, minister of Abdie, was made a knight by

tion was levied, at the rate of one dollar for every thousand merks of free rent, and to this fund the earl's first contribution was twenty-five dollars. More than money, however, was required of the supporters of the covenant, and the earl, with others, was directed northward to aid the cause in his own neighbourhood. Inverness-shire was then under the authority of the Marquis of Huntly, who was opposed to the covenant, and to counteract his influence, letters were addressed to the earl,¹ the Master of Berriedale, Lord Lovat, and others, requiring them to meet at Inverness on the 25th April to procure signatures to the covenant. The Earl of Sutherland and the Master of Berriedale were specially commissioned for, and engaged heartily in the work. They both attended on the day of meeting, each accompanied by a goodly number of followers, and so did Lord Reay, Lord Lovat, the Tutor of Foulis, and the greater number of the gentlemen of Ross-shire, with some from Moray. In the morning the earl and others received letters from the Marquis of Huntly, earnestly dissuading them from subscription, but these letters produced effects entirely contrary to the writer's desire. The covenant was read that day in the parish church, and subscribed by many noblemen and gentlemen, the earl also adding his name. The next day the covenant was presented for subscription to the town council of Inverness. The provost and two others refused to sign, but were opposed by one of the bailies, and when summoned by "touck" of drum, the "hail bodie of the toune conveined and subscriyved most gladlie all that could; they that could not, be a nottar." Lord Reay also subscribed on this day.²

After Lord Reay's arrival, the earl and the other noblemen there addressed

¹ Rothes states that letters were written *to* him, as if he had left Edinburgh after the subscription of the covenant, and this is borne out by other evidence.

² Rothes' Relation, p. 107.

letters to various local gentlemen, especially those of Moray, intimating their intention of visiting Forres and inviting them to meet with them. One such letter has been preserved, written to Robert Leslie, laird of Findrassie. It informs him that the object of the meeting at Inverness was to learn from the commissioners the truth and character of the proceedings concerning the innovations of the service-book and other abuses. "Quharin," the writers say, "we find our selfis sufficientlie satisfieit, and that they have done nothing in all their proceedingis bot quhat is legall, to the glorie of God, the honour of our dreid soveragne the king our maister, which is and sal be warrandit be the lawis of the kingdome." The letter then intimates that those of the shires of Caithness, Sutherland, Ross, and Cromartie, who met at Inverness, had been satisfied, and invites Leslie to Forres to receive similar satisfaction or to give his opinion.¹ The commissioners duly visited Forres and Elgin, and in both places were successful in gaining a large number of adherents, a success which led to similar commissions in other parts of the kingdom.

For some months after this the earl's proceedings are not on record, but he is referred to in October 1638, as joining in the petition which was presented to the presbytery of Edinburgh, with the libel against the bishops, praying the presbytery to censure the prelates after trial, or remit the libel to the assembly.² The libel was remitted to the ensuing assembly, which was to meet at Glasgow in November, but the earl was not a member of that body.³ It is probable, from various indications, that he remained in his own neighbourhood and used his influence there on behalf of the covenanters. He also despatched his brother George with a "resolute companie, wel-armed"

¹ Letter signed by Sutherland, Reay, Lovat, and others. Inverness, 26th April 1638, vol. ii. of this work, pp. 169, 170.

² Gordon's Scots Affairs, vol. i. p. 127.

³ The earl's youngest brother, George, was present as a lay elder from the presbytery of Sutherland.

to join the covenanting army then assembled in Moray under the command of the Earl of Seaforth.

This was in the early part of the year 1639, while the Earl of Montrose was operating against Aberdeen, and a Scottish army was approaching the English border. Hostilities, however, as is well known, were averted, and King Charles consented to the calling of a general assembly and a parliament. The earl's brother, George, was again a lay elder in the assembly, and the earl himself attended the parliament, which, after some delays, met at Edinburgh on 31st August 1639. Sir James Balfour, then Lord Lyon, says this was the last parliament held in Scotland after the ancient form, but he does not mention that it was the first to meet in the new parliament hall, which still exists as one of the architectural ornaments of Edinburgh. Under its fine oaken roof, for the first time, the earl bore the sword of state in attendance upon his Majesty's high commissioner, the Earl of Traquair, and his own first recorded act during the session was a protest that his riding or sitting in parliament should not prejudice any of his rights of precedence.¹

This parliament, although it was considered prudent by the king and his advisers that it should be allowed to begin business, was not allowed to transact any. It sat for a month, and, as Balfour says, "concludit nothing." It was then subjected to a series of petty adjournments, no fewer than ten in number, and at last was appointed to meet again on the 2d June of the following year, 1640. This method of treatment, and the constant divisive influences brought to bear upon the covenanters by the court party was not without effect. In reference to the state of feeling, Baillie writes, on 12th October 1639: "Division is much laboured for in all our estate; they speak

¹ Balfour's *Annals*, vol. ii. pp. 354, 359; *Acts of the Parliaments of Scotland*, vol. v. pp. 251, 254.

of too great prevailing with our nobles; Hoome evidently fallen off; Montrose, not unlyke to be ensnared with the false promises of advancement; Marischell and Sutherland, and others, somewhat doubted; Sheriff of Tevidaille (Sir William Douglas), and some of the barrons, inclyning the court way; divisions betwixt the merchands and crafts of Edinburgh, and so by consequent, of all the burrows in Scotland.”¹ Even the clergy were not exempt from the prevailing discontent, but the gloomy view of the situation taken by Baillie was not justified as regards the Earl of Sutherland, who continued to adhere to the cause he had espoused.

The earl appears to have returned to Sutherland after the parliament, and in January 1640 the committee of the estates wrote to him advising him of the increased gravity of the situation. “Never,” they say, “wes thair greater neide of deliberat and serious counsall and advyce to this poore natione then now, quhen the enymeis of trewth and hateris of this countrey have so pre-vailled that, as we ar credibillie enformed, his majestie, oure dread soveraigne, is possest with suche ane hard opinione of ws that he goes on in all warlyke preparatiouns.” The committee then refer to the mission of the Earls of Dunfermline and Loudoun to the king, the fortifying of the castle of Edinburgh, and the increase of Border garrisons. They urge that all lawful ordinary means be used to prevent danger, and earnestly enjoin union amongst their partisans; “bot iff divisione fall amongst ws wee may expect rwine and slaverie to ws and oures.” The earl is, therefore, entreated to give his active concurrence and assistance.²

Hostilities between the covenanters and the castle of Edinburgh began in June 1640, but not apparently until after the sitting of the estates, which took place in terms of the proclamation of the adjournment, and at which

¹ Baillie's Letters and Journals, vol. i. p. 224.

² Letter, 24th January 1640, vol. ii. of this work, pp. 39, 40.

the Earl of Sutherland was present. As is well known there was no high commissioner present in this parliament. The estates, asserting themselves to be summoned by royal authority, formally declared themselves to be a complete and perfect parliament, and in that capacity proceeded to do business and pass acts in the usual form. The earl was appointed to take charge of the counties of Sutherland and Ross in the prospect of hostilities, and especially to guard the Cromarty Firth, lest English troops should be landed there. In addition to providing men for the defence of his own district, the earl sent south two detachments of armed clansmen, one under his brother, George, to the army at Newcastle, and a second to the Scottish border.

The earl remained in the north during the whole of the year 1640, as appears from letters addressed from Dunrobin and elsewhere in January, July, and October, of that year, to Alexander Linton of Pittendreich, his law-agent, in Edinburgh. These letters relate to the earl's private business affairs, the disposal of his victual, salmon, sheep, etc., from Sutherland, the payment of interest on loans, and similar items. In July he refers to the sum of £100 to be paid for his daughter's "boord and interteinment" to Mr. James Cunningham, perhaps the same person who superintended the earl's own education. The earl also writes that his shoemaker is dead, and he wishes another to be sent to him; meanwhile he orders pairs of shoes to be made for his wife and his sons. In the same month of July he visited Delnies, in Ross-shire, and also the residence of his father-in-law, Lord Lovat, as he writes from these places. In one of his letters from Dunrobin in October he refers to his family muniments. He says, "My charter kist is in such confusione that I can goe sik no wryts out off it till it be red up, and that I have some understanding man by me to drawe up ane inventar off the wryts." The earl, therefore, invites his agent to come north and spend the winter at Dunrobin that he may put the charter-chest in

order.¹ The earl had some reason to be anxious about his papers, as they had passed through many hands. Their treatment by the Earl of Caithness is noticed in a previous memoir; they were at Kildrummy Castle for a long time in charge of Lord Elphinstone, and though the earl speaks of them in October 1604 as at Dunrobin in July, he refers to writs still at Elphinstone. Their comparatively good preservation under such vicissitudes is indeed remarkable.

No further mention of the earl occurs at this period, until May 1641, when he was in Edinburgh, with the intention of attending parliament. Before going south, however, he had begun building operations on his castle of Dunrobin, repairing it, and completing the great tower, a work which was carefully carried on by his countess during his absence. Little business was done at the May meeting of parliament, and it was by his majesty's special desire continued till the middle of July. The earl took advantage of the interval to make a journey into England to visit the Scottish army, which then lay round Newcastle. Gordon of Sallachy states, that the earl went thither to see the country, and also that he was sent for to settle some disputes which had broken out among the Scots, which were happily composed by his influence.² The grounds of this last statement, however, are not clear, unless a dispute between General Leslie and the Earl of Montrose as to correspondence with the king be referred to.³

The earl had returned to Edinburgh before the 22d of June 1641, when he was called upon to perform a painful office in connection with his old college companion, the Earl of Montrose. Montrose had been committed to custody, in the castle of Edinburgh, for making rash speeches about the earl

¹ Original letters, dated 15th January, 4th July, 9th July, and 29th October 1640, in possession of Mrs. Ferguson, 5 Forbes Road, Edinburgh.

² Genealogy, pp. 507, 508.

³ Spalding's Memorials, etc., vol. ii. p. 47.

of Argyll, and on the day named, the Earl of Sutherland was commissioned to bring him in a coach to be examined by the committee of estates. He, however, refused to appear, and Sutherland returned with an answer to that effect. The parliament opened its sitting on the day appointed, 15th July 1641, in the new hall, without any ceremonial, and proceeded at once to business. The Earl of Sutherland was in his place, and took an active part in the proceedings. He was one of those appointed to sign the letter from the estates to the king in answer to that from his majesty, sent down with the Earls of Loudoun and Dunfermline. The king asked for a prorogation until he himself could be present, but this was respectfully refused. This refusal, indeed, was the main purport of the letter, though it also referred to the treaty with the English parliament.¹

The earl's parliamentary duties were interrupted for a time by his attendance on the general assembly, which met at St. Andrews on 20th July, and to which he was commissioned as a representative elder. The assembly, during the later days of its sittings, met at Edinburgh, and we find the earl again in parliament on the 6th of August. On that day he was one of a committee who examined the Earl of Montrose, Lord Napier, Stirling of Keir, and Sir Archibald Stewart of Blackhall, upon various points regarding which they were accused, but beyond the fact that they were said to have charged Argyll with treasonable speeches, and that Montrose was the promoter of the famous Cumbernauld band, the circumstances are not clearly to be ascertained from the depositions or extant papers.² It may be added that the labours of the committee to obtain material for a process continued for some time, but the accused were, a few months later, released without a trial.

The earl was no doubt present when King Charles the First was welcomed

¹ 20th July 1641. Balfour's Annals, iii. p. 11.

² Acts of the Parliaments of Scotland, vol. v. pp. 637-639.

to Holyrood by the nobility and barons, who "kist his hand in the longe gallerey" on his arrival in Scotland on 14th August 1641. Three days later he and the parliament rode in state, and the Earl of Sutherland took part in the procession. During the king's visit, the earl was nominated one of the Scottish privy council. He was, however, not one of those named in the list prepared by the king himself, but was appointed by the estates in room of the Marquis of Huntly, whose name was struck out. Other references to the earl in this parliament are unimportant. As the earl took part in the opening, so he rode also at the close of the parliament, but bearing the sceptre in place of the sword.¹

The incidents of the next two years we learn only from the family chronicler. During the year 1642, the earl, we are told, completed his negotiations with Lord Reay for the purchase of Strathnaver, and acquired that district. He also raised and despatched to Ireland, under the command of his brother, George, a company of men to join Generals Leslie and Munro, for suppressing the Irish rebellion. In the beginning of the following year, 1643, another company was sent to France, to serve under the Earl of Irvine, brother of the Marquis of Argyll.² The earl was residing at Dunrobin at this time, a fact we learn from a letter addressed to his law-agent, on 19th February 1643, in which he writes regarding some pieces of plate, which he wishes melted and recast, and he gives particular directions for marking upon the new plate his own and his wife's initials and their armorial bearings.³

War had already broken out between the king and the parliament of England, and when the Scottish parliament or convention of estates met in June 1643, they were invited by the English parliament to join in a league

¹ Acts of Parliaments of Scotland, vol. v. pp. 385, 405, 425, 572, 583, 659, 660; Balfour's Annals, vol. iii. p. 162.

² Genealogy, pp. 509-511.

³ Original letter in possession of Mrs. Ferguson, 5 Forbes Road, Edinburgh.

offensive and defensive. To this the Scots, after for some time vainly attempting to pacify the contending parties, agreed, and preparations were made throughout Scotland for the raising of levies for the army. The Earl of Sutherland, who attended the convention, took his share in its proceedings. He was first appointed one of a committee to consider and apportion the £800,000 Scots to be raised for the army in Ireland. He was also placed on the general committee named for the defence of the kingdom, in addition to which he was appointed colonel of horse and foot for his own county of Sutherland and part of Inverness.¹ The convention adjourned in the middle of August 1643, and met again in the beginning of January following, but the Earl of Sutherland does not appear to have been present,² and he certainly remained at home during the early part of 1644. Gordon of Sallachy says that he this year repaired the little tower of Dunrobin. He went southward to Edinburgh, in the month of June, to be present at the parliament which then met in terms of the last act of the parliament in 1641; but his name appears chiefly in connection with various committees of which he was made a member, the principal being that appointed to deal with affairs in the north. He was also nominated one of the standing committee of estates.

His presence was required in the north before the parliament rose, owing to the landing on the west coast, early in July, of a small force of Irish under Alexander Macdonald, known as "Colkitto," who was sent by the Earl of Antrim to attempt a diversion in Scotland in favour of the king. The force was small and miserably equipped, but circumstances enabled it to effect undreamed-of results. Macdonald marched northward, hoping to join the Earl of Seaforth, but found that that nobleman, with the Earl of Suther-

¹ Acts of the Parliaments of Scotland, vol. vi. (1) pp. 19, 52, 57.

² He was, however, required to furnish his quota of men to join the army under Lord Leven. *Ibid.* p. 79.

land and others, had gathered their men to oppose him. Macdonald then marched his men southwards to Athole, a movement which led to his meeting with the Marquis of Montrose, and to his sharing in the brilliant series of victories won by that leader during the years 1644 and 1645.

While the Earl of Sutherland was thus employed in the north, the committee of estates directed letters to him and others to assist the transportation of certain prisoners from Caithness to Aberdeen. These were Alexander Irvine, younger, of Drum, his wife, his brother, and others, who having refused to take the solemn league and covenant, were, along with the Marquis of Huntly and other recusants, excommunicated. They had tried to escape by taking boat from Fraserburgh, but being forced to land in Caithness, were apprehended there by Francis Sinclair, a son of the Earl of Caithness.¹ The Earl of Sutherland wrote from Tain, on 14th August 1644, advising his kinsman, Lord Elcho, then in command at Aberdeen, that the young laird of Drum had, in obedience to orders, been sent forward with his captor, and desiring him to assist Sinclair, that no one else should share in the prisoners' fines, which amounted to no less a sum than 31,000 merks, and were considered a rich prize by the committee of estates. The earl adds, that others of the committee who were present with Sinclair at the seizure, "altho he was cheiff man, wold wishe to be shairers also, notwithstanding he hath nobly intertined them since ther taking." Lord Elcho, however, left Aberdeen before Sinclair and his prisoners reached that city, and it is doubtful if Sinclair ever received the full amount of the sum which was ordered to be paid to him.²

The earl also, in his letter to Lord Elcho, dwells upon some difficulties to be contended with in the division of the country under his own charge.

¹ Spalding's Memorials, etc., pp. 361, 379, 380, 397, 398; vol. ii. of this work, p. 172.

² Memorials, etc., ii. p. 400.

Nothing, he says, need be "expectit from ws heir, till the slownes off Cathnes and malignancie off Stranawer and Assint which ar within our diwisione be taken course with." He hopes it will be sufficient to act in terms of the latest orders, seeing that his division was lessened by the taking away of those Mackenzies who had been appointed to join with him in making up the quota of 1600 foot soldiers; "as for horses, the parliament did consider we wer unable to furnishe anie, and therfor did dispence with them." The earl also reflects on the conduct of Sir James Sinclair of Murkle, the convener of the committee of war for Caithness.¹

In a postscript to his letter the earl adds, "It is no wonder that the Master off Reay doth give no obedience to the esteats ordours, when in despyt of them he doth keip ane open table to the Marquess of Huntly in his fields, and, as they report, doth go openly to ther churches, which I admeir the esteats sould so long suffer." The first part of this is explained by the fact that the Marquis of Huntly, dreading the wrath of the estates, had made an escape from his own district, and found a refuge in Strathnaver, where he remained for some time as a guest of Lord Reay. Lord Reay, though as formerly stated, he signed the covenant in 1638, was never firmly attached to the cause. In 1643 he left Scotland for a time, but in 1644 he openly joined the king, and was at this time at Newcastle, where he was afterwards taken prisoner. As to the conduct of the Master of Reay, Gordon of Sallachy indicates that the Earl of Sutherland was specially forbearing to him, because of his kinship, although he never joined with the earl, paid no public loan or tax, nor any contribution of men, nor did he attend any committee. The writer adds his belief that after the Marquis of Huntly took refuge with Reay, the earl spared the master "the more for his sake, and did forbear, so farr as he could, to trouble him, although he was

¹ Vol. ii. of this work, pp. 171, 172.

his vassell, and bound by many ties to follow him." The earl, we are told, sent a message to the master, that if he would be a quiet and good neighbour, he need fear no harm, which promise the master readily gave.¹

The Earl of Sutherland appears to have kept the field during the months of August, September and October, 1644, when Montrose began his campaign and gained his first successes. The marquis had raised the king's standard sometime in August, and he defeated the troops hastily mustered against him at Tippermuir, near Perth, on the 1st of September. Thence he marched to Aberdeen, making a circuit by Dundee. From Aberdeen he led his army northward, pursued now by a considerable force under the Marquis of Argyll. It was on this march northward that Montrose encountered, from the Earl of Sutherland and other northern leaders, what may be called the first check to his advance. When he reached the Spey he found that they had mustered their forces strongly to oppose him, and seized every available boat upon the river. Had Argyll's army marched more quickly, Montrose's career might at this point have been cut short, for at this time he was seized with indisposition. But the covenanting army spent much of its time in harrying Huntly's district and property, and Montrose was enabled to retrace his steps towards Athole.

Argyll was at Forres in the beginning of October, where he met with the Earl of Sutherland, Lord Lovat, and other gentlemen of the neighbourhood who commanded about a thousand men. There the marquis and the earl concerted plans for preserving the north against invasion. Inverness was to be fortified, and two regiments were to be quartered there to support the earl and the other northern leaders as occasion might arise.² The Marquis of Argyll then returned southward, leaving the country north of the Spey in the charge of the earl and his comrades.

¹ Genealogy, p. 527.

² *Ibid.* p. 521.

The campaign of 1645 opened with an attack by Montrose upon part of Argyll's force, which he surprised and completely overthrew at Inverlochy on 2d February 1645. During the winter months he and his army had made an incursion into Argyll's territory, plundering and harassing the inhabitants, but in January he led his followers towards Lochaber and Lochness, encamping at Abertarff, now Fort Augustus, and it was while here he learned that Argyll was gathering his forces at Inverlochy. The activity of the Earl of Sutherland and the other covenanters in the north, however, had also influenced Montrose in his movements. Gordon of Sallachy states that the earl and his comrades, mustering their men, marched to Abertarff; and Montrose himself indicates, in a letter to the king, that one reason of his sudden march was to attack Argyll before the northern troops could join him.¹

A few weeks after the battle of Inverlochy, orders were issued by the committee of estates for increasing the strength of the earl's regiment, no doubt in view of future operations against Montrose, who had now advanced as far as Elgin,² where he was joined by Lord Gordon, son of the Marquis of Huntly. The committee of estates meanwhile had appointed Sir John Hurry and General William Baillie as commanders, in room of the Marquis of Argyll, who had resigned, and these officers, acting in concert, nearly surprised Montrose while attacking the town of Dundee. He retreated northwards, but receiving large accessions to his army, from Lord Gordon, and his own lieutenant, Alexander Macdonald, he resolved to give battle to Sir John Hurry, who, in his turn, gradually retired towards Inverness, hoping to join the northern covenanters.

The earl in person led his men to join the force of General Hurry, who

¹ Genealogy, p. 522 ; Napier's Life of Montrose, vol. ii. p. 484.

² Acts of the Parliaments of Scotland, vol. vi. (1) p. 355.

on receiving the Sutherland contingent and other reinforcements, attacked Montrose. The latter was posted at the village of Auldearn, near Nairn, where, on the morning of the 9th May 1645, he was nearly surprised by the advance of Hurry's force. But concealing the greater part of his comparatively small force behind the village, which, at that time, stood on the height covering the valley below, Montrose stationed Alexander Macdonald on his right wing, in a position protected by enclosures, rocks, and brushwood, on broken ground. The rest of his forces, including the cavalry, were drawn up under his own command on the left wing, while his main army was represented by a few picked musketeers, whom he had placed with some cannon directly in front of the village. The royal standard was displayed from Macdonald's position, as Montrose expected it would draw the main attack of the enemy, where the nature of the ground rendered approach difficult.

Gordon of Sallachy gives some indication, not afforded by other writers, of the positions occupied by the troops under Sir John Hurry. Sir Mungo Campbell of Lawers led the van with his own regiment. The right wing was protected by the cavalry which Hurry had brought with him from the south. The horsemen from Moray and the north were on the left wing, under Captain Drummond, while the Earls of Sutherland and Seaforth were with Sir John Hurry in the reserve.¹ When the armies met, the covenanting general justified Montrose's expectations by directing the energies of his best troops against Macdonald's position. The regiments of Lawers, Loudoun, and Lothian, all steady, well-trained troops, were ordered to attack that post and the front of the village, which they did with the utmost gallantry and perseverance. So effective was their charge, that Macdonald's force was nearly surrounded. But on the other wing, Montrose and his men were victorious, and on hearing of Macdonald's discomfiture, he ordered a general

¹ Genealogy, p. 525.

charge. Hurry's dragoons were unable to withstand the shock, and Drummond's cavalry, being unskilfully handled, increased the confusion. The cavalry were the first to show signs of flight, and though the foot soldiers stood their ground, they did not retrieve the fate of the day, but were cut down in their ranks. General Hurry himself escaped to Inverness with about one hundred of his dragoons, and those troops who formed the reserve, including the Sutherland contingent, also reached that town safely, or with but slight loss. Only one of the Earl of Sutherland's officers is referred to as being taken prisoner, Captain Lieutenant Gordon of Brora, "who was shortly afterward released by the Viscount of Aboyn, whose prisoner he was."¹ From this and other indications in Gordon's History, a recent writer expresses the opinion that the Earl of Sutherland was not very hearty in this action, from his favour to and kinship with the Gordons who were in the army of Montrose. It was probably rather because of their position in the reserve that the northern contingent appears to have taken little part, and suffered very little loss in the battle.

The remaining notices of the Earl of Sutherland during this year, 1645, chiefly relate to his actions in his own neighbourhood. According to the family historian, writing at the period, he kept his regiment constantly ready for service at his own charges, but scarcely knew what course to take, as the other principal leader in the north, Earl Seaforth, had a strong inclination to Montrose's party, while the country of Caithness was indifferent to the covenant.² Also at this time, or soon after the battle, letters from the estates to the earl and others, encouraging them to stand by the good cause and assuring them of help, miscarried, having been seized at Buckie with the ship which carried them.³ The earl attempted to hinder the Marquis of Huntly, who was now beginning to tire of his retreat in Strathnaver, from

¹ Genealogy, p. 525.

² *Ibid.* p. 529.

³ Spalding's Memorials, vol. ii. p. 476.

marching southwards by land ; but Huntly evaded the earl's vigilance by taking boat from Caithness, and landed at Enzie in his own territory, on 4th October.

Just at this time Lord Reay, who had been a prisoner in Edinburgh Castle since October 1644, was set free, and instantly hastened to the north, where hitherto, as formerly indicated, his son, the Master of Reay, had maintained comparatively friendly and peaceful relations with the Earl of Sutherland. These relations, however, Lord Reay broke in upon in a somewhat aggressive manner. He pretended a commission from the king, and, in terms of it, invaded a part of Strathnaver, formerly belonging to himself but now to the Earl of Sutherland, seized the rents, the tenants being of his own kin, and carried away cattle, which were the earl's own property. The earl did not retaliate, but sent to inquire the reason of this aggression. In reply, Lord Reay alleged his commission, asserting also that the earl had not performed all that was promised at the sale of these lands. He further declared that his people had made a mistake, and as no blood had been shed, friends of both parties succeeded in reconciling them for the time, for the earl "hade greater matters than ky now to looke unto, and was likely to have greater enimies upon him then Rea."¹

Towards the close of this year, 1645, the committee of estates ordered the earl's regiment to be transported southward by sea from Inverness, to be at the orders of the parliament or their general,² but this order does not appear to have been carried out. The earl, however, petitioned the estates to furnish clothing and pay for his men, eight hundred in number, and in January 1646 an order was issued for 800 suits of clothes, 800 pairs of shoes, and 1600 dollars, which were to be paid to the earl. The regiment was to be mustered and equipped accordingly, and monthly pay to the officers was allowed.³

¹ Genealogy, p. 530.

² Acts of the Parliaments of Scotland, vol. vi. (1), p. 491.

³ *Ibid.* p. 505 ; cf. p. 597.

It seems the earl was allowed to retain his regiment in the north, as, according to Sallachy, he was at this time "besett be his adversaries on all hands." Seaforth's friends, we are told, were gathering on the one hand, and Lord Reay's men on the other. The earl assembled his own men, near the river Shin, to act against the Mackenzies, who were threatening to attack the castle of Ardvreck, belonging to Donald Macleod of Assynt. This was, according to one account, because he favoured the Earl of Sutherland, and, according to another, because of private injuries in which he had been abetted by the earl. The latter sent a party to aid Macleod, and Seaforth requested Lord Reay's help in the matter.¹ How far the various versions of the story are correct is not clear, but it is certain that the Earl of Seaforth, Lord Reay, and others, were in the spring of 1646 influenced by the Marquis of Montrose to take up arms. After the defeat of his army at Philiphaugh he had taken refuge in the north, and was now, some months later, trying to organise a rising there on behalf of the king. Such a movement, however, was checked by his majesty placing himself in the hands of the Scottish army in May 1646, and ordering his adherents to cease all hostilities.² On the news of the peace being certainly known in Sutherland, it is said, "Bonfires were made everywhere; the Clankenzie retired from the seidge of the isle of Assint, and the Earl of Southerland dissolved his armie at Invershin."³

Gordon of Sallachy states that the earl went southward to Edinburgh in July of this year, 1646, to attend the parliament, and to bring a civil action against Lord Reay, leaving a guard to preserve his country from private incursions. The parliament did not meet until November, but the earl may

¹ Genealogy, p. 534; History of the House and Clan of Mackay, p. 312.

² Napier's Life of Montrose, vol. ii. p. 630, *et seq.*; Historical Commission Report on

mss. of the Duke of Hamilton, pp. 110-113.

³ Genealogy, p. 535.

have gone south earlier, as he had been nominated one of the curators to his nephew, Lord Lovat, which may have required his attention.¹ It is added, that while the earl was away from home, some of the Mackays came by night, first to Dalaich, then to the Gruids, in Lairg parish, and took away some goods from Robert Gray of Creich. This was made a charge against Lord Reay, who, however, in a letter to Sir Robert Gordon, repudiated all knowledge of the affair.²

The earl formulated his own private grounds of complaint against Lord Reay, and summoned the latter to answer the charges before the parliament. He claimed that the lands of Durness had fallen into his hands as superior because of the non-payment of the feu-duties, and sought to dispossess Lord Reay of the lands of Strathnaver, which had been formerly sold by him to the earl. He also brought an action of spuilzie for the cattle carried off from the tenants of Sutherland; while a fourth complaint was that Lord Reay had risen in arms against the earl, who was his overlord. Most of these charges were matter for the civil court, yet the parliament took cognisance of them, and after hearing the report of a committee on the matter, taking into consideration the earl's "sufferings by the Lord Rae, and Master of Rae, with their adherentis in the rebellion," and his own good carriage and constant affection to the good cause and safety of the country, they recommended that a party of five hundred men should be detached to be under the earl's orders, and to join with him and his people for their protection. The general commanding was further recommended to give commission to the earl for raising the adjacent shires, for repossessing him of his lands and goods in opposition to Lord Reay and his adherents. The act concludes with an order to the general commissary to provide and maintain the detachment

¹ Memorials of the family of Wemyss of Wemyss, vol. i. p. 288.

² Genealogy, p. 535.

in all necessaries during their term of service.¹ In addition to this act, it is stated that another was granted excluding Lord Reay and his friends from pardon, and forbidding the granting of passes or remits to them until they satisfied the earl's claims, and made restitution of his lands and goods; reserving also to him all civil actions against Lord Reay.² But no act in these terms appears among the records of parliament.

Besides the act about Lord Reay, there were others passed in the earl's favour at this time. He received a warrant to allow himself or his deputies to hold sheriff courts for the trial of offenders in Sutherland during the sittings of the parliament. Another act approved and ratified a contract, dated 9th February 1647, between the earl and the commissioner for the burgh of Dornoch, about a market to be held there. The earl altered and removed the yearly "Andersmes" market from Golspie to Dornoch, and authorised the provost and bailies of the latter place to hold the fair in their burgh for three days from the 20th November. He further consented that all other markets in the earldom of Sutherland should be held at Dornoch, and the custom dues uplifted for the use of the burgh in all time coming. A third act ordered payment to the earl of £3000 sterling for his pay as colonel of his regiment and two months' maintenance of his officers and other expenses incurred by him in the service of the public. The earl was himself present in this parliament, and, while in Edinburgh, resided in the Canongate.³

The parliament rose in the end of March 1647, and the earl returned to Sutherland. He probably intended to put in force the acts he had obtained against Lord Reay and his son, but they met him with offers of submission and satisfaction. Like two opposing potentates, the disputants appear

¹ Acts of the Parliaments of Scotland, vol. vi. (1) p. 817.

² Genealogy, p. 537.

³ Acts of the Parliaments of Scotland, vol. vi. (1) pp. 736, 742, 802, 803, 818.

to have communicated by ambassadors who carried from the one to the other demands or replies as the case might be. The first of such documents which has been preserved is by the Earl of Sutherland in answer to a communication from Lord Reay brought by the Laird of Culloden. "That the world may sie how willing I am rather to embrace peace than to seike the lord Reayis or his howsis owerthrow," the earl expresses his readiness to grant assurance to Lord Reay and his friends for a certain time that they may provide security for the earl's indemnity from outrages on their part. In another clause the earl writes, "The lord of Reay finding sufficient securitie as said is, and that he or none belonging to him sall any wayis oppose me in mantaining the protestant religion according to the present and laudible establishment, gowernment, and reformation, in that caice I sall be willing to draw all controversies to a calme and amicable decision of weill affected friendis."¹ He charges Lord Reay with taking arms against him, though he was his overlord, and concludes by declaring, "The satisfaction which in poynt of honour is desyred for this is that he [Lord Reay], his sonne, and speciall freindis such as Bighowse, Dilrett, Adrachliss, Eriboll, and some others of his advysers and complishes, drawe vpe ane paper vnder thair handis quhair they doe hartilie and submissiwelie acknowledge thair grieffe for wronging me, thair superiour by thair many wrongis, injuries and spoylingis vnjustlie committed against me and [my] countrey people, quhair of they are hartilie sorrie, and desyre by this thair humble confession to be receawit agayne into my fawour, and faithfullie promise newer to offend in the lyke heirafter."

Lord Reay virtually accepted these terms dictated to him, and articles of agreement and overtures were made by him for satisfaction to the earl according to a form furnished by the latter. The first article is an ample

¹ Original paper, dated at Dunrobin, 1st July 1647, in Sutherland Charter-chest.

submission by Lord Reay and his son, the master, to the earl, as their over-lord, with promise of fidelity to him in future; the second article surrenders Strathnaver to the earl; the third article promises that Lord Reay would produce the parties who had wronged the earl; and the fourth article contains an obligation by Lord Reay for 40,000 pounds as penalty.¹ Gordon of Sallachy notes that although the submission was agreed to, Lord Reay delayed performance, blaming the earl as the cause; also that Lieutenant-General David Leslie, an old comrade of Lord Reay in Germany, wrote pressing a mutual agreement, and that the earl, considering the delay too prolonged, wrote to General Middleton, then commander-in-chief in the north, who ordered Lieutenant-Colonel Campbell to march with a party from Inverness to enforce Reay's compliance. Lord Reay, his son, and friends then signed the submission at Rossall or Rosshall, with a bond for 100,000 merks, the friends each granting bonds for 10,000 merks. Lord Reay remained with the earl during that winter, and all things were arranged finally between them in January 1648. Bonds were given to the earl for sums of money to cover his losses, and certain lands in Strathnaver were conveyed to him. The earl, on his part, confirmed certain lands to the Master of Reay, and granted a full discharge of the feu-duties of the lands of Durness. He also passed from all his actions of ejection and spoliation, and wrote in favour of Lord Reay and his son, both to the committee of estates and to the general assembly of the church.² Some of the clan Mackay, however, who claimed an interest in the lands sold by Reay had caused disturbance, and General Middleton directed Lieutenant-Colonel Campbell "in regard there be dyvers yit in rebellione in the Lord Reay's lands who truble the Earle of Sutherland

¹ Original at Halmyre, dated Lairg, 21st August 1647; cf. vol. iii. of this work, pp. 195-197, 17th and 19th July 1647.

² Genealogy, pp. 538-540. Charter by Donald Lord Reay, 13th March 1648, in Sutherland Charter-chest.

and his freinds in ther possessions in Strathnaver," to order a force of one hundred and twenty men, well armed, to be at the command of the Earl of Sutherland from time to time, and to be disposed by him in garrisons or otherwise as necessity requires.¹

Parliament again met on 2d March 1648, but owing to the troubled state of his own neighbourhood the earl did not attend its meetings. He was, however, appointed one of the committee of war for his own district, with the rank of colonel. It was this parliament which adopted the "Engagement," as it was called, to endeavour to free the king by force of arms from the party prevailing in England. An act was passed on 4th May 1648 for raising men for the army which invaded England under the Duke of Hamilton, and the Earl of Sutherland was called upon to furnish 1600 foot and 120 horse, with the option of commanding them.² He, however, refused the office, and Lieutenant-Colonel John Monro of Lumlair took command. The earl adhered to the party of the church, the Marquis of Argyll, and others opposed to the Engagement, who, on the overthrow of Hamilton's army in England, became the predominating party in the state. The Earl of Leven, Lieutenant-General David Leslie, and other officers who adhered to the same party, raised a force in support of the covenant, and in the north of Scotland the Earl of Sutherland was not inactive. He mustered his men and prevented the march southward of new levies for those who favoured the Engagement.³

Besides this the earl had again, in the end of the same year 1648, to contend with a new outbreak of marauders in the Strathnaver district. The Mackays in that neighbourhood, under Neil Williamson Mackay, aided by

¹ 28th January 1648. Vol. iii. of this work, pp. 40, 41. Gordon of Sallachy refers to an order by Middleton as issued in October 1647, but the circumstances appear to be different, and there may have been two orders

issued. Middleton dates the one referred to in the text from Gordonston, the residence of Sir Robert Gordon.

² Acts of Parliament, vol. vi. pp. 30, 33, 55.

³ Genealogy, pp. 541, 544.

some of the Irish who had been in the army of Montrose, joined in an attack upon the earl's chamberlain while engaged in collecting the earl's rents. He was accompanied, for protection, by a strong party of Sutherland men, and for the most part no opposition was made by the tenants, but when he demanded the rents of the lands round Lochnaver they were refused. He then attempted to seize the cattle and enforce payment, when the defaulters, headed by Neil Mackay, beset the party and not only prevented the seizure of the cattle but took from the chamberlain the money he had collected. In the beginning of the following year, the earl brought this outrage under the notice of parliament, in a petition, in which he was joined by a number of other proprietors, who had all apparently suffered in these raids by the Mackays and the Irish. He was thereupon authorised to maintain a local force of four hundred men; and to recompense him for "his great trouble and the great care he has had in keeping some forces on foote for the safety of the countrey," and also "for his encouragement in tyme comeing," the earl was to receive the sum of 400 merks monthly from the county of Sutherland for the months of December 1648 and January and February 1649. It was also recommended that an effectual course should be taken for securing the peace of the district.¹

The earl was himself present at this parliament, and he appears to have taken this matter strongly in hand. A citation was issued against John, Master of Reay, his father, Lord Reay, being absent from Scotland, but this summons was probably disregarded. Besides this, a commission, which was virtually one of fire and sword, was issued to various gentlemen in Sutherland and Caithness for the apprehension and punishment of Neil Abrach or

¹ Genealogy, p. 546; Acts of Parliament, vol. vi. (2) p. 155. Gordon states that in February 1649, Neil Mackay, the ringleader

in the attack, was killed at Thurso, when engaged along with his Irish allies in a plundering expedition into Caithness.

Williamson and his accomplices. The complaint on which the commission proceeds charges the accused with depredations on the earl's lands of Strathnaver, Braechat, or Lairg and Dirichat, or part of Kildonan, committed so far back as 1645 and 1646. The spoil taken from the earl and his tenants was five hundred cows and oxen, six hundred sheep, two hundred horses and mares, and three hundred head of goats. A smaller prey was driven from Auchness, the property of Sir John Gordon of Embo. By a later act the earl's "waisted lands" were exempted from taxation for four months of the year 1649. In terms of recommendations by a committee of parliament an order was also issued for five hundred bolls of meal to be sent to Dunrobin as maintenance for those who were in arms, and Lieutenant-General David Leslie was directed to act against the peace-breakers, while a fort or sconce was ordered to be built in the disturbed neighbourhood and occupied by a garrison of one hundred men, to be paid and armed at the country's expense, from 1st June 1649.¹ It is stated that a garrison was in October of the same year planted in Lord Reay's house at Tongue under the command of Captain William Gordon.

After thus securing the general peace and safety of his district, the earl presented a petition to parliament narrating that he had been for eleven years employed in the public service "since the beginning of this work of reformatiounne, upon his sumptuous and chairgeable expeditiounes againes the publiet enemies of this church and kingdome with the hazard of his lyff and lose of many of his people, besydis many other chairgeable journeyis to the south, as also being robbed and spuilzied by the Lord and Master of Raes and thair adherentis both in Sutherland and Strathnaver." The earl values his loss and expenditure at fifty thousand pounds, against which he places two sums of £3000 sterling and £15,000 Scots voted to

¹ Acts of the Parliaments of Scotland, vol. vi. (2) pp. 160, 241, 265, 413, 710.

him in 1647, but of which he received no more than £4000 Scots. The attack on his chamberlain, and the fear of further invasion had compelled him to maintain a force of four hundred men, at the monthly expense of two hundred bolls of meal and one thousand pounds Scots. The earl therefore trusts that the estates will "according to the covenant, have a fellow feeling with him in his troubles." The estates responded to this appeal by voting to the earl the sum of £10,900 Scots, the balance still due to him of the £15,000 Scots formerly granted. This was on 16th March 1649, but the money was still unpaid on 20th July of that year, when, in answer to another and very urgent appeal, the estates directed the commissary-general to pay the sum out of the first and readiest public money in his hands.¹ In this parliament the earl appears to have held a prominent place. His name occurs on a considerable number of committees, and he was also appointed to the office of lord privy seal, vacant by the deposition of Robert, Earl of Roxburgh. The seal was delivered to him in open parliament, and personally accepted by him.²

As is well known, the year 1649 was marked by the executions of King Charles the First and the Duke of Hamilton in England, and that of the Marquis of Huntly in Scotland. The Scottish parliament had adjourned from the 3d to the 6th February, but met again hurriedly on the 5th to proclaim Charles the Second as King of Great Britain, France, and Ireland. In this solemnity the Earl of Sutherland took part, walking in procession with the other members of parliament to the cross of Edinburgh, which was draped in cloth for the occasion.³ Gordon of Sallachy states that between February and May the earl was directed northward by Lieutenant-General

¹ Acts of Parliaments *ut supra*, pp. 353, 354, 492.

² *Ibid.* pp. 128, 132, 273, 290, 300, and 322.

³ *Ibid.* pp. 157, 158.

David Leslie to aid in suppressing an insurrection which had broken out at Inverness. A comparison of dates renders it doubtful if the earl proceeded on this expedition, and if he did, the part he took was not prominent.¹ But more stirring work was soon in store for him; and in the beginning of the following year, 1650, he was called into action in a military capacity to resist Montrose.

CAPTURE OF MONTROSE IN SUTHERLAND.

The hero of many a brilliant battle on behalf of the late King Charles the First formed the hazardous idea of placing King Charles the Second on the throne of his ancestors without the conditions imposed by the covenants. He was impelled to this dangerous project by the advice of several continental sovereigns, and the king's royalist adherents, of whom Montrose was the accredited chief. The king himself also encouraged Montrose by his private letters and the grant of the order of the garter. That grant was conferred in peculiar terms, as the king was then exiled from his own kingdoms. But his majesty promised in the letter conferring the order to instal the grantee in due form. The garter is here specially referred to, as it formed a feature in the capture of Montrose, when he had to hide it or throw it away to prevent the glittering jewel leading to his detection. The events which led to the defeat and capture of the royalist leader are of some interest in the history of Sutherland.

After a demonstration in Orkney, the marquis landed in Caithness, and on 14th April 1650 issued a manifesto to the heritors of Caithness, dated from Thurso, requiring them in the name of the king to join his force. This, however, they did not do, and meanwhile the Earl of Sutherland and

¹ Genealogy, p. 548.

others prepared to oppose the progress of the royalists. The earl had attended the meeting of parliament on 7th March 1650, which appointed commissioners to treat with the king at Breda. But the house only sat for two days and adjourned till the 15th of May. In the interval the earl had returned home and was in his own country when Montrose landed in Caithness. He immediately marched his men towards the narrow passage at the Ord of Caithness, which then formed the communication with Sutherland at that place. The earl also wrote to the two troops of horse which were stationed in Ross-shire, but their commanders were then in Edinburgh. Lieutenant-General David Leslie was commander-in-chief of the forces sent against Montrose. They had on a former occasion at Philiphaugh tried each other's steel: and they were again to be opposed to each other. Leslie despatched Colonels Strachan and Halket northward to their posts, with orders to other troops to join them. Five troops of horse were quickly gathered together, and their commanders met at Tain to consult as to their plans.

Meanwhile, the Earl of Sutherland, finding that Montrose had occupied the passage at the Ord with five hundred men, and that he himself, having no cavalry, was unable to resist the royalist forces, after several skirmishes, retired southwards. At Dunrobin he divided his men into two parties, one of which he sent into the hills with cattle and goods for protection. The earl then placed strong garrisons in Dunrobin, Skelbo, Skibo, and Dornoch, while with three hundred men he crossed the Dornoch Firth into Ross and joined the council of war at Tain. Thither also came Ross of Balnagown and Munro of Lumlair, who jointly commanded about four hundred men. The result of their deliberations was that the earl should return into Sutherland to intercept Harry Graham, the brother of Montrose, who was gathering a band of men from Caithness and Strathnaver, and to defend his own country and the north side of the Firth, which Montrose had threatened with

fire and sword. The other commanders, with the Rosses and Munroes, were to march against Montrose, who had now reached the south bank of the river Oykel, in the parish of Kincardine and county of Ross, while it was hoped that the earl would prevent his retreat.

This northward movement on the part of the earl and his men hindered them from sharing in the victory over Montrose which followed. The marquis, in opposition to the advice of the Mackays and others, had marched from Caithness by the coast, instead of keeping to the higher grounds, which would have been inaccessible to horse. His reason no doubt was that his troops, which were chiefly composed of Orkney men and German soldiers, were unable to endure the fatigue and hardship of the mountainous route. His way led Montrose close to Dunrobin, where some of his men who had left the main body and passed between the castle and the sea were attacked and slain or taken prisoners by the garrison commanded by Captain William Gordon. Montrose encamped that night at Rhives, about a mile from the castle, to which the next day he sent a message requesting delivery of the captives, but this was refused. He then marched up Strathfleet to Rhaoine, thence to the Gruids on the west side of the river Shin. He then led his force to Strath Oykel, and crossed that river to a place called Carbiesdale, near Invercarron, where he waited some days in the hope of being joined by the Mackenzies.

From this point Montrose sent a verbal message to the Earl of Sutherland, that though at this time he had refrained from burning and spoiling his country, yet ere long he should make the earl's own neighbours undo him. This threat, however, was never carried out, as a few days later, after the Earl of Sutherland had parted from his friends at Tain, they surprised Montrose by a cleverly laid ambushade. He had reached a tract of level ground, near the pass of Invercarron, when his attention was attracted by a

small body of horse. He ordered his men to retreat to a rocky hill which was also defended by wood, but Strachan's troopers, though the ground was rough, overtook and attacked them ere they reached the vantage-ground. The rest of the cavalry and the Rosses and Munroes, closing in, completed the discomfiture of Montrose's army, who were rapidly dispersed and pursued. Two hundred were drowned, four hundred taken prisoners, and many slain. Among those wounded and taken prisoner was the Viscount of Frendraught, nephew of the Earl of Sutherland, who was sent to Dunrobin to have his wounds attended to. Although the men of Sutherland did not contribute to the defeat of Montrose, they appear to have joined in the pursuit of the fugitives, many of whom were slain during the days that followed the battle.¹ The battlefield took its present name, Craigeaoineadhan or Rock of Lamentation, from the dreadful carnage of the day, and the ancient name of the place is unknown.

Montrose himself escaped from the conflict which brought about the ruin of his hopes. One of his biographers states that he threw away his cloak with the star of the garter upon it, and left his horse, afterwards exchanging clothes with a countryman. He and the Earl of Kinnoull, with some others of his army, wandered up the side of the river Oykel into the wilds of Assynt, the laird of which territory, Neil Macleod, has acquired an unenviable notoriety in connection with the final capture of Montrose. Gordon of Sallachy, writing at the date, tells us that Captain Andrew Monro, younger, of Lunlair, who was Macleod's brother-in-law, wrote to him requiring him to apprehend any fugitives who came into his district, and especially James Grahame. In obedience to this, Macleod, who, according to the same writer, had some time before been appointed by the Earl of Sutherland his sheriff-depute in Assynt, sent out parties of men to scour the

¹ Genealogy, pp. 552-555.

country. One of these parties discovered Montrose, who was now accompanied only by Major Sinclair of Orkney, Kinnoul having succumbed to cold and starvation. Sallachy further states that Montrose made great offers to Macleod to accompany him to Orkney, which the latter refused, and sent information to the south that the important fugitive was taken.

Major-General Holburn was then sent with a party to receive Montrose, who was conducted to Skibo Castle, near Dornoch, where he was kept for two days. He was afterwards taken to Brahan Castle, and thence to Edinburgh, where he was executed on 21st May 1650. For the events which, as above narrated, led to this disastrous result, Macleod of Assynt has been charged with treachery towards Montrose. It has also been asserted that Macleod was a follower of Montrose, but there is no sufficient proof of this. Neil Macleod himself was shortly afterwards made captain of the Earl of Sutherland's garrison of Stratnaver, an appointment confirmed by parliament.¹ As to the reward, the 20,000 merks placed on the head of Montrose, it is doubtful if Macleod ever received that amount, though Gordon of Sallachy says a portion of the sum was paid to him. The records of parliament show that Macleod repeatedly applied to the estates of parliament between the 17th May and the 5th July 1650 for recompense for "his good service."² But according to popular report, he obtained nothing more than four hundred bolls of damaged meal.³ It was not until after the restoration,

¹ Acts of the Parliaments of Scotland, vol. vi. (2) p. 605.

² *Ibid.* pp. 563-605.

³ One of Macleod's contemporaries was Ian Lom Macdonald, who is variously known as the bard of Lochaber or Keppoch. He was an ardent admirer of Montrose, and assisted him against the Campbells in the famous battle gained over them at Inverlochy. Ian

was no soldier, but used his poetic pen with great invective. He wrote a lament for Montrose under the title of *Cumha Mhontroise*, which is printed at length in "The Beauties of Gaelic Poetry," ed. 1865, pp. 50, 51. The poet bitterly laments the sacrifice of Montrose, and blames Macleod of Assynt as his betrayer in the most caustic strains, in which the sour meal received at Leith is unsparingly condemned as a dishonourable reward.

when the partisans of Montrose were once more in power, that proceedings were taken at the instance of the lord advocate, with consent of the son of the first Marquis of Montrose, against Macleod for betraying the latter. Upon that criminal charge Macleod was apprehended and remained in gaol for three years. The accused denied the facts alleged against him, and also grounded his defence on the indemnity granted by the king in the year 1650. In a letter from the parliament to the king, dated 8th October 1663, the case was fully submitted for his majesty's decision as to prosecuting the charge, or sisting all further proceedings.

Three months later, on 1st December 1663, Macleod petitioned the privy council for a release from confinement on the plea of ill-health, and to escape death in prison. He was allowed liberty within the city of Edinburgh under a penalty of £20,000 Scots if he did not re-enter ward when required. The king and his adviser, the Earl of Lauderdale, did not give their decision on the case till 20th February 1666, when they declared that Macleod was included under the indemnity, and ordered his discharge.¹ He was thus set free without a final trial, and his guilt or innocence in regard to Montrose was never proved.

In 1670 Macleod was again in trouble. He was summoned to answer to a charge of deforcing some soldiers who were quartered on him for failing to pay his taxes. In 1672 he was ordered to be conveyed from Brahan Castle to be tried in Edinburgh, but apparently he was only tried in February 1674 for that and other offences, including the alleged betrayal of Montrose, not as a crime, but as an aggravation. He was acquitted, but in the following year was imprisoned by the Earl of Seaforth, who was ordered to release him.² Misfortunes still continued to follow him, and his whole estate of Assynt

¹ Register and Acts of the Privy Council, 1663 and 1666-7.

² History of the House and Clan of Mackay, pp. 360, 361.

was either voluntarily sold by him or adjudged from him for debt in favour of one of the Mackenzies of Seaforth. He appeared determined not to allow the Mackenzies to have peaceable possession, and was prosecuted for violent resistance. But he never recovered his estates, and he was the last unfortunate Macleod of Assynt, after he and his ancestors had possessed the property for many generations. Neil Macleod died, without issue, about the year 1700, but his name is still reprobated by the public feeling for his apprehension of Montrose.¹

That hero's idea of enthroning King Charles the Second, as is well known, was carried out, after ten years' submission to the Cromwells as protectors of the commonwealth, by another military commander, General George Monck, who was prominent in the restoration of King Charles the Second, and received as his reward the dukedom of Albemarle.

The obloquy attached by tradition to the taker of Montrose applied at a later date to the capturer of the chief of the rival house of Argyll. In 1685 an insurrection was raised by Argyll, in conjunction with the Duke of Monmouth, to dethrone King James the Second. Both Argyll and Monmouth were as signally defeated in their unfortunate rising as was Montrose in his latest attempt. Argyll disbanded his army, and endeavoured to make his escape alone and in disguise, "with a blue bonnet on his head," as a contemporary writer states. Had he been in his own country he might have succeeded, but while crossing a small river near Paisley, in full view of a troop under Lord Cochrane's command, whom he had passed unknown, his movements excited suspicion, and he was followed and seized by one of the troopers.² He was a weaver, named John Riddell, as proved by the precept

¹ The Macleods of Assynt were a branch of the Macleods of Lewis, and held the barony of Assynt from the days of King David Bruce.

² Original letter, giving an account of the capture, in Athole Charter-chest, 20th June 1685. Historical MSS. Commission's Report on Athole MSS., p. 22.

and receipt under his hand, for the pecuniary reward of £600 Scots, or £50 sterling.¹ It is further stated that, as in the case of Macleod, John Riddell, the "wobster," as the capturer of Argyll, incurred the popular indignation, and that to this day the name of Riddell is abhorred by the clan Campbell.

The irony of fate made the capture and execution of the two conquered heroes, Montrose and Argyll, not very dissimilar, although their aims were entirely different, as the one fought for his king, and the other against his king. The degraded condition in which Montrose was hurried from Sutherland, through many towns and villages, to Edinburgh, to meet his doom before the parliament convened there, has been given in detail in various published memoirs of Montrose. His entry into Edinburgh, and conveyance from the Water Gate to the Tolbooth on the hangman's cart, with the hangman as outrider, has been often told, particularly that portion of the narrative which describes the exultation of the marriage party of Archibald, Lord Lorne, on the balcony of Moray House, in the Canongate. In letters recently discovered in the Athole charter-chest, the capture of Argyll, the Lord Lorne referred to, and his entry into Edinburgh, are graphically described. One writer says: "We are all waiting to see Argyll come in and go up the way in great disgrace, which he was not much concerned in. Yet, when the hangman tied his hands about his back, with tow rope tied about his middle and then to the hangman, who went before him, I confess it made him change colours. When he came to the Water Gate, where Captain Graham received him, he put it in his option either to go on a cart, or go up the way on foot, as I have writ before. He said, though he was not very strong for walking, he had rather walk, for he neither loved that coach nor the coachman, which was the hangman."² Thus the unfortunate Earl of

¹ Exchequer Papers in General Register House, Edinburgh.

² Original Letter, Historical mss. Commission's Report, *ut supra*, p. 53—the spelling being here modernised.

Argyll, received at the Water Gate by an officer of the name of Graham, and by the common hangman and his cart, exhibited the same unhappy spectacle as Montrose did thirty-five years before to himself and his marriage party.

Other instances of the similarity of fate between the chiefs of Montrose and Argyll might be added. Part of the dreadful doom pronounced against Montrose was the dismemberment of his body. His head was ordered to be exposed on an iron spike at the west end of the Tolbooth at Edinburgh. It happened to be the same spike which served for exposing the head of his maternal uncle, William, Earl of Gowrie. The head of Montrose remained there till after the restoration, when it was taken down for the royal Montrose funeral in St. Giles. But it was soon replaced by the head of the Marquis of Argyll, which was exposed there for several years. The spike was thus a conspicuous one in history. One other coincidence may be noted, —Montrose was excommunicated by the kirk. Several of the ministers who waited upon him before his execution to induce him to repent, seemed most anxious to get Montrose to acknowledge the justice of his excommunication, in order that it might be relaxed. But he would make no such acknowledgment, and entreated the ministers to let him die in peace. Excommunications were in those times more formidable than now. But Montrose appears to have treated his excommunication as lightly as the present illustrious head of the House of Argyll did a sentence of excommunication foolishly fulminated against him in our own day by a bishop of the episcopal church in Scotland for the sin of holding a different opinion from the excommunicator on the subject of presbytery and episcopacy.

The reference to the ill-feeling among the Campbells against the name of Riddell recalls the popular hatred against Sir John Menteith, the betrayer of a still greater hero than either Montrose or Argyll, the patriot Wallace. According to tradition, Menteith met his victim in friendly intercourse,

having previously arranged with King Edward's soldiers the signal of capture, namely, the turning of a loaf on the table. In memory of this incident it is said that the deepest insult which could be given to any one of the name of Menteith was to turn a loaf in their presence, thus suggesting they were descended from the betrayer of Wallace. A local writer gives an instance of a "fiery Menteith" taking signal vengeance on a fellow-mortal who had the audacity to turn the loaf, or "whummel the bannock," in his presence.¹

As a contrast, however, to these stories of betrayal, we have a signal instance of nobler character, and illustrative of Highland fidelity, in the case of Prince Charles Edward, when he was a fugitive after the battle of Culloden. Attended at first by a few followers in his flight, but afterwards almost alone, he wandered from refuge to refuge, and though a price of thirty thousand pounds was set upon his head, not one of the humble highlanders among whom he sheltered ever thought of giving him up. Flora Macdonald, a real highland heroine, in her womanly devotion to her prince, and her zeal in his service, was only a higher type of those who cared for and watched over him daily during his arduous and long-continued wanderings. But from this episode of the alleged betrayal of Montrose in Sutherland we return to the history of the earl in whose time and territory the once brilliant star of Montrose may be said to have set for ever.

Those men who were to follow Montrose under the leadership of Harry Graham, on hearing of the defeat, were disbanded or shipped for Orkney, but the castle of Dunbeath, which had been seized by the royalists, still remained in their possession. Lieutenant-General Leslie, who had reached Taiu, took a small force under his own command, and with a party of Sutherland men marched into Caithness, accompanied by the Earl of Sutherland. They held a council of war, and sat in judgment upon various gentlemen of the county,

¹ Summer at the Lake of Menteith, by Dun, pp. 29, 30.

after which they besieged the castle of Dunbeath, which was stoutly defended, but was soon obliged by want of water to capitulate. In June the earl went south to his parliamentary duties, but apparently soon returned northward to organise his regiment and prepare it for a march southward, which had been ordered by the committee of estates.¹ The latter were mustering all their forces to meet a threatened English invasion, and in the middle of July Cromwell crossed the Tweed. The Scottish army, under the command of David Leslie, held the invaders at bay during the month of August and until the 3d of September, when the Scots were defeated at Dunbar. Meanwhile the Earl of Sutherland had completed his levy and marched southward with his regiment one thousand strong, but arrived too late to be of service, and he and his troops were quartered at Stirling. In December of the same year, he was again named colonel of the forces in his own district. At the same time, the garrison was withdrawn from Strathnaver, it being understood that Lord Reay would give security for the safety of the neighbourhood, and that the earl might renew the garrison if he thought fit, at his own expense.

The earl's movements during 1650, after the battle of Dunbar, are uncertain, but at the close of the year, and the beginning of 1651, he was residing at Dunrobin, whence he wrote to King Charles the Second, who had come to Scotland in June 1650, and was crowned at Scone on 1st January in the following year. The earl was not present at the ceremony, a fact for which he apologises in the following terms:—"Most Gracious Sovereigne, I mak bold amidst your majesties greater affaires (in the assurance of gracious acceptance) humblie to show that my absence from your majesties royall and happie coronation hath not bein so much occasioned by distance of place and going about the advanceing of your majesties service in thir fields, as that I was not acquainted by any with the dyet, nor had

¹ Acts of the Parliaments of Scotland, vol. vi. (2) p. 533.

I any certaine knowledg theroff till about the midst of this instant." He expresses much regret for his enforced absence, but, he writes, "I am supportit by the comfortable tydings of your majesties joyfull conjunctiōne with your people, to which none breathing shall with greater happines or indevor to his meane power the long and prosperous continuance of the sweit effectis of that happie day than I." The earl concludes by assurances of his continued obedience and devotion to the king's service.¹

A few days later in the same month, the earl again wrote to the king about his nephew the Viscount of Fren draught, who had been allowed to remain in private custody at Dunrobin.² The earl reminds his majesty of the fact, and desires to know his pleasure in the matter. The viscount also wrote expressing his wonder that his uncle had not been freed from his obligations, and he himself not set at liberty. He alleged that no other of the king's subjects was in such a position, and expressed his grief at being rendered unable to serve his majesty.³ It does not appear that this appeal was acted upon, but some little time afterwards the viscount made his peace with the church, and was released.

The Earl of Sutherland did not attend the parliament which met at Perth on the 13th March 1651. He remained in Sutherland, being detained there by bodily indisposition, caused, as he wrote to the king, by the "indefatigable trouble" he had taken to fit out and organise the regiment which he sent south at this date. Gordon of Sallachy states that in

¹ Original letter, dated Dunrobin, 25th January 1651, in the Charter-chest of the Marquis of Lothian, and printed in *Correspondence of the Earls of Ancram and Lothian*, vol. ii. pp. 337, 338. The Earl of Lothian was then secretary of state, which may account for the preservation at Newbattle of this and other letters written by

and to King Charles the Second at this period.

² Various orders had been sent from the committee of estates for the viscount's transmission south, but apparently these had not taken effect.

³ Correspondence of the Earls of Ancram and Lothian, vol. ii. pp. 338, 339.

this month of March the earl sent another "regiment of Southerland and Strathnaver men, wel appointed, to Stirlin to his maiestie," adding, that the king thankfully acknowledged the service to the earl "for anticipating many who lay neerer and promised more to his maiestie than he had done."¹ The letter referred to has not been found, but the statement is so far corroborated by a letter from the earl to the king in the beginning of April. The earl acknowledges receipt of a royal letter fixing the date of march of the regiment, and which he says "did occasione the full extent of quhat power I hade to accelerat thair precedencie unto all the forces on this syde of Spey, as I am confident Lieutenant-Generall Middletone will represent unto your majestie at greater length." He continues: "The indefatigable tronble I haue hade at all occasions, night and day, to haisten the people, hath castin me into a little distemper of bodie, which, with the setling of my affaires, doeth necessitat my humble begging your majesties pardone for some few dayis, being of full resolution to lay asyde all worldlie concernments for waiting upon your majestie and contributing all my meane power and endeavours quhatsumeuir for your majesties service and interest; quhill I estiem it my chiefest happinesse on earth to sie the Lord to exalt yow upon your throne."²

That the king replied graciously may be gathered from a letter written from Dunrobin in May to William, third Earl of Lothian, then secretary of state. The Earl of Sutherland acknowledges receipt of a letter from Lothian enclosing one from the king, and he thanks his lordship "for being contryver of such a gracious letter." He proceeds: "I confess your lordship's goodness rather than anything in me hath moned you therunto, and as I resolue to rest your lordship's faithfull debtour, so doe I perswad myself of your lordship's

¹ Genealogy, p. 559.

² Letter, Dunrobin, 4th April 1651, to the king. Correspondence of the Earls of Ancram and Lothian, vol. ii. p. 347.

continuance." The earl then informs Lord Lothian that his indisposition still continued, and that as he required to "recouer some more strength and better health, being constrained to purge and draw blood," he begged to be still excused from waiting on the king. The earl also entreats that his nephew, the Viscount of Frendraught, "who hath given satisfacione to the church," and whom he sends to be reconciled with the state, may be permitted to live "as a countrieman, and if possible, put in capacitie to doe his majestie and countrie service." He again thanks Lord Lothian for his courtesies, while we learn that he was apparently too indisposed to write the letter with his own hand.¹ His majesty replied that he was satisfied with the earl's proposal that the Viscount of Frendraught should command the regiment during the earl's indisposition, and would give orders to that effect. He further desired the earl not to hasten his coming to the army until he had perfectly recovered his health, but in the meantime "to take speciall notice of any shippes that shall happen to arrive in that countrey, or be driven in there, and to trye if they wer coming to supply the enemy, and accordingly to seaze upon and detayne them." The earl also received permission to appoint those he thought fittest for the service to command the levies from Sutherland.² According to Gordon of Sallachy, the order about the ships was owing to a report that English ships had been sent to Orkney and the northern parts of Scotland.³

These royal letters were issued from Stirling, where the king and parliament were, and where the Scottish army had assembled, and the latest letter from the king to the earl at this time was written under very special circumstances. Cromwell had overrun with a considerable force the south and west of Scotland, and for some months he watched the Scottish force as it increased in numbers and encamped on the high ground near Stirling. At

¹ Dunrobin, 9th May 1651. Correspondence of the Earls of Ancram and Lothian, vol. ii. p. 356.

² May 1651. *Ibid.* pp. 506*, 507*.

³ Genealogy, p. 560.

last, his patience being exhausted, the English general led his army across the Forth at Queensferry and occupied Perth. This move was taken advantage of by the Scots, who, on 31st July 1651, raised their camp at Stirling, and marched southward into England with the king in their midst. It was at this critical moment, and three days before the actual march, that the king wrote to the earl a letter in addition to the more formal orders of the estates, desiring and conjuring him seriously to concur with the committee that what was appointed might be speedily put to execution. The king says, "All is now at stake, religion, the liberty of this antient kingdome, our honour and person, your owne particular fortoune, and all that can be deare to a man of honour. Wee expect at this tyme that you will bestirr yourself, and that you will considder nothing but quhat may sett vp the army againe, and make it in condition to protect the partes of the kingdome that are yett free from the enemy, and, with the blessing of God, to recover the rest from the slaverie they ly under." The letter concludes with an expression of the king's confidence in the earl's diligence and forwardness.¹

The battle of Worcester, on 3d September following, in which the Scottish army was defeated, made Cromwell once more master of the situation, while Monck, who had been left in Scotland with a force of five thousand men, now speedily reduced that country also. During the protectorate, the Earl of Sutherland took little part in affairs, though he submitted to the new government. When the army marched south, a regiment of highlanders was left in Stirling as a garrison, but they soon surrendered. Whether this was the Sutherland regiment, or whether they marched into England with the rest of the army, is not stated, so that what became of the earl's men is not known. According to Gordon of Sallachy, the English army, or a detachment, went north in the end of this year, 1651, and marched through Ross,

¹ Stirling, 28th July 1651, vol. ii. of this work, p. 17.

Sutherland, Caithness and Orkney, "putting all these countreys under contribution and assessment, planting garrisons where they pleased."¹

A deputy was sent from the county of Sutherland to Cromwell's parliament in 1652, but the earl himself is not mentioned until two or three years later. When General Middleton attempted, in the year 1654, to raise a force to act on behalf of the exiled king, he made first Caithness, and then Sutherland, his headquarters, and Dornoch also was the headquarters of Glencairn when he made a similar attempt. Middleton remained some time in Sutherland before marching southward. Whether he was enabled to do this with the consent of the Earl of Sutherland is not clear, but the failure of his expedition after he left the north is well known.

In 1654 an ordinance was issued "for uniting Scotland into one commonwealth with England." Among other clauses were two abolishing heritable jurisdictions and feudal rights, which had the effect of diminishing the profits of all feudal casualties, as they were called. The Earl of Sutherland, in January 1656, presented a petition showing that he had lost £2000 by the taking away of the ward-holding and superiority in Scotland, and he begs for reparation, or for permission to compound for wardships with those that hold of him, requesting exemption from taxes meanwhile.² He also states that he had lost the sum of £5336 by his affection to the state, as reported by Major-General Whalley. A few months later the office of keeper of the privy seal of the commonwealth was conferred upon him. It was proposed and approved that his son, Lord Strathnaver, should be appointed, but we learn from a diarist of the period that the earl himself held the office during the years 1657 and 1658, and he may have occupied the post until the

¹ Genealogy, p. 562. This is the last sentence but one of this work, which we now lose as an authority for the history of the family.

² State Papers, Domestic, 1655-6, p. 127, 22d January 1656.

restoration.¹ It was vacant before January 1661. Other appointments held by the Earl of Sutherland during the commonwealth were those of a commissioner for the universities, and one of the commissioners for the county of Sutherland.

As regards the earl's private affairs at this period, we learn that in July 1654 he placed his estates in the hands of Sir Robert Gordon and other friends, who were to draw the rents and pay all debts and interests, while the earl reserved only a small portion for his own use.² Yet his letters all tell the same tale of debt, and the difficulty of obtaining money. In April 1655 he sent his silver plate to his cousin Sir Ludovick Gordon, younger, of Gordonston, to Inverness, and desired him to superintend the sale of it, that certain creditors named may be satisfied out of the proceeds. The earl also requests Sir Ludovick to obtain for him from the military commandant in the district a pass into Strathnaver, that he might go and see about the letting of his lands there, as intending offerers asked a lowering of the rents.³ In October of the same year he gives account of his difficulties to his uncle, Sir Robert Gordon. He found it difficult to raise £200 sterling as desired by one person, as the salmon-fishing that year had failed. The Strathnaver rents were already mortgaged, and the earl adds: "I can hardly expect on houndreth pounds from that, considering how ewell payers they ar, and the ley land is ther." The earl then enumerates other creditors, including Sir Robert himself, and states that their needs "will exhaust more than I expect to get in, and no word off my selff for my servants'

¹ State Papers, Domestic, 1655-6, p. 364; Acts of the Parliaments of Scotland, vol. vi. (2) p. 760; Nicoll's Diary, pp. 207, 222.

² Articles between the earl, his wife and their friends, Gordonston, 19th July 1654, at Halmyre.

³ Dunrobin, 18th April 1655. Vol. ii. of this work, pp. 173, 174. A curious entry

occurs in the diary of the laird of Brodie on 10th April 1655: "I heard of the contempt which others had of the honest, poor Earl of Sutherland, and that they wer setting themselves against him in the firth of Dornach, and could not but be affected at it. I commended him and his simpliciti to God." [Diaries of the Lairds of Brodie, p. 126.]

fies and moneyes." He proceeds: "I behowit both to borrow for my owen wsse and other things for the wsse of the house, which must be payit . . . for I think it a sinne to withhold servants' fee, some abowe two yeirs resting, and ther is none, I think, that makes conscience off ther wayes, bot will think it a veight on ther spirits, and its on of the crying sinnes." The rents of Kildonan were not expected to yield much, because a good deal of the land had been "blastit with the water in the summer speats. Ther cornes haue not taken meal, and you knowe, except som mairt, and mutton in the cost syd, what can be expectit, Strathbrora now being wedset." The victual crop also, the earl calculates, is not to be depended upon to yield money, and he thus concludes this portion of his letter: "This popell haue gotten such a coustome off rest, befor I enterit with them, that the world can not make them good payers, trusting ewer what is resting will be still forgiwen as it was at my entrie, or otherways we must cast our lands leye iff we exact them," a sentence which might be echoed by highland proprietors at the present day.¹

Another source of embarrassment to the earl was the fact that both his sons, Lord Strathnaver and a younger brother, were in London, and were spending more than could well be afforded. This appears from a letter to Sir Ludovick Gordon in February 1656, when the earl laments: "As for moneys I have none, for trewly Captain Cambell left me als bair as the birke [birch] at Crisness when he went last south, and I haue gotten in none since, nather doe I expect much in heast, except a littell from Strathnaver," but even that he indicates must go in part payment of £400 or £500 sterling his sons had received in London. "Iff I wer als exorbitant in my spending

¹ Dunrobin, 29th October 1655. Vol. ii. of this work, pp. 175, 176. In December of this year, the earl appears to have contemplated a journey southward, but was dissuaded by the laird of Brodie, who records

the fact, on account of a great storm then raging. [Diaries of the Lairds of Brodie, p. 170, under date 10th December 1655.] The earl had travelled as far as the laird's neighbourhood.

as they ar, I wold be called a destroyer of the housse. They hawe exceidit tuisse that is allovit for them. Yow knowe ther was 4000 merkis a yeir allovit for them; it is not two yeirs since they went for Loundone, till Lambes nixt, and they hawe spent, iff it be trewe that Captain Campbell wryteth, abowe 16,000 merkes. Wher shall all this moneys be haid? however, I will say no more off this untill Captain Campbell's returne, that I may knowe the certantie theroff." As an instance of the earl's want of ready money, he writes in the same letter: "As concerning our coussing Patrick, he pressit me to let him goe ower to vissit your father, and treulie I haid not bot on doller, and I was necessitat to borrowe als much from the old chalmerland as maid it out ten pounds for to make his chairges ower. He went from this yeisternight to Kirktoone, and I think he hath gone ower this day to yow, yeit I am not suir."¹ On the other hand, the earl hoped to increase his income by various means. John Gray, he writes, "Creich's brother, is sicking my lands about Dornoch in wedset, and offers only ane thowsand pounds the chalder, which I think too lowe a rait. Ther is ane other gentellman, off the name off Ross, that offers me his money at Witson-day, some 4000 merkes. He will take Brora and keipe ane inne ther, and only desyres the superplus of his intrest at 8 merkes the boll out off the bolle to be giwen him yeirly, which, iff it could be effectuat for some yeirs, wntill we lookit about ws, I think it wer no ewell bargane. Bot if I set anie takes off Brora, if we can doe anie thing in coll workes, and draw anie popell in to that end, they can not leiwe [live] without Brora." On these and other particulars the earl asks his cousin's opinion.²

The next few years were comparatively uneventful, as the only notices of

¹ The cousin Patrick here referred to was a younger son of Alexander Gordon of Navidale. Sir Robert Gordon of Gordonston, whom he proposed to visit, was then on his

deathbed, and died not long after the date of this letter.

² Dunrobin, 28th February 1656. Vol. ii. of this work, pp. 177, 178.

the earl on record are those already cited of his public offices. In the beginning of the year 1660 he was in Sutherland, and holding a correspondence with his son, Lord Strathnaver, who had, in the previous August, married in Edinburgh Lady Jean Wemyss, eldest daughter of David, second Earl of Wemyss, and widow of Archibald, Earl of Angus. Lord Strathnaver appears to have remained in the south, where his father wrote to him, and, from his letters, we learn something of the family circumstances at the time. The first letter preserved is dated 27th March 1660, and deals chiefly with matters personal to Lord Strathnaver, but, in one sentence, the earl expresses a fear that a party of soldiers will be quartered on him, probably on account of the land-tax.

The whole nation was then looking forward to the restoration of King Charles the Second. In a letter from the earl to his cousin, Sir Ludovick Gordon, he writes that he had heard of the great news, and that as the Lord had brought the king in, he trusted that he would have work for him which would be for his glory and the good of his people.¹ In another letter dated 2d July 1660, when Lord Strathnaver had written from York, on his way either to or from London, after the king's triumphal entry, the earl writes, "Sir Lodowick [Gordon] reports that Scotland will be more miserable than ewer, seing the king is gowernit and doth nothing without his parliament, and they say all their miseries come from us; they hawe found us lowe, and they will hold us so, seing we ar a factiouss popell. What shall I say, bot as Sir Jhone Scots byword was—God mak all weill."²

Later letters from the earl in September 1660 inform his son and daughter-in-law that his visit to the south would not be so speedy as they hoped, as the parliament would not meet so soon as was expected. He dwells on the selection of the two parliamentary commissioners for the

¹ Original letter at Halmyre, dated 24th May 1660.

² Original letters in Sutherland Charter-chest.

county of Sutherland, and the charge their expenses would be upon the community; proposing that his second son, Robert, should be one, Sir Robert Gordon of Embo the other, and that the latter should receive his expenses. The earl also recommends his son to use all his influence to get the bearer of the letter appointed sheriff-clerk of the county, and he further expresses anxiety about the selection of certain commissioners for the county assessments.¹

The earl's parliamentary duties led him to Edinburgh towards the close of the year 1660. He was residing at Holyrood-house on 21st December, when he wrote to David, second Earl of Wemyss, as to certain writs of which he desired inspection, as there was lyke to be gryt debeats for places at this parliament," which meant a struggle for precedence, and the earl wished to have documentary proof of his rights, but the fact that his titles were in the hands of Lord Wemyss is not accounted for by any known transaction between them.

The parliament met with the usual pomp on 1st January 1661, the Earl of Middleton being the king's commissioner, and in the opening ceremonial the Earl of Sutherland carried the sceptre. On the first day of meeting he made the usual protest for precedence. On the 4th of January, the second day of the parliament, the earl joined with the majority of the members in taking the oath of allegiance, an act which he probably did in good faith, but which, from the terms of the oath, contradicted his former adherence to the covenant. In regard to the more important act known as the Act Rescissory, which was passed on 28th March 1661, and which swept away as invalid the whole proceedings of parliaments after the year 1633, thus repudiating all that the earl and his fellow-covenanters had contended for, it is not known what part he took. The act was ill drawn, and when brought before the

¹ Dunrobin, 21st September 1660, vol. ii. of this work, pp. 179-183.

² Memorials of the Family of Wemyss of VOL. I.

Wemyss, vol. iii. p. 104. Lord Strathnaver went across to Wemyss and received the writs on 24th December 1660.

house was strongly opposed and long debated. It was passed only after a struggle into which the whole influence of the government was thrown, but whether the earl was among its opponents is nowhere recorded.

It is probable, however, that he was not in sympathy with the proceedings of the parliaments, as his name occurs only once or twice in its records, and he was absent from future sessions. In 1662, under the act which restored episcopacy as the form of church government, Patrick Forbes was appointed bishop of Caithness, and soon after his consecration, laid claim to the rents that the Earl of Sutherland was drawing from church lands. The papers in the Sutherland charter-chest bearing on the subject are fragmentary, and give little information, but the questions raised appear to have affected Lord Strathnaver more than his father. They were submitted to arbitration, and to facilitate a settlement, the earl wrote to the arbiters that he was willing to resign in favour of his son all the lands he held from the bishop with his bailiary, on condition that the bishop granted a new infeftment to Lord Strathnaver, and accepted him as tenant in his place.¹ The result of the arbitration is not stated, but the bishop pursued other claims against the earl himself during the year 1663. The reason of the action against Lord Strathnaver was his father's resignation in his favour of the earldom in which he was infeft in May 1662, but this fact will be dealt with in his memoir. Meanwhile, it may be stated that the questions in dispute with the bishop of Caithness appear to have been settled in 1664 by the earl resigning the lands of Durness and others into the hands of the bishop, who then, as superior, re-granted them to Lord Strathnaver.²

The remaining notices of this earl are not numerous, nor are they of special importance, owing, no doubt, to his having given up the management of his estates to his eldest son, Lord Strathnaver, to whom he resigned the

¹ Offer, 15th December 1662, in Sutherland Charter-chest.

² Original Writs, *ibid.*

earldom in 1662. This arrangement had been first proposed in 1658 in a contract between father and son, in terms of which the earl resigned the lands into the hands of the protector, but no charter appears to have followed, and it was not until February 1662 that the arrangement was completed by a resignation in the hands of the king, followed by a crown charter and sasine in due form.¹ So little part did the earl, after this resignation, take in public affairs, that most of the genealogists record his death in 1663, but this is erroneous, as he survived till near the close of the year 1679.

During the intervening period he is mentioned several times in the records of parliament, but only as protesting for precedence, which he did by proxy, and as one of the commissioners for his county, which was a mere matter of form, the latest reference to him being in 1678. His name also occurs as one of the pursuers in a complaint, made in December 1668, against the Earl of Caithness and a number of others, for invading and plundering Strathnaver in the beginning of that year, a matter which was compromised. These seem to be the chief references to him, and he probably retired wholly from public life, as in the compromise referred to, his son acts for him, and he is not named in 1675, when Lord Strathnaver was obliged to place the estates in the hands of trustees for behoof of creditors.²

The earl's death took place on 14th October 1679, at the age of seventy. We learn this fact chiefly from an elegy written at the period, which states his age and the date of his death.³ A few lines may be quoted, to show the somewhat ponderous character of the original. The writer, after commenting

¹ Original writs in Sutherland Charter-chest.

² Cf. vol. ii. of this work, pp. 201-213. The compromise will be more fully noticed in the next memoir.

³ From a letter in the Gordonston Charter-

chest, dated 10th November 1679, from Lord Strathnaver to Robert Gordon, younger of Gordonston, it would appear that he was unable to be present at his father's funeral, and also that the earl's burial was not attended with that ceremony that was desired.

on the earl's length of years, and the antiquity of his honours and pedigree, refers thus to his resignation of his estates to his son :—

. “ Here behold
 This earl thus full of honor as you'r told
 Whil'st yet alive resignes that glore, that he
 Might live and tread on earthlie maiestie ;
 That he another kingdome might find out
 As if a stranger here he walk't about,
 Accounting all things here below as vain
 That he an heavnly treasure might obtain :
 Yet whil'st he liv'd both loyall to his prince
 And constant was for 's countries laws defence,
 Not with religious mask to seek himself
 Or thereby to advance this world's base pelf.
 O happie, happie soul ! who scarce didst know
 What 'twas to mind terrestriall things below,
 Nor to be great (tho great thy self) did'st rome
 But still aspir'st to thy celestiall home.

.

THE EPITAPH.

Vpon this tomb write thus, here rests
 JOHN the vert'ous and the blest
 Set far beyond those of his name
 His vertues be convoyed by fame
 To future ages, to set forth
 For an exemple his true worth,"¹ etc.

That the earl's memory was revered for some time after his death, we learn from Wodrow, who many years later writes of “ the old good Earle of Sutherland, who was most eminent for religion before the Restoration, and did great services for it in his country.” The historian adds a curious anecdote : “ It's traditionally told that as he (the earl) was a very closs and

¹ Original MS. in Sutherland Charter-chest.

regular keeper of sermons in his own church, so when the precentor was away, and it was necessary, he would, from his own loft (gallery) have presented and read the line to the congregation!"¹

John, thirteenth Earl of Sutherland, was twice married. His first countess was Lady Jean Drummond, only child of James, first Earl of Perth, whom he married at Seton on 14th February 1632. Their marriage-contract was signed at the Canongate, Edinburgh, some days previously, the lady's guardians being her mother, Lady Isabel Seton, and her uncles, John, second Earl of Perth, and George, third Earl of Winton. The dowry paid to the earl was fifty-three thousand merks. The countess, according to the contemporary family historian, was "the best marriage in Scotland then, either for meanes or friendship, or the person of the woman." She is also described as a "verteous, comely, and prudent lady," and she and the earl "lived happily together, in great love, and mutuall amitie."² This happy married life was unfortunately cut short by the death of the countess on 29th December 1637. She was, according to Sir James Balfour, buried at the church of Seton by night, and without any funeral ceremony, but Gordon of Sallachy records that her body was carried to Sutherland and interred at Dornoch. Both statements may be true, as her remains may have been only temporarily deposited at Seton, until they could be taken north, in obedience to her own dying request.

Another wish which the countess expressed, and in regard to which her husband came under a special obligation, was that her jewels should be handed over to their daughter, Lady Jane Gordon, at the age of fourteen. The obligation, which is dated the day before the death of the countess, enumerates the articles of jewelry separately, as follows:—

¹ Wodrow's *Analecta*, Maitland Club Ed. vol. iii. p. 516. His authority was Mr. H. Cross, minister at Bower, in Caithness.

² *Genealogy*, p. 459.

“The lady Wentowne, the said Lady Jeane’s grandmother, hir picture cais, sett about with diamonds ; Item, my Lady Roxbrugh hir picture and cais of gold, and parroket of gold, and hinger for the brest, with tuentie-foure diamondis wanting the crowne ; another hinger for the brest, with nyne diamondis ; Item, ane hinger for the ear, with thrie diamondis ; Item, another hinger for the ear, with tuo gold enamoled dowses, and ane heart with ane diamond ; Item, ane poined [sic] diamond ring ; Item, another ring with fyve diamondis ; Item, ane chenzie of perle, with gold bedis ; Item, another of agattes and gold beidis ; Item, another of whyt cornelein and gold floes ; Item, ane bracelete of red cornelein and silver bedis ; Item, another bracelet of small pearle and garnatis ; Item, ane litle golden bracelete ; Item, twentie-thrie goldsmith work buttones with pearle ; Item, ane hatband of goldsmith work.”¹

These were the jewels, and we find the earl, some years later, writing to his law-agent about his daughter’s cabinet, which is to be kept at Elphinstone in his charter-chest, seeing he is “strickly bound for it.”²

Earl John married, secondly, on 24th January 1639, the Hon. Anna Fraser, eldest daughter of Hugh, eighth Lord Lovat. The marriage-contract bears neither place nor date, but a charter by the earl in favour of his future spouse, and granted on the same day, is dated at Lovat, 22d January 1639, and Gordon of Sallachy says the marriage took place two days later. She is described as “a good and provident lady, and a fit match for him (the earl) in regard of the friendship and allyance.”³ Anna Fraser, Countess of Sutherland, died at Dunrobin on 29th July 1658, without issue. A diarist of the period records a report of her death three years previously.⁴ She was buried at Dornoch on the 10th August following.⁵

The earl had issue by his first wife only, three sons and a daughter :—

¹ Contemporary copy obligation, 28th December 1637, in Sutherland Charter-chest.

² Original letter to Alexander Linton, 4th July 1640, in possession of Mrs. Ferguson, 5 Forbes Road, Edinburgh.

³ Genealogy, p. 497. Original writs in

the Sutherland Charter-chest.

⁴ Second Report of Historical mss. Commission, p. 179 ; Diaries of the Lairds of Brodie, p. 143, date 24th July 1655.

⁵ “Social Life in Former Days,” second series, p. 81.

1. John, Lord Strathnaver, born 21st November 1632. In a letter from his mother to Sir Robert Gordon, dated at Dunrobin, 12th July 1634, she mentions that her "little boy John" fell sick, and alarmed her very much.¹ He died of smallpox, at Dornoch, on 14th October 1637.
2. George, Lord Strathnaver, who succeeded his father as fourteenth Earl.
3. The Hon. Robert Gordon, born at Dunrobin on 31st December 1635. He was elected commissioner for Sutherland to the parliament of 1661. He married Jean Mackay, eldest daughter of John, Lord Reay, and secured his bride in the lands of Langdale, in the district of Strathnaver.² An old ms. states that Robert Gordon, the Earl of Sutherland's son, soon after his marriage with Lord Reay's daughter, and while in Strathnaver, "fell into a high fever, and in five days died, to the regret and grief of all who knew him, being truly the prettiest Gordon alive."³ The ms. adds, "The poor creature (his wife), left a young widow, wept out her eyes, and lived desolate and disconsolate all her days," but this romantic statement is erroneous, as, before March 1676, she married Hugh Mackay of Strathy, who granted a liferent charter in her favour. They had no issue.⁴

The daughter was—

Lady Jean Gordon, born at Dornoch 10th October 1634. She married, contract dated 11th July 1657, Captain Robert Stewart of Ethay, who settled upon her his lands of Ethay in Orkney.⁵ They had issue.

¹ Original letter at Halmyre.

² Contract, dated at Durness, 14th November 1665, in Sutherland Charter-chest.

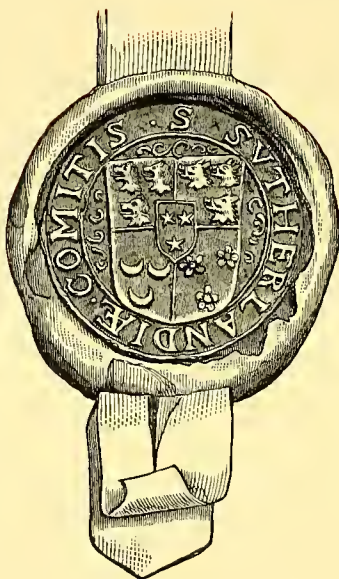
³ Extracts of ms. under date 1671 given in

Inverness Courier of 11th February 1835.

⁴ History of the House and Clan of Mackay, 1820, p. 392.

⁵ Writs in Sutherland Charter-chest.

A large, stylized signature in cursive script that reads "Sutherland". The letter 'S' is particularly large and decorative, with a long, sweeping tail that loops around the bottom left. The 'u' and 't' are also highly stylized, with the 't' having a long, vertical stem and a decorative flourish at the top. The signature is written in dark ink on a light background.



James Drummond

John Sutherland



XVI.—GEORGE, FOURTEENTH EARL OF SUTHERLAND.

LADY JEAN WEMYSS, HIS COUNTESS.

1679-1703.

GEORGE, fourteenth Earl of Sutherland, was born at Dornoch on 2d November 1633, and became the heir-apparent to the title and estates of Sutherland by the death of his elder brother in 1637, after which he bore the courtesy title of George, Lord Strathnaver, till his succession to the earldom in 1679. Of his education and early training we have no account. The first reference to him among the family papers tells us of a visit he and his younger brother Robert paid to London, where they remained from September 1654 to May 1656. It was in connection with this visit their father complained that they had spent so much money. He credits them in February 1656 with 16,000 merks Scots, equal on a rough computation to £890 sterling, but the account of their expenditure has been preserved, and amounts, for their whole sojourn in London, with their journeys there and back to Sutherland, only to £685, 15s. 3d. or £200 less than the earl feared.

The account is very minute, enabling us to mark nearly every detail of the young men's daily life and pursuits. They set out from the Spey on Friday, 4th August 1654, and on the following night arrived at Turriff, where they spent the Sunday. Thence they travelled on horseback by Aberdeen, Stonehaven and Bervie to Dundee. They spent a night at Stobhall, whence they went to Wemyss by Auchtermuchty; and thence by Alloa, Stirling, Elphinstone,¹ Kinneil and Corstorphine to Edinburgh. While at Stirling they sent a message to "the generall," probably General Monck, from

¹ Airth was so called at this time.

whom a pass into England was required. The young lord and his brother made a stay of eleven days in Edinburgh or Leith, where they paid £3, 1s. 6d. sterling for their lodgings and food during that time. They also provided themselves with napkins, boots, stockings, drawers, sword-belts, spurs, gloves, and other articles of dress. Lord Strathnaver further spent £2, 2s. 8d. in a special journey to Stirling. Their whole expenditure of journey, outfit, etc., between the Spey and their leaving Leith, was £23, 12s. 8d. The servants, whom they brought with them, were here sent home.

The young men left Leith on horseback to continue their journey on Tuesday, 29th August, and reached Ayton that night, halting at Cockburnspath for "secke." They travelled by Berwick, Belford, Alnwick, Morpeth, Newcastle, Durham, Darlington, Northallerton, and Boroughbridge to York, from which place they took coach to London. The fare to London was £3, and they paid 1s. at each change of coachman. The coach travelled by Ferrybridge and Barnby, where they spent a night, to Stamford, where they apparently stayed over the Sunday, and on the evening of Tuesday, 5th September, they arrived in London, after exactly a week's journey. King Street is mentioned as the place of their residence, which probably refers to the street of that name in Westminster, as they speak of going "to London" by water or other ways, as if they did not reside in the city itself. Their first purchase on the day after reaching London was "som news bookes and other pepers," for which they paid 10d. Another 10d. procured a knife, probably to replace one lost on the journey. On the next two days they went to London by water, and provided themselves with various articles of dress and personal adornment, coloured cloths, taffety, ribbons, "72 yards gold and satin fancie," gold and silver buttons and the like. "My lord" got his hair cut for 1s., while powder puff and combs cost 3s. 6d. They also bought two books at "Popshead Alley" for 6s. 8d. On their first Sunday

they attended divine service at Allhallows, and in the course of their stay they were exemplary in their attendance at divine service, though not always in the same church. St. James's, Martin's, Hammersmith, Battersea, and "Common Garden," or Covent Garden, are mentioned, besides others unnamed.

They also did a certain amount of sight-seeing. The monuments in Westminster, the Tower, John Tradescant's monument, "Village" (Woolwich) and Bedlam, "the Turkish artist," "Captain Bryssie's ship," Billingsgate, "sieing a dromadarie," Hampton Court, "sieing a man wryt with his mouth," "the banqueting house," the Isle of Dogs, Greenwich, Brenford, "sieing the Swedish fireworkes," Goring House, Wimbledon, and the Lord Mayor's show, are among the places and objects named as being visited. They paid a visit, apparently of some duration, to Epsom Wells, and they walked occasionally in St. James's Park. Their amusements included golf, tennis, and bowls, a bull-baiting on one occasion, and also apparently cards and chess. They took lessons in dancing and fencing, and the purchase of an English dictionary, a French grammar and book of verbs, and some mathematical books and instruments suggests that they continued their studies in these subjects. It may be interesting to note that among the books purchased by them, besides the diurnals, news books, pamphlets and papers, which they bought at frequent intervals, were "a litle booke called Modern Policie," "a litle map booke," "a map of London," "the Act of Government and Union," "a booke called Jehu in his Collours," "a booke of Europe," "a booke called the Fort Royall," "a booke of planting," "a booke called Advice to a Son," "a booke called Philovantach, his Secretts of Philosophie," "a booke called Cristian Diarie," "Religio Medici," "som quaker bookes," "Gunters Mathematicks," "Wingatt's Logarithms," "a booke called Mathematicall Recreationes," and "a litle book of surveying." The first book named is "Curia Politica," but of this they had a loan.

Of their private life we have a good many glimpses, which may be briefly noted. They appear to have dined away from home regularly, except on Sundays, and, on at least one occasion, when confined to the house by some ailment. But in the evening they had bread and butter, or cheese, with ale or beer, in their chamber. They frequently, during the later months of their stay, received visitors to dinner and otherwise, among others the Marquis of Argyll and the Earl of Moray. Lord Strathnaver appears to have been liberal with his gifts of "drink-money" when visiting at the houses of his friends and entertainers. A good deal of money was also spent on petitions and interviewing secretaries and various prominent men, evidently on the subject of the losses sustained by the Earl of Sutherland, but the result is not stated.

The young men having, it is stated, paid all their bills, began their journey northwards in May 1656. They halted for a day or two in Edinburgh, and then went by boat to Kinghorn, and thence to Kirkcaldy and Wemyss. Thence they went to Perth, Stobhall, Drumkilbo, Brechin, and Aberdeen, and by easy stages through Strathbogie to Brodie, Rosmarkie, and Tarbet, until they reached Dunrobin.¹

It may have been in consequence of some application to the Protector at this time that Lord Strathnaver was proposed and approved for the office of lord privy seal in June 1656, but, as indicated in the previous memoir, the post was given to his father. He was named more than once during the commonwealth as a commissioner for assessment, and in the act for security of the Protector's person he was appointed one of the commissioners to try any offences against Cromwell.²

So much confidence had Lord Strathnaver and his father in the government of the protectorate that, even after the death of Oliver Cromwell, the

¹ "Accompt of my Lord Strathnaver's charges," etc., in Sutherland Charter-chest.

² Acts of the Parliaments of Scotland, vol. vi. (2) pp. 760, 841, 847, 854, 884.

earl resigned his estates in favour of his son, and the latter, in November 1659, accepted a signature for a charter from Richard Cromwell as protector.¹ The resignation on which this signature proceeded was made in terms of a contract between the Earl of Sutherland and Lord Strathnaver in January 1658. The signature referred to was not followed by charter and sasine until May 1660, just before the restoration of King Charles the Second. These arrangements were probably made in contemplation of Lord Strathnaver's marriage with Lady Jean Wemyss, which took place at Edinburgh on 11th August 1659.

After his marriage, or rather in the beginning of the following year, Lord Strathnaver had gone northward for a brief visit, chiefly, it would seem, to deal with his creditors, but he returned southward in the end of March 1660. During his absence from home at this time, his wife, who was an active business lady, wrote frequently to him. One of these letters has been preserved, and may be partly quoted. She begins:

“Dearest heart, I know so well your longing to hear from me by my own to hear from yow, that I am desyrous to let no occation slip of writing to yow I intend to stay heer (Canongate, Edinburgh) till yow come to me, and wilbe endeavouring to get the money from Selkirk² that he owes me. I hope yow have by this time received my leters shewing yow of the Markques of Douglas³ death, which will necessitate me to stay heer till wee have a session, yet the benefite which wee may reap by the Lord's blessing on my endeavours, may make us dispense with the pains or expense we may be at for a litle time, so, my love, my opinion to yow is, that yow order your bussines where yow are befor yow come to me, for it may be yow will not get returned north sudenly, yet if ther be no sumer session, its lyke I may goe north with yow in the beginning of June, and come back in September, if thee Lord spare me life and health, but I will setle my children in Presston till I come back, if the Lord will.”

¹ Signature, dated Edinburgh, 7th January 1659, in Sutherland Charter-chest.

² William Douglas, Earl of Selkirk, brother

of Archibald, Earl of Angus, the lady's first husband, and afterwards Duke of Hamilton.

³ William, first marquis, her father-in-law.

She gives direction for providing baggage horses, etc., and continues :

“Dear heart, neglect not to take six pound for your bear (barloy), for it is a good price as vidual now sels. I wold have your bear sold and delivered, and your annual reuts payed with the money befor yow come heer, only I wold have yow reserve one thousand mark to bring alongs with yow, for yow know our moneys heer is already laid out.”

Lady Strathnaver refers further to money matters, and her husband's business in the north, and then deals with public affairs :

“I long much to hear from yow ; since your being in Strathnaver, ther is great revolutions in affairs at London, which I believe, my dear, yow will not be sorie nt, for the old parlaiment, which was the behcadors of the king and the doers of many other crenltys, are now raised, and the secluded members, which agreed with thee king when he was at the Yle of Wight, are now called in, and set down in parliament, and they have voted a free parliament to be called, and to sit down on the 25 of Apraile. They have set at liberty the Earles of Crawfoord and Lawderdail, and the Lord Sinclaire, and it is hoped that this free parliament will call hom our banished king, yet some fears they wil be for a commonwealth. Wee have much need to pray that the Lord wold direct them, and make them maninms in a bussines which so much concerns God's glory, the honour of our king, and theo good of our country.”

In one of her postscripts, Lady Strathnaver adds :

“My dear, be pleased to try out for a hart's or deir skin muf, and bring alongs with yow that I may give it to my Lord Ruthven ; such a one as your brother had wold doe very well. I wold also have a pot of hart's greish and a northern plaid.”¹

A few months later, other plans engaged their attention, and in June 1660 Lord Strathnaver and his wife went to London to greet the king after his restoration. We learn this from letters by the earl to his son, which relate to the latter's personal affairs, and difficulties with creditors. An extract from one letter may be given, showing the character of these transactions and the inconveniences experienced about the sale of goods. The earl writes that Sir Robert Gordon of Embo had told him that at Inverness :

¹ Letter, 2d March 1660, in Sutherland Charter-chest.

“He did meit with Jhone Forbes off Culloden, who earnestly desyrit ane accompt to be fittit betwixt him and us, which I have condeseendit to, and have appointit him to come ower heir about the 20 or 24th off Jullie, and in the mean tyme to send a packer for to pack two or thrie last off fishe in Helmsdail, seing manie off the fats who ar tight ar alradie full ther, seing we wer disapoyntit by Cunlieh of stings (we have payit for), and when we sent for them could not have them, so that without a packer we may be mutch prejudgit. In the mean tyme we have sent ane ordour to bring in all the brewers fats in the parishe of Loth, seing (in this seairee yeir) they mak no wsse off them. You wold adwysse, iff ther be more as will pay Jhone Forbes (for himself says ten lasts will pay him) what to doe with them, iff yow will let him have them on that samen rait off the bargane (iff he will giwe so much), or iff we shall giwe him all vpen the rait that others gets on this syd off Spey, which I am affrayit will not be so much as he gives us alradie, yeit iff he will not giwe ws so much as formerly for the superplus we must off necessitie tak the other. Iff yow think yow can not doe better, I think in the thrie waters ther wilbe alradie about 14 or 15 lasts taken, and I think they fishe not weill iff in the thrio waters in this insewing mounth they kill not other fywe lasts, so that iff ten pays Jhone Forbes, iff yow find ane good offer yow may sell other ten, or less or more as ther is, bot doe not tye yourself to a falzie without you sell within bounds.”

Later on, in the same letter, the earl lays another commission upon his son of a different character, to find a tutor, or chaplain, for the family at Embo :

“Sir Robert (Gordon of Embo) shoves me that he did acquaint yow that Mr. Jhone Gordoune was to leawe the family shortly, therfor yow wold doe weill to prowyl on for it at farrest against Mertiness, bot it wer necessarie presently iff possibly it could be doune. Ther is a good young man who hath the Irishe langwadge presently at Edinburgh, callit Mr. Michael Cumming, a brother off Mr. George Cumming, minister at Urra ; if he could be haid it wer best, because he might be employit thereafter (iff found qualified) to some off our churehes. Iff yow can not find him or get soume other, acquaint ws, and we shall cause trye about the lawriatione at Aberdeine, iff we can find anie ; for the family will goe quyte lousse iff ther be not dewtie kept vp, and on to owersie them.”¹

¹ Original, 2d July 1660, in Sutherland Charter-chest.

Lord Strathnaver was still in London on 4th August 1660, as appears from a letter addressed to him by Sir Robert Gordon of Embo, alluding to the settlement of the account with Forbes of Culloden, above referred to.¹ He was probably again in Scotland in the following month, when his father wrote to him about the proposed commissioners for the shire of Sutherland to be elected for the ensuing parliament, one of whom was to be his younger brother, Robert Gordon of Langdale.²

The next notice of Lord Strathnaver is his presence in the procession which accompanied the remains of the first Marquis of Montrose from the place of his interment to the abbey church of Holyrood. This was done a few days after parliament met, and in obedience to the express command of the king. The provost and magistrates of Edinburgh, with the nobility and gentry, and four companies of the train bands of the city, went in state to the place of execution on the burgh moor, and in their presence the remains of Montrose and of Sir William Hay of Dalgetty were disinterred. The bodies having been wrapped in fine linen, and placed in suitable coffins, were then borne by the nearest relatives and friends of the deceased, under a large pall or canopy, one of the supporters of which was Lord Strathnaver. Under the escort of a body of horsemen, composed of the noblemen and gentlemen present, the bearers walked to the place where the head of Montrose still remained, and it was now taken down and placed with his body in the coffin. They then continued their march to the abbey of Holyrood, where the bodies lay in state until the 11th of May, when a gorgeous funeral solemnity was accorded them, in which second pageant also Lord Strathnaver took part.³

In the beginning of the year 1662, Lord Strathnaver was placed in virtual

¹ Vol. ii. of this work, pp. 178, 179.

² *Ibid.* p. 182.

³ Contemporary accounts quoted in Napier's *Memoirs of Montrose*, vol. ii. pp. 826-836.

possession of the family estates under a resignation by his father,¹ and from this time appears as the principal person in all transactions regarding the Sutherland estates. Lord Duffus in November 1662 writes to him as to a dispute about the taking of mussels. Lord Strathnaver had ordered certain boats belonging to Lord Duffus to be disabled by the removal of their rudders, because their owners had taken mussels from the south side of the Dornoch Firth. Duffus disputed Strathnaver's right to do this, but how the question was settled is not recorded, though the rights of ownership were apparently still in debate in December 1663.²

During the years 1663 and 1664, Lord Strathnaver had some questions with the newly appointed bishop of Caithness, Patrick Forbes, who claimed the teinds of certain church lands held by the Earl of Sutherland and his son. It is difficult to ascertain the whole circumstances of the case, but the bishop impugned the validity of Lord Strathnaver's infeftments to the lands and teinds in question. The bishop, in the end, granted to Lord Strathnaver a charter of novodamus and feu-farm of the lands of Durness, and also lands in Golspie and Dornoch parishes, including the town of Dornoch, the yearly feu-duty amounting to £252, 18s. 4d. Scots. An act of parliament in 1662 discharged Lord Strathnaver and his father of the stipends of various churches in Sutherland, which were duly accounted for.

During the interval between the years 1664 and 1667, nothing has been ascertained of the history of Lord Strathnaver. He probably divided his residence between Sutherland and Edinburgh. At all events, his residence in the north was not permanent, as in a letter addressed to him on 10th April 1667 his absence is referred to, during which it would appear that disorders had broken out, and something like brigandage prevailed in Sutherland. So

¹ Original Crown charter, precept, and sasine in Sutherland Charter-chest.

² Vol. ii. of this work, pp. 183-186.

at least we gather from a complaint by John Murray of Aberscross and his brother David, against certain Murrays and Neilsons who were fugitives and rebels. The petitioners plead their sufferings at the hands of these marauders, "not getting ane groat of our awine to mantaine ws aither in meate or in cloath, and our hous to be thryse plunderit, our mother cast out and lyke to starve for laike of mantinence, our selfvis taikine prissoneris to wildernessis, and bound lyke theives, and winditt (wounded) in our bodies, some of ws having beine lying in on bedd, not being able to sturr for the space of thrie monethis, and yitt not able to travell ane quarter of ane myle on foott," with other enormities. They allege that the doers of these things, notwithstanding proclamations against them, are harboured "quhairvir they pleis, in everie corner in the cuntrey . . . so that such barbaritie and inhumanitie was not vsit in Lochaber, or the most barbarous part in Scotland these hundreth yeires bygoun." The sufferers beseech Lord Strathnaver to assist them, otherwise they will have to apply to Lord Seaforth, but would rather not seek aid from strangers.¹

What answer Lord Strathnaver made to this appeal is nowhere recorded, but that the country was in a disturbed condition, partly from such plunderers, and partly from feuds between families, appears from an agreement entered into by him in the following year. Towards the end of 1668, Lord Strathnaver, and several other proprietors of Sutherland, raised a summons against the Earl of Caithness and others for invading Strathnaver in March with 1200 men, carrying off 900 cows and other property, burning houses and doing other mischief, as well as for various other offences elsewhere. A counter summons was raised by the Earl of Caithness and others which, however, was abandoned, as it was based on false information. The parties were charged to appear in the court of session on the 10th December 1668,

¹ Vol. ii. of this work, pp. 186-188.

but before that day the principals on either side entered into a contract of compromise.

On the one hand, Lord Strathnaver discharged the Earl of Caithness and other heritors of that shire of all pursuit for any damages, riots, or other crimes committed by them against him and his father, their tenants or vassals, except the Lords Reay and Duffus, preceding 1st November 1668. In like manner the Earl of Caithness gave a discharge, with the same exceptions, to Lord Strathnaver and his father, of "all depredationes done or comitted by the M'Neills and ther associats, or any of the saids Lord Stranaver's vassels or tenants" for the same period. In the next place, Lord Strathnaver agreed to obtain from Hugh Monro of Eriboll (who had been seized and imprisoned by the Earl of Caithness) a full discharge of his grievance; while the earl in return bound himself to renounce all claim he had to the office of justiciary within Caithness or Sutherland, in favour of Lord Strathnaver. Both parties agree to become responsible for depredations committed by their vassals, tenants or others within their bounds, notice of the misdeed being given within a fortnight. They also agree to join in suppressing "all lowse and broken men," and also mutually to assist each other in the case of depredations committed upon either party by any for whom they were not responsible. From the benefits of this agreement Sinclair of Dunbeath was excepted, and a commission of fire and sword was issued against him, but the later details do not concern the Sutherland family. The Earl of Caithness and his friends did not, however, fulfil their part of the agreement, and in 1670 Lord Strathnaver brought an action before the court of session to enforce obedience. The court found, as craved, that Strathnaver had implemented all his engagements, and ordered the Earl of Caithness to perform his bargain, under penalty of a sum of 2000 merks Scots. The matter was still unsettled in October 1673, when Lord Strathnaver

raised an inhibition against the Earl of Caithness to prevent him alienating any lands, and so interfering with the payment of the 2000 merks.¹

The marauders referred to in the petition by the Murrays noticed above probably belonged to the M'Neills named in the agreement with Caithness. Whoever they were, and whatever measures were taken against them, the plundering still continued, and Aberscross was again an object of unpleasant attentions either from the same or a similar band of lawless persons. In September 1671, Margaret Bayne, apparently the mother of the Murrays formerly named, again appeals to Lord Strathnaver with a tale of oppression, and demands redress. She complains that various neighbours, whom she names, had for some years past dug peats or turf within the bounds of Aberscross, also that they had damaged her trees and destroyed her grain. Actual theft of barley and pease to a considerable extent had been made, and an effort to regain the stolen goods had been repulsed with violence and personal injury. The good lady states that she had complained several times already without redress, and she evidently loses patience, for she concludes: "And if wee get no mendis for all these barbarities, wee neid not complaine anny moire to your lordship . . . and except your lordship taik some speidie cowrse with this vsage yowr lordship will hold ws excused to maik our redress elsquhair." She further requests an immediate reply to her letter.²

The name of Lord Strathnaver does not appear prominently in any public record. Even in the acts of parliament he is only incidentally mentioned. It is probable that he took no active part in public affairs, but he was greatly occupied with pleas at law. What these related to can only be surmised, but from the numerous references in various letters of Jean, Lady Strath-

¹ Agreement, 7th December 1668, vol. iii. of this work, pp. 201-203; Decree against Caithness, etc., 12th February 1670, and

Inhibition, 7th October 1673, in Sutherland Charter-chest.

² Vol. ii. of this work, pp. 188, 189.

naver, which have been preserved, to legal difficulties with her own relatives and the executors of her first husband, Archibald, Earl of Angus, it is probable a good deal of litigation arose from these.¹ The fact, however, is referred to in a lease of the whole lands of the earldom of Sutherland, with certain exceptions, granted by Lord and Lady Strathnaver in favour of Robert Gordon, younger of Gordonston, and Captain James Crawford, collector in Fife, as principals, with Sir Ludovick Gordon, elder of Gordonston, and George Cockburn, tutor of Ormiston, as their cautioners, for a term of seven years.

The reason given for the granting of this lease is, that "considering that be reason of ther pleys and process att law, and many other avocationes, they are necessarlie withdrawen, and may yet be withdrawen from liveing in the country of Sutherland, wher ther estates lye, and that therby ther estate and affaires may be mismanadged in that place," and because the said friends for preventing this result are willing to rent the estate, the granters lease the same in their favour. The lease includes the whole earldom so far as not otherwise dispoed or wadset, under the following reservations: the house of Dunrobin and dovecote, with the enclosures, policies, and pasturage round it, which were never in lease; freedom of pasturage on the commonty for Lord Strathnaver's sheep; the smith's croft, gardener's croft, and kiln of Golspie; the dwelling-house of Helmsdale, the mill of Golspie, and grazing for cows; the whole rights of superiority, hunting and fishing, nine salmon being given weekly for the table during the season; grazing in Kilmonovaig for the riding and coach horses; also the usual services exigible from the tenants, and a part of the custom duties levied in the territory, with two hundred bolls of victual to be uplifted yearly from the tenants. With these exceptions the lessees were to have full power over the whole estates,

¹ Cf. *The Douglas Book*, vol. iv. pp. 266-269, 271-277; *Memorials of the Family of Wemyss of Wemyss*, vol. iii. pp. 113-116.

with authority to dig for and work coals and other minerals, to exercise the offices of sheriff and bailie depute, hold courts, and act generally as the proprietor, except to cut the woods. Only as much timber was to be taken from these as would suffice to keep up the houses on the lands. The rent to be paid for the whole was sixteen thousand merks Scots, allowance being made for devastations by war or plague during the term of the lease.¹

One of the law pleas of Lady Strathnaver appears from a letter, unsigned, but apparently addressed to Lord Chancellor Rothes by herself in March 1677, detailing her grievances against William Lawrie of Blackwood, factor on the estate of her stepson, James, second Marquis of Douglas. Of Lawrie she writes, *inter alia*, "I did plead in his behalf with your grace till he stirred up that unjust plea against me to my great hurt and detriment, for my lord and I had been in the north all this while looking to our interests there, if he [Lawrie] had not laid a necessity on us to attend his motions who seeks new occasions every day to do us hurt, as he did evidence by his petition to the king in order to rob me of my life-rent right of the precept of the £1000."² The precept here referred to was granted by King Charles the Second to Lady Strathnaver in 1668, and authorised the payment to her of the yearly interest of £1000 sterling, until that sum was paid in recompense of the money laid out by her first husband, the Earl of Angus, on the dean's house at Holyrood, where he resided for a time.³ The letter however, does not state how the matter ended.

In October 1679, on the death of his father, Lord Strathnaver became Earl of Sutherland, and in July of the following year he made a formal resignation of all his lands in favour of his son, John, Lord Strathnaver, who

¹ Lease, dated 7th and 12th August 1675, vol. iii. of this work, pp. 203-213.

² Draft letter, unsigned, but dated 5th March 1677, in Sutherland Charter-chest.

Indorsed "Informasion of the busnis betwix my Lord Marquis of Duglas and the Cuntas of Sutherland and her son the Earl of Forfar."

³ The Douglas Book, vol. iv. p. 380.

then married Lady Helen Cochrane, daughter of the Earl of Dundonald. There were, however, various reservations, one being the yearly payment to the Earl of Sutherland of eight thousand merks Scots, being half the rental specified in the lease,¹ which was to continue until the year 1682. In the parliament of 1681 the earl was not present, though the usual protest for precedence was made on his behalf by the Earl of Perth. In this year also the countess appears to have made an application to parliament for a division of the Wemyss estates between her and her only surviving sister, Margaret, Countess of Wemyss. The process is stated in one account to have been set aside because of the pressure of public business, and in another to have been abandoned because Lady Sutherland was obliged to leave the country for nonconformity in religion.²

The last statement is not corroborated, though the earl and his countess were certainly in England in January 1682, when they wrote from London to their legal adviser, Mr. John Gordon, advocate. The subject of these letters will be dealt with in the next memoir, to which they more properly belong, but it may be noted that the tenor of the countess's letters implies that a family disagreement about the settlement of the Wemyss estates by her father, David, second Earl of Wemyss, to her prejudice as his elder daughter, and not religious disability, was the cause of their leaving Scotland. In one of the earl's letters is a reference to passing events: "There is talk of a parliament; the conventicles in the countrey and about the citie and suburbs of London are severally disturbed and handled; they say these phanaticks intend to defend themselves be the common law, and it is said that the constables are so phanaticall, that they are hardly drauen to trouble there neighbours, so that the justices is oft put to the troubles to hold them to it,

¹ Resignation, 23d July 1680.

Session, cited in *Memorials of the Family of*

² Letter and Decrets of the Lords of

Wemyss of Wemyss, vol. i. pp. 306-313.

and in the meane tyme phanaticks escape, and if any proceed illegally the phanaticks purshues both justices and constables at common law. You are more regular there. I pray you let me somtymes know the matter of fact. Some say that Queensberry hath left the court there on ane discontent, promise not being kept to him. They say that one Steuart hath withdrawen and that ther is peapers found of his that occasions it, let me know the truth of it."¹ The phraseology of this letter indicates, that whatever Lady Sutherland's sympathies were, her husband's were apparently in accordance with the government.

The Earl of Sutherland was still out of Scotland, if not in London, on 14th March 1682, and may have gone thence to the continent, but his movements during the next few years have not been traced. He may have been in Scotland in July 1684, when his countess was sued at the instance of her step-son, James, second Marquis of Douglas, son of her first husband. The affairs of the marquis had become considerably embarrassed, so much so, that in 1681, the attention of the king was called to the fact, and in 1682 he granted a treasury order for £200 sterling yearly to defray the education of young Lord Angus. Sir John Lauder of Fountainhall notes this fact, and then records that, using his straitened circumstances as a pretext, the marquis pursued his step-mother before the privy council for an aliment out of her jointure of 12,000 merks, on the plea that, after deducting the interest of his debts, he had not a sufficient income. The Earl of Sutherland is not named in connection with the case, but Sir John Lauder states that the countess appeared, and pleaded her own cause: "She spoke for herself a long time, and alleged it was hard when apparent heirs mismanaged their estates, and suffered chamberlains and others to impose on them, that onerous provisions in contracts matrimonial should be burdened with them, and that he (the

¹ Letter, dated 3d January 1682, in Sutherland Charter-chest.

marquis) had ratified her jointure, in 1669, after his majority."¹ The case was referred to a committee, and the sequel is not recorded.

The Earl of Sutherland was at Rotterdam in November 1685, as he wrote from that place to his son. From the terms of his letter we learn that he had been living in Germany, and apparently also travelling about from place to place on the continent, although for what period he had done so is not stated. His wife was not with him when he wrote the letter, but she joined him from London before it was despatched, and contributed to the information it contains. One of the royal yachts was placed at her disposal, in which she was, according to her own account, as comfortable as if she had been at Dunrobin, though she did not escape sea-sickness. She found on her arrival in Holland that the earl was better than she expected, which, she says, "cured much of my illness at sea." Both letters imply that the earl's finances were somewhat scant, and contain an earnest appeal to Lord Strathnaver to furnish more ready money. The earl expresses his determination to pass the winter in Germany.² From the statements in these letters it might be gathered that ill-health was the cause of the earl's sojourn abroad, and probably that was the reason of his continued residence there, but a brief reference to him in a letter of the period gives a somewhat different aspect to his leaving Scotland. In April 1685, the Duke of Gordon, writing to Lord Strathnaver, says: "I am sorry that your father was gon befor your seeing him, butt his not folowing your methods I am affrayed vill bee the vors for himself,"³ a sentence which suggests that the earl was not inclined to support the government of King James the Seventh, who had come to the throne a few weeks before.

In the parliaments of 1685 and 1686, the usual protests for precedence

¹ Fountainhall's Historical Notices, vol. ii. pp. 542, 543. The imputation against chamberlains was directed against Lawrie of Blackwood, who was accounted a very bad

adviser to the Marquis of Douglas.

² Vol. ii. of this work, pp. 191-193.

³ Letter, 16th April 1685, in Sutherland Charter-chest.

were made on behalf of the earl, but he does not appear to have returned to Scotland until after the arrival in England of William, Prince of Orange. We have, however, a passing glimpse of him and his countess between these dates. A correspondent of Lord Strathnaver, in May 1687, writes:—

“This night I received a lyne from my Ladie Sutherland, now at the Hague, as I hade severalls from my lord and her ladyship anent her affaires in Scotland. . . . The Earle of Sutherland and my Lord Stair are gone to the bathes at Aix-la-Chappell, and my ladie is to stay at the Hague to wait vpon the Prince and Princes of Orange, wher she is very kyndlie receaved, and intertained as a person of her qualitie, and does no ill ther, haveing the king’s full assurance and princelie word to be nowayes wronged in any of her concernes in this place. My ladie wryte to me a whyle agoe, that one Adam Gordon, a nephew of Sir Robert’s, whom they took to their familie, dyed ther, and gave him a very honest burriell, and told that his vncler would pay all the funerall charges. . . . Lord Charles Hamilton is gone post out of this place Saboth morning to London, whence he is to goe to Hungarie. Immediatlie efter the Duck [of Hamilton] settled ane estate vpon him and vpon all his other childrein, giveing the Earle of Arran 5000 lb. starling, including the duckdome of Hamiltone efter his Graces deceass, without any debt. The Earle of Arran is to stay here 20 dayes longer, and then to goe to court, the king having sent for him. They wcre all at Paisley, with a great traine eight dayes splendidlie intertained. My ladie sent me a letter which I delyvered to the duck, thanking his grace for his kindnes to her children, and craving his favour and counsell to them, which he was pleased to say would be never wanting to them so long as he lived. . . .”¹

The Earl of Sutherland was present at the convention of estates summoned by the authority of William, Prince of Orange, and held at Edinburgh on 14th March 1689. He is also stated to have come from Holland with the prince, and he may have been one of those Scottish noblemen and gentlemen who met at Whitehall in January 1689, to desire the prince to accept the administration of the government. But this is not certain. He did, however, take part in the convention, signed the letter of the estates to

¹ Letter, dated Edinburgh, 23d May 1687, in Sutherland Charter-chest.

King William, and was one of those who prepared the report, in terms of which the estates declared that King James had forfeited his right to the Crown, and that the throne had become vacant. At the close of the convention the earl was named one of the committee of estates and was also appointed a member of the privy council.¹

Parliament met on 5th June 1689, and the Earl of Sutherland was present, as also in the parliament of 1690, being appointed one of the committee to settle the affairs of the church, as well as a member of some minor commissions.² The earl appeared in the parliament of 1693, but was not present during the first few days of its sitting, as he seems to have been in London, whence he travelled to take his seat. Before this parliament a long pleading took place on the claim raised by the Countess of Sutherland, against her sister Margaret, Countess of Wemyss, for a partition betwixt them of the Wemyss estates, but the parliament, after hearing counsel on both sides, remitted the case to be tried in the ordinary courts. No further proceedings, however, appear to have been taken.³ The earl also on his own behalf presented to the house a petition regarding his precedence over other earls who were ranked before him in the reading of the rolls of parliament. The terms of this petition are not narrated, and it was remitted to the lords of session that he might pursue his right and claim before them.⁴

The earl did not lose any time in opening proceedings, and a few months later a summons was raised in his name against the Earls of Argyll, Crawford, Erroll, and Marischal, setting forth the antiquity of his own title, which was conferred upon his predecessors before the year 1275. He therefore claimed precedence over these earls, whose ancestors he contended had not the title

¹ Acts of the Parliaments of Scotland, vol. ix. pp. 3, 5, 9, 12, 20, 22, 74, 79; vol. iii. of this work, p. 216.

² Acts of the Parliaments of Scotland,

vol. ix. pp. 95, 106, 145, 188, 200.

³ *Ibid.* App. pp. 72, 79; Memorials of the Family of Wemyss of Wemyss, vol. i. p. 313.

⁴ Acts of Parliament, *at supra*, App. p. 82.

of earls, but were simple lairds or knights, for nearly two hundred years after his predecessors were Earls of Sutherland. This summons was issued in November 1693, but it was not until February 1695 that the court of session appointed a hearing for June of the same year. It does not appear, however, that anything was done, and the action was in 1704, after the death of Earl George, transferred to his son, Earl John, as pursuer, against the Earls of Crawford and Marischal.¹

In the parliament of 1695, the earl presented a petition asking for authority to himself and other friends to act as tutors to his grandchildren, the young Viscount of Arbuthnott, and his brothers and sisters. He further represented that Alexander Arbuthnott of Knox could not be served tutor to the viscount, and he asked for the custody of his grandchildren, and that an aliment should be granted them. The earl's petition narrated his interest in the viscount, and his brother and sisters as his grandchildren, and because, failing succession to himself by his son, Lord Strathnaver, he had entailed his estates upon the viscount. He charged, among other things, mismanagement of the viscount's estate upon Alexander Arbuthnott of Knox and Sir Thomas Burnet of Leys, both as to the children's education and uplifting of the rents, etc., also that they had violated certain conditions, which they had undertaken to the earl, as to accounting, and as to the writs. Arbuthnott and Burnet presented a counter petition, rebutting all the earl's assertions, and praying that he be recommended to forbear any groundless process. The parliament of the following year, 1696, which the earl did not attend, remitted the whole case to the judgment of the court of session.²

The earl was present in the parliament of 1698, and subscribed the bond to secure the safety of King William, known as the "association," which his

¹ Sutherland and Crawford Peerage ranking, 1766.

² Acts of the Parliaments of Scotland, vol. ix. App. pp. 110, 121, 142; vol. x. pp. 20-23.

absence from the previous parliament had prevented his signing. In the first parliament of 1700 the earl's name is not mentioned, but he appears to have been present at the October session.¹ His name, after that date, disappears from public record, and he died on 4th March 1703. The following elegy was written at the time of the death of the earl:—

On the death of the Right Honourable and truly pious George, Earl of Sutherland, who departed this life the 4th of March 1703, and of his age the 70th year.

Almighty power at length in Love doth call
This Noble Lord unto the Heavenly Hall,
A Peer that was without hyperbole,
Pious and just (that all the world could see)
The more admired of the golden age
Than all the quirks of this our iron stage ;
Zealous unto the cause that he profess'd,
A friend to those that did befriend the best.
When evils grew apace he would not tarry,
Nor from his principles in least would vary ;
But quite his native land and soil, lest he
A sharer of its sins and plagues should be,
And patiently in forreigne lands did hover
Until the heavens did cause the cloud pass over.
Mean while his loyalty unto his Prince
Untainted was ; when conscience did convince
All zealous Patriots that they had a call
To bring God's worship in, and beat down Baal.
And then this worthy Peer did take a share
In that most glorious work, to help to bear
Our ark home that was trod and trampled on
By Baal and by Dagon's priests so long ;
His earthy lease he did so right improve
That his last exit prov'd but a remove ;

¹ Acts of the Parliaments of Scotland, vol. x. pp. 186, 196.

He liv'd to dy, he dy'd to live, yea more,
 He liv'd to fix above his greatest store.
 And sighing Muse, let us now make a turn
 To his good Lady that dost weep and mourn
 For her sad loss : what heart of flint then could
 Forbid such tears to stream, that only would
 Stop the great fountain of her grief to make
 The same o'reflow and so the dam would break ?
 Must no drop fall when such a loving pair
 Do part, whose love was long as it was rare,
 When many winters both their lives had grac'd,
 And now at length asunder to be plac'd,
 Asunder only for a while, for she
 Can only stay where her good Lord must be.
 Then, Madam, cease to weep and wail so sore
 Since he's a little only gone before.

EPITAPH.

From this world's stage the good Earl George is gone,
 More just and pious in the land was none,
 In life and death the same, without controul,
 The earth his body hath, the Heaven his soul.¹

The earl's body was interred in the abbey church of Holyrood, where a monument was erected to his memory with the following inscription which, from the style, appears to be the composition of George, first Earl of Cromartie, the brother-in-law of Lady Jean Wemyss, and whom she sometimes consulted in her affairs :—

"Memoriæ illustrissimi Domini, Georgii Sutherlandiæ et Strathaverniæ, etc.,
 Dynastæ Sutherlandiæ et Strathaverniæ, jure hæreditario, Vicecomitis ac regalitatis
 Domini ; ex sigilli magni custodibus unius ; Serenissimo Regi Gulielmo a secretioribus
 consiliis ; decimi noni comitis recta linea oriundi ab Alano Sutherlandiæ Thano ; quem
 Milcolumbo tertio, hæredi legitimo regnum restituere conantem e medio sustulit

¹ Scottish Elegiac Verses, 1629-1729, Ed. 1842, pp. 146-148.

Macbethus cum tyrannidem occupasset, circum annum æræ Christianæ MLVII. Hoc famæ perennis monumentum deflens posuit vidua, Jeanna Vemia, filiarum Davidis, comitis Vemii, natu maxima; quæ huic comiti peperit Joannem nunc Sutherlandiæ comitem, et Annam Arbutnoti vicecomitissam; priori vero marito, Archibaldo Angusiæ comiti, filio Marchionis Duglassiorum natu maximo, Archibaldum Forfari comitem, et Margaretam vicecomiti de Kingstoun in matrimonium datam. Quinque alii hujus Dominae liberi impuberes decesserunt.

Natus in arce sua de Dornach, 2do Novembris MDCXXXIII. denatus Edinburgi, 4to Martii, A.D. MDCCIII."

George, fourteenth Earl of Sutherland, married, as already stated, Lady Jean Wemyss, eldest daughter of David, second Earl of Wemyss, and widow of Archibald, Earl of Angus, eldest son of William, first Marquis of Douglas. Her household book, between 1650 and 1654, when she was Countess of Angus, is still preserved at Dunrobin. It is all written with her own hand, is very carefully kept, and evinces on her part a good deal of business ability. She has been several times referred to in the course of this memoir, and a few more particulars may be added regarding her. She was a friend of Queen Mary, the wife of King William the Third, who, to mark her special regard for the countess, bestowed upon her a large diamond ring, valued at nine thousand merks Scots, which the countess afterwards left to her grandson as a family heirloom.¹ The countess, in 1692, was staying in London, whence she wrote to Lady Katherine Hamilton, wife of John, Lord Murray, afterwards first Duke of Athole, inquiring about winter-quarters in Falkland, or elsewhere in Fife. A little later, she wrote asking the loan for a time of Lady Murray's coach-house in Edinburgh for her own equipage, as she hoped to reside at Holyrood during the summer.² Two years later we find her writing to the Duchess of Hamilton a letter of condolence on the death of the Duke of Hamilton.³

In 1704 the countess wrote to George, first Earl of Cromartie, on behalf

¹ Vol. iii. of this work, pp. 217, 218. ² *Ibid.* vol. ii. pp. 194-196. ³ *Ibid.* pp. 196, 197.

of her grandchildren, the young Arbuthnotts. She complains that owing to the small alimnt allowed by the privy council, she herself was obliged to maintain the younger brother of the viscount in clothing and other necessaries. She expresses the hope that the viscount will be ordered to assist his brother in meat, clothing, and education. She desires also that Cromartie may give advice to her son, the Earl of Sutherland.¹ The Viscount of Arbuthnott here referred to died in 1710, and was succeeded by his younger brother John as fifth viscount. He, in 1711, fell under the displeasure of his grandmother, who refused to see him, apparently in connection with his proposed marriage with a daughter of William Morison of Preston Grange. The negotiations were temporarily broken off on account of some offence taken by Arbuthnott's relations. The feelings of the countess on the subject are thus expressed by her grand-daughter, Lady Maitland, "My Lady Southerland . . . wold be very glad to have the match goe on, and hes realy ben very indisposd with the grife and vexsation she hes got in this affaire."²

Another matter in which the countess interested herself was the obtaining a copy of Sir Robert Gordon's manuscript "Genealogy of the Earls of Sutherland" from Mr. Robert Gordon, a younger son of Sir Robert. Mr. Gordon had obtained the copy in 1658, as appears from his name and that date on the blank page at the beginning of the volume. The countess succeeded in obtaining the manuscript volume before 1st January 1705, on which day she presented it, with a holograph inscription: "This book is for my sone thee Earle of Southerland, on the 1st day of January 1705." The volume has been preserved at Dunrobin ever since, and it was from it that, upwards of a century later, through the liberality of Elizabeth, Marchioness of Stafford, the printed edition of 1813 was made.

¹ Vol. ii. of this work, p. 199.

² Letter to Lady Strathnaver, 8th March 1711, *Ibid.* pp. 204, 205.

The countess also, after the death of her husband, purchased the estate of Rosebank, in the parish of Inveresk, Midlothian, where she resided for some years before her death, which occurred there on 5th January 1715. The family solicitor, writing two days later to her grandson, Lord Strathnaver, says, "My lady has left all her affairs in very good order, so there will not arise the least dispute about the distribution." Neither her son nor grandson were present at her funeral, the former being in London, and the latter in the north, but she was buried near her husband, on 18th January, in the abbey church of Holyrood, "attended with all the nobility and gentry in town, in a very decent and gentile manner."¹

The Earl and Countess of Sutherland had issue one son and two daughters:—

1. John, who succeeded his father in 1703. Of him a memoir follows.
1. Lady Anna, who married on 3d May 1683, Robert, third Viscount of Arbuthnott, and had issue.
2. Lady Jean, born on 24th April 1665, who died before 1680.

¹ Letters, 7th and 21st January 1715, Mr. Alexander Ross to Lord Strathnaver.



Sutherland

J: w: Sutherland,

XVII.—JOHN, FIFTEENTH EARL OF SUTHERLAND (EARL JOHN ROY).

LADY HELEN COCHRANE (DUNDONALD), HIS FIRST WIFE.

LADY CATHARINE TALMASH (DYSART), HIS SECOND WIFE.

DAME FRANCES TRAVELL, HIS THIRD WIFE.

1703-1733.

THIS representative of the house of Sutherland, who was popularly known as Earl John Roy, probably from his red or fair complexion, lived through a very stirring period of British history, including the insurrection of Argyll in 1685, the Revolution of 1688, the Union of Scotland and England in 1707, and the Jacobite rebellion of 1715. In relation to all these events this earl was prominently engaged.

He appears to have been born in 1661, as he is referred to in a letter dated 1st June of that year as then an infant. The next reference to him is in the contract for his marriage in 1680 with Lady Helen Cochrane, second daughter of the deceased William, Lord Cochrane, which was negotiated on her behalf by William, Earl of Dundonald, her grandfather, and John, Lord Cochrane, her brother. In the usual formal terms, Lord Strathnaver and Lady Helen accept each other as lawful spouses, and agree to solemnize their marriage by a certain day. The Earl of Sutherland provides to his son, and the heirs-male of his body by that or any other lawful marriage, whom failing, to the heirs-male of the Earl of Sutherland by Lady Jean Wemyss his spouse, or any other lawful marriage, whom failing, the eldest daughter of Lord Strathnaver, and to other heirs named in the marriage contract, the earldom and lands of Sutherland, with the castle of



Dunrobin, etc., reserving to himself 8000 merks Scots during the continuance of the lease of the earldom granted by him in 1675 as narrated in the previous memoir. Certain other burdens were imposed, among which were a provision of 40,000 merks Scots for Lady Anna Gordon, and the payment of all debts due by the earl. One of the stipulations in the contract required that if any of the heirs-female should succeed, her husband must take the name of Sutherland-Gordon, and bear the arms of Sutherland. On the other part, William, Earl of Dundonald, makes payment to the Earl of Sutherland of £80,000 Scots, which Lord Strathnaver and his future wife accept in full of all that Lady Helen could claim as her portion of her father's estate.¹

The contract was followed by resignation, on 23d July 1680, in terms of which King Charles the Second granted a charter under the great seal of the earldom in favour of John, Lord Strathnaver, and the other heirs and substitutes recited in the contract of marriage. Lord Strathnaver, however, was not infeft in the earldom till several years later.²

When in 1682 his father went abroad, the management of the estates was devolved upon Lord Strathnaver, who raised some objections to the terms proposed. In a letter from London to his legal adviser the earl refers to this, though the exact matter in question is not clear:—

“And sieing I have put the jurisdiction out of my hand in my sones, if he subscreyve peapers according to condescendence, I think he is hapy that he hath not only sutch a kinsman, but sutch a freind in whose name it may be, who he may [be] sure will imploy the jurisdiction for the good and advantage of the family and his interest, and if my sone stand so in his oune light as no to subscreyve the contract according to condescendence, he will have the losse of it, for I resolve to be freindly to them I find freindly and dutyfull, and frouard to them I find undutyfull and frouard.”

¹ Copy Contract of Marriage, dated 22d and 26th March 1680, in Sutherland Charter-chest.

² Extract Resignation, Original Crown Charter, 24th June 1681, and Sasine, dated 23d May 1687, *ibid.*

And he adds, that if the liferent continued in his hand, it might as well have been in that of his correspondent.¹

On the back of her husband's letter the Countess of Sutherland writes, earnestly entreating her son, Lord Strathnaver, to be on terms of amity with his father:—

“ . . . If my sone, Strathnaver, by his north country counsellors breake with his father in not subscribing that contract and band, as he is oblidged by the minut, he will disgrace himself by his undutyfullnes ; he will lose his father's kyndnes for ever, and make me languish away with sorow. For by his unworthy dealling hee irritats his father's spirit against me, for having perswaded him to doe so much for him that requyts him so ill ; so that hee cuts short my power with my lord to procure any good for him or any other friend any more ; whereas if he stood to our agreement I wold stilbe in a capacity to move his father to doe for him al the good hee could. For if our bussines were done heer, I was hopefull to get my lord perswaded to goe and live at Dunrobin, and to table our selves and family with our sone, by which means he wold have goten a good part of the money hee should paye his father back again for our intertainment ; but if he hold on his stubbornes, he will never get any good from him any more. Besyds that he will never look on him nor non of his, nor dair I ever open my mouth for him nor his, which wilbe a sad bussines both to him and mee ; and his covetousnes is the cause of all, which I am affraid the Lord curse him for.”

One of the first acts of Lord Strathnaver, on coming into possession of the estates, was to enter into a bond of amity with George, Marquis of Huntly. The writ narrates the descent of the house of Sutherland from Adam Gordon, and the parties agree to entertain, keep and observe for ever mutual friendship and kindness one with another, and assist and fortify each other in any lawful designs, under a penalty of 20,000 merks Scots, and such further penalty as the Lord Chancellor shall determine. This bond is dated at Bog of Gight, now Gordon Castle, on 24th November 1682.²

¹ Letter, 3d January 1682, to Mr. John Gordon, advocate, grandson of Sir Robert Gordon, in Sutherland Charter-chest.

² Vol. iii. of this work, p. 214.

At the same time a separate obligation was granted by John, Lord Strathnaver, proceeding on the same narrative, and also on the fact that for several generations his family had borne the surname of Gordon, in which he binds himself and his heirs and successors to use the surname of Gordon only, notwithstanding recent endeavours to change it for that of Sutherland. A penalty of £20,000 Scots for infringement is to be paid to the representative of the family of Huntly, and the granter promises to renew the bond as often as necessary by the advice of Sir George Gordon of Haddo, chaneellor of Seotland.¹

This close friendship between the earl and the Marquis of Huntly continued till after the Revolution, when a difference in politics lessened its fervency. In 1683 the marquis wrote to Lord Strathnaver with congratulations on the birth of his son, William, Master of Strathnaver.² In the course of the letter he suggests that Lord Strathnaver should enter parliament, and states that he heard a whisper that Prince George and Princess Anne would ere long establish themselves for some time at Edinburgh.³ Lord Strathnaver, however, did not enter parliament till after his father's death.

A few days after the death of King Charles the Second, the marquis, now Duke of Gordon, wrote that King James had been proclaimed, that a parliament was summoned to meet at Westminster on the 10th of May, that one would also probably be held in Seotland about the same time, and that a servant of Monmouth's was lately taken, with letters for his grace. He adds: "All loocks veell and ealm; I vish itt continow long so."⁴

In a later letter the duke entreats Lord Strathnaver to be ready when called to come to Edinburgh:—

¹ Vol. ii. of this work, p. 213.

² Excerpt from letter, dated 19th December 1683, vol. ii. of this work, p. 190.

³ Letter in Sutherland Charter-chest.

⁴ Letter, dated 24th February 1685, vol. ii. of this work, p. 190.

“The Test and other staggering othes ar remowd. So now I hopp sober persons may serw his majesty without restriction. I am certan itt's beetter so both for the soverain and the subjectt.”

He adds, that the Duke of Hamilton, Lord Dundonald, and others, had refused to sign the return from the council to his majesty's letter about the proclamation, but he believed they would all in the end obey orders.¹ Other letters from the duke, but of less importance, precede the opening of the parliament which met at Edinburgh on the 23d of April 1685, by which John, Lord Strathnaver, was named one of the commissioners to collect the cess for the shire of Sutherland. This parliament also passed an act subjecting to fines all subjects who refused to accept of offices or employments laid on them by the king.² This measure was adopted owing to the well-known reluctance of many heritors to act against the Earl of Argyll, whose invasion was then threatened.

Argyll did land on the west coast a few days later, and Lord Strathnaver was at once summoned to march with three hundred of his vassals, on foot, well armed, with twenty days' provision, to the head of Lochness by the 9th of June. This was Lord Strathnaver's introduction to a military life; and the commission intrusted to him he zealously fulfilled.³ His friend, the Duke of Gordon, while regulating his movements, congratulates him on his energy:—

“Just now,” he writes, “I had your lordship's letter off the 31 May. I am glaid all affairs have gon so veell thatt yow ar reddy to march, Vedensday next. I hopp to bee vith your lordship att Invernes, Saturday night or Sunday mornning; so your lordship vill be plesd not to star from thenc until vee meett, and your men most not march towards thee Hylands until I bee vith them. Argyll is landed in Kingtyr, severalls of the cuntrey poepple having joynd vith him, and sum off the gentelmen ar

¹ Letter, 4th March 1685, in Sutherland Charter-chest.

² Acts of the Parliaments of Scotland, vol. viii. pp. 463, 469.

³ Letter of the Privy Council, dated 17th May 1685, vol. ii. of this work, p. 41.

lyckvays gon in. By this tim twalve or thertin thousand men ar marchd against Argyll commanded, as generall, by the Earll of Dumbarton.”

The duke adds, that he had been obliged to warn Sir Robert Gordon of Embo, and the laird of Dunbeath, of what they owed to his majesty's service.¹

The duke, who had been appointed lieutenant-general in the north, further gave instructions to Lord Strathnaver for his conduct during the campaign, requiring him, first, to call for the powder and lead which were in Inverness, and carry it to the head of Lochness, and to impress the necessary boats or horses for the service; secondly, to examine what meal there was in or about Inverness, from which he might furnish any of his majesty's troops commanded to the head of Lochness, their officers giving money or a receipt for it; thirdly, to order forty bolls of meal to be transported to Culduthel's House, at the head of Lochness, and to detach a small party to secure the safety of the victual; fourthly, to obtain the muster-rolls of the forces ordered to the head of Lochness for the 9th June, and to call the men according to the rolls; and fifthly, to remain with the rest of the forces at Lochness till further orders.² These instructions were no doubt obeyed, as the duke writes again to his lordship, at Lochness, expressing gratification that he is in good health after his sufferings in the troublesome journey.³ The duke himself had now begun his own march, and in transmitting further orders to Lord Strathnaver, says :—

“ I inform'd your lordship at lenth what methods shuld bee folowed untill your arrivall at the head off Lochness. I hopp all is doon accordingly, especially the victwall beeing caried to Culdtholls hous neer the head off the Lochness, and the tacking upp att Inverness what provisions ther var off poudder and bullets. I shall now desyr thatt your lordship vald mack provision off good gyds and march imediatly

¹ Letter, dated 2d June 1685, in Sutherland Charter-chest.

² Instructions, *ibid.* The duke also sent a

brief letter, dated 4th June 1685, requiring his lordship to follow them exactly.

³ Letter, without date, *ibid.*

towards the head of Argyll shyr, whether I begin my march to more morning. I expectt to bec att Achahalateer [Achallader] sum mylls from Loch Tay, att which plac I hopp to bee the twalve or therteenth instant. Your lordship cannot bee ther so soon, butt ther, God villing, I shall vaitt untill yow cum upp. Indevor, I intret your lordship, to hinder mistacks amoingst the grandees off your trupps.”¹

On the following day the duke repeated his orders, lest the former letter should have miscarried.² The next letter, two days later, addressed to Lord Strathnaver, then supposed to have reached Achallader, indicates the difficulty of marching through the Highlands at that time, even in summer :—

“ My lord, the ignorance and unsettled accounts off gydds forses mee to chang my methods verry often. I am now necessitat to desyr thatt immediatly on receipt off this, your lordship vould bee plesd to march towards the castell Finlerg at the end off Loch Tay. I know the veay vill bee difficult for horses, yitt the gyd, this berar, says that the bagag horses vill gett passd, tho perhaps vith difficulty. If the vay bee impassible from Achalater, wher I hopp this vill fynd yow, to Finlerg, then your lordship shall bee plesd to send mee sex hundred off your best foot, under the command off the master off Tarbatt and Sir Robbert Gordon off Gordonstown. For thes or for your lordships wholl forses I shall veatt att Finlerg, untill Munday morning nixt, being the 15 instant. If yow cum or send sooner so much the better ; whoever, return the berars to mee inediatly to Finlerg, to which plac, iff your lordship cannot cum, yow will then bee plesd to march straight to Castelchilcurn, neer the head off Lochaw, whether I shall march with expedition. I long extremly to embras your lordship.”³

The letter also reports that one of Argyll's ships, with five thousand stand of arms, had been taken.

Although the Duke of Gordon evidently supposed that Lord Strathnaver had hurried up to Achallader, it appears that the northern musters, owing, perhaps, to the delay of the orders, had not yet left Lochness. To that

¹ Letter, dated at St. George Castell in Badenoch, 8th June 1685, in Sutherland Charter-chest. The last part of this advice was, as will be seen, not uncalled for.

² Letter, dated 9th June, *ibid.*

³ Letter, dated from Stronfern, 11th Juue 1685, *ibid.*

place, therefore, the duke addressed his next letter, announcing his march towards the Marquis of Athole, "who is vithin four mylls off the rebbells." He requires Lord Strathnaver to follow steadily with his best men and a good supply of ammunition, especially powder. His march lay direct towards Cowall.

On the same day on which this letter was written Lord Strathnaver had made arrangements for sending the six hundred men required by the Duke to join his grace. Difficulties apparently had arisen from the reluctance of the highland clans to serve under any other officer than their chieftains. This is referred to in a special order issued by Lord Strathnaver. After narrating the duke's order for detaching the party, he proceeds:—

"Finding upon the deliberate advice of the whole officers convened in a council of war, it being found impossible to perswade or command a Highland people, not yet regulated, to do any service except under the command of their own chieftains, it hath been concluded absolutely more conduible to the promoving of his majesties service, and answerable to his excellencie the Duke of Gordon's design, to send away rather particular bodies of men then a detach'd partie. Therefor, I hereby command the mastir of Tarbet, with the men under his command, Thomas Fraser of Beufort, with such as [are] under his command, and Sir Robert Gordon of Gordonstoun, with the Frasers of Stratherrick, the Grants of Urquhart and Glenmoristoun, and the Duke of Gordon's men of the Castlelands of Inuerness, under the command of the said Sir Robert Gordon, to march with all expedition forward till they joyn his excellence the Duke of Gordon."¹

When this order was issued, Lord Strathnaver's force had reached Drumochter, and it appears, not long afterwards, to have reached the head of Argyllshire, and to have been only too ready to commence operations. John, Marquis of Athole, who was in command of the expedition despatched to oppose Argyll, found it necessary to remonstrate with Lord Strathnaver on

¹ Dated at Drumwacher, 16th June 1685. Sixth Report of the Commission on Historical mss., pp. 681, 682.

the depredations of some of his followers who had seized the laird of MacNaughtan's cows, though he had been all along in the king's service. Another complainant was John, first Earl of Breadalbane, who expressed a hope that his tenants' horses would be restored. His men had been several months in arms, and he protested against their being treated as rebels. He did not mean, however, to blame Lord Strathnaver, as he understood the prejudice done in his bounds was not by his lordship's permission.¹

The failure of the Earl of Argyll's insurrection, the dispersal of his followers, and his own capture on 18th June 1685, rendered the further advance of the northern forces unnecessary. Accordingly, a few days later, Lord Strathnaver was directed by the Earl of Perth, in name of the privy council, to march home with his regiment of foot, and to disband them. The earl added: "We, in his majesties name, give yow thanks for your ready and hearty concurrance in his service at this time," and desired him to thank all his subordinates and people, and assure them of his majesty's protection.²

The Duke of Gordon also, at a later date, informed Lord Strathnaver of the king's satisfaction with his conduct:—"My Laddy Southerland, I hopp, informd your lordship off his majestys satisfactions off your behaviors in the leat expedition. Nothing less I'm seur culd nott bee expected, and I'm extremly rejoysd thatt justis is doon to your lordship."³ In return for his activity in the service of the government Lord Strathnaver was appointed a privy councillor by King James the Seventh. The Duke of Gordon writes to him announcing the appointment, and advising him to take

¹ Letter, dated Ardkinglass, 20th June 1685, in Sutherland Charter-chest.

² Letter, 23d June 1685, vol. ii. of this work, pp. 41, 42.

³ Letter, 25th September 1685, in Suther-

land Charter-chest. As stated in the previous memoir, the Earl of Sutherland was abroad at this date, and the countess, who had been in London, joined him at Rotterdam on 10th November.

his seat in the council as soon as possible.¹ This, however, Lord Strathnaver was apparently in no hurry to do, and the duke wrote again more urgently :

“As to other things I cannott give yow in vrecett such accounts as I vald iff I had the honnor to see yow, which I hopp shall bee or long, sinc I have now in my posession your letter for beeing cuncelor. Iff your lordship dooe nott sudanly goe and tack your plac att the cuncell boord, exceptions vill certainly bee tacken, and your frinds vill bee in pean whow to excus yow. Ther ar severall cuncelors just now admitted. Traquair, a pappist, and Dindonald, besyds others. Dunfrees, Lothian, Ross and Kingtor ar turnd outt, vith Marr, who, yow know, has long agoe lost his redgment and his company in Sterling castell. The chancelor is gon to Drummond castell, wher I hopp to see him aboutt the beginning off nixt month.”²

The duke's latest letter announces the appointment of John Graham of Claverhouse, Viscount Dundee, as major-general, and the recovery of Lady Dundee from illness. She was Lord Strathnaver's sister-in-law.³ This letter is dated on 26th October 1688. A few days later the Prince of Orange landed in England, and King James was dethroned. The duke, as is well known, held out the castle of Edinburgh for King James the Seventh for a few months, but afterwards made submission to King William.

The Revolution of 1688 found in Lord Strathnaver an active and enterprising adherent. By an act of the Convention of Estates, dated 27th April 1689, both Lord Strathnaver and his father, who had now returned to Scotland, were made commissioners for the taxation, which was calculated to amount to £288,000 Scots, for putting the kingdom in a posture of

¹ Letters, 11th May and 11th June [1686], in Sutherland Charter-chest. A letter of 9th April condoles with Lord and Lady Strathnaver on the death of a daughter whose name is not stated.

² Letter, 23d September 1686, *ibid.*

³ Lord Strathnaver had married Helen Cochrane, second daughter, and Graham of Claverhouse married Jean, youngest daughter, of William, Lord Cochrane.

defence.¹ The Convention had previously accepted offers made to raise regiments for the public service, among others by Lord Strathnaver to levy a regiment of six hundred men. As he himself afterwards put it, he convened a considerable body of his "friends and vassals to countenance and support the necessary work in hand, out of which I pick'd as many as form'd a regiment." It was decided that the regiments should be commanded by those who raised them. A commission was accordingly granted in favour of Lord Strathnaver as colonel of his regiment, with orders to obey Major-General Mackay, as commander-in-chief in Scotland. Suitable arrangements were also made for the expenses of raising the regiment, and warrant given to the keeper of the castle of Stirling to deliver to the colonel 300 muskets or firelocks, with the necessary powder, match, and ball. From a supplication to the Estates by Lord Strathnaver, dated 14th May 1689, we learn that Robert Lumsden of Innergellie, lieutenant-colonel of the regiment, who was to levy two companies (of 60 men each) in the south, could not transport them to the north, where the rest of the regiment were, without subsistence-money, and Lord Strathnaver having to go north in person to raise the other companies, requested a month's pay to the two companies, which was granted.²

An interesting question in regard to the ammunition received by Lord Strathnaver from the town of Inverness when he was employed against Argyll, came before the Estates at this time, on a petition from the town council of the northern burgh. They stated that, having been used in times past to apply a part of their common good in providing their town with some store of ammunition "for their necessary defence against the frequent troubles given them by their popish neighbours in the braes of Lochaber and Glen-

¹ Acts of the Parliaments of Scotland, vol. ix. p. 74. They were reappointed commissioners 1690, vol. ix. p. 145; and also

Lord Strathnaver when Earl of Sutherland in 1704, vol. xi. p. 146.

² *Ibid.* vol. ix. p. 57; Appendix, p. 7.

garrie, they were forced in June j^mvj^c eighty-fyve yeares to give out to the Lord Strathnaver, then employed in the service of the publick, such powder and lead as they had provyded for the saids ends." They valued the ammunitiion at £25 sterling, and complained that, as Lord Strathnaver had placed it in the king's magazines, the town had remained unprovided since then. They further urged that the "papists in their neighbourhood are now together in great numbers, and in constant correspondence with the Irish papists," and they begged the Estates to grant them an equal quantity of powder and lead, or to be allowed to retain as much of the taxation as would buy the same quantity of ammunitiion. This last request was granted, to the extent of £25.¹

In adhering to the Revolution, and raising a regiment in defence of the new government, Lord Strathnaver found himself in opposition to John Graham, Viscount Dundee, who was also, as already stated, his brother-in-law. On becoming fully aware of Dundee's resolution to raise a rebellion on behalf of King James the Seventh, Lord Strathnaver, at the desire of Sir Thomas Livingstone, wrote a letter of remonstrance, stating the regret the viscount's course of conduct was causing him, and the concern many equally interested in them both felt for his lordship. He warned Dundee that the course on which he was embarked would lead to his ruin; and advised him to follow the Duke of Gordon's example; asserting that no one wished more for the standing of his family than did the writer.²

In reply, Dundee wrote, some days later, excusing himself for not writing at once, because he had gone to Inverlochry to give orders about the forces, arms and ammunitiion sent from Ireland. He expresses his sense of obligation to his lordship for offering his endeavours for him and giving him

¹ Acts of the Parliaments of Scotland, vol. ix. p. 31.

² Letter, dated at Inverness, 3d July 1689, vol. ii. of this work, p. 42.

advice "in the desperat estate you thocht our affaires wer in;" and that he had been thinking of making the same address to him. He proceeds to argue that there was no shadow of appearance of stability in the new government, and gives the current news as he had received them—that Derry was taken, that the French fleet were masters at sea, having defeated the Scots fleet, taken two frigates, and brought the men prisoners to Mull, and that the king had landed in Ireland, "and will land himself amongst our friends in the west, whom I am sorry for, very soon." He concludes by offering his services to his lordship as far as duty would allow.¹

To these letters notes were annexed by Sir Thomas Livingstone, certifying that the letter of Lord Strathnaver was written by his direction; and in a Narrative, written in 1715, Lord Strathnaver's action after the battle of Killiecrankie is related:—

"The Viscount of Dundee was killed a few days after, and we had the misfortune to be defeated at Gillicrankie. To raise up the spirits of such as were in the interest of king and government, I went out from Inverness with a detachment of 500 foot, and three troops of Sir Thomas Livingston's dragoons, to Glenmoriston, where with great difficulty we forc'd open the iron gate, not having a petard to blow it open. Some of the rebels very narrowly escap'd me by a boy's acquainting them of our march. I burnt their corns and drove their cattle and horses that fell in my way to Inverness. This put them into such a consternation, that notwithstanding our defeat at Gillicrankie, above fifteen hundred came and took the oathes to King William and Queen Mary, and I had Sir Thomas Livingston's warrant and approbation."²

Lord Strathnaver's regiment was quartered, along with that of Ludovick Grant of Grant, at Inverness and Elgin, to defend these places, and is favourably spoken of by General Mackay, who, in a letter to Lord Melville, says, "Strathnaver and Grant have as good men as any of the rest." But at

¹ Letter, dated at Strowan, 15th July 1689, respecting 1715," in Sutherland Charter-chest. vol. ii. of this work, pp. 42, 43. This statement is attested by Sir

² "Memorial of John, Earl of Sutherland, Thomas.

that time these regiments were without proper equipment. On 6th December Sir James Leslie refers to them as being still without clothes and ill-armed, "verry good bodies of men, but have neither swords nor bagganetts."¹ The regiment, however, was disbanded soon afterwards, on the 1st of February 1691. It had been raised originally at Lord Strathnaver's own cost, without levy money, and when it was disbanded the government were due him £6449, 12s. 4d. for arrears of pay.²

About this time Lord Strathnaver had the misfortune to lose his first wife, Lady Helen Cochrane. She is referred to as deceased in a petition presented to parliament in July 1690, some statements in which show her kind disposition. The petitioner was Christian Ross, widow of Andrew Fearn in Pitcallion, who was much perscuted for her adherence to Presbyterianism. She recounts her sufferings, especially how she was forced to flee in the night-time "with one of her sons, of fourteen years of age, running at her foot, in the winter tyme, to Strathnaver hills," where she stayed three months, "till the most worthy deceist Lady Strathnaver sent privately for her in the night time, and kepted her two moneths close in a chamber, and tooke home one of her daughters out of charity," while the rest of her family were also provided for.³

One effect of the Revolution was to release Lord Strathnaver from the two bonds into which he had entered with the Duke of Gordon, for amity and friendship, and to continue to use the surname of Gordon. The duke, by another bond, dated at London 30th March 1690, on the ground that Lord Strathnaver wished to be freed from these obligations, and as "in thes times no Roman Catholickis freindship can be of use," promised to deliver up the

¹ Mackay's Memoirs, Appendix, pp. 286, 299.

² Memorial of date 1715, in Sutherland Charter-chest.

³ Acts of the Parliaments of Scotland, vol. ix. pp. 217, 218. The petition was remitted to the commissioners of supply.

bonds, or to give an ample discharge.¹ Notwithstanding this release, however, the Marquis of Huntly, son of the Duke of Gordon, many years later required the Earl of Sutherland to observe these bonds, and retain the surname of Gordon, even going the length of threatening law proceedings. In his first letter, Lord Huntly charges the earl with slighting the name of Gordon in the action with the Earl of Crawford, and also effacing the Gordon arms from his seals and plate. In a second letter, he mentions having heard of a discharge, and wishes to see it. Lord Sutherland in reply points out that friendship does not consist in having the same surname, and reminds Huntly that his predecessor of the family of Seton, who married the heiress of Huntly, did not continue the name of Seton, but changed it for the surname of Gordon; and the writer believed a like motive had influenced his own father, the Earl of Sutherland.²

Lord Strathnaver was not satisfied with raising a single regiment of his vassals for the service of King William, but, to use his own words, no discouragement could ever influence him to neglect the service of his king and country, when there was a necessity for more forces. He, therefore, by virtue of a commission, dated 1st February 1692-3, raised a second regiment, which he commanded for several years in Flanders.

To facilitate the raising of this regiment, King William the Third directed a letter to the privy council of Scotland stating that he had given commissions to John, Lord Strathnaver, and Sir James Moncreiff, to be colonels of the new regiments of foot which were to be raised in Scotland, and transported thence for the king's service to Ireland. The king further desires the council to give every encouragement and assistance to these officers in the

¹ Extract bond, dated at London 30th March 1690, and registered in the books of council and session 18th July 1700.

² Two letters from Lord Huntly, 22d June 1713 and 19th January 1714-5, with draft answer, in Sutherland Charter-chest.

prosecution of their recruiting.¹ In a letter to his mother, the Countess of Sutherland, Lord Strathnaver informs her of the step he has taken:—

“ . . . I yesterday kissed the king’s hand upon one of the new regiments. Sir Thomas Levistoun told that the king said he wold pay all my areares, and was very weel satisfied with my person and services, but at this time could not doe what he wished.” He adds as his reason for what he has done, “the necessity that I was in by my present circumstances, and that I see nothing at all to be gott by them who are out of employment, nor for me, notwithstanding the justice of my claim, joyned with the consideration that life and fortune was already at stake, hes made me act the part I have done, which I hope your ladyship will approve of.”²

The regiment, which was originally intended for Ireland, was, however, despatched to Flanders to take part in the campaigns of King William there. It was in 1694 stationed at Ghent, where Colonel Lord Strathnaver received orders from King William to obey the directions he should receive from his highness, Count Tyan.³ Shortly afterwards it was at the camp of Mariekerque, when Ferdinand William, Duke of Wirtemberg, at his majesty’s command, wrote again from Ligne near Ath, giving similar instructions to the colonel. On the 4th of December 1694 the king accorded Lord Strathnaver permission to return to England, and he received a passport, for himself and eight domestics, on the 13th of that month. A year later Lord Strathnaver, who apparently had returned to Flanders, was informed that his claim to be made a brigadier would be represented to his majesty. Later, there appears to have been some difficulty about cantonments for his regiment, but it was surmounted for the time. In the month of October 1696, however, a more serious trouble arose, and it appears, owing to a delay in the payment of the soldiers, a mutiny followed. A captain named Kay accused his colonel of keeping up the regiment’s money, but when the case

¹ Letter, 21st February 1692-3, vol. ii. of this work, p. 18.

² Letter, 11th February 1693, in Sutherland Charter-chest.

³ Orders, dated at Roosbeek, 19th June 1694, vol. ii. of this work, p. 19.

came before a court-martial, it was found that the lieutenant-colonel, at the time of the mutiny, had the regiment's money in his hands sufficient to pay the soldiers, but would not do it, nor would he speak to the soldiers to prevent the mutiny. The court, therefore, found the charges against Lord Strathnaver false and malicious, and ordered the accuser to be deprived of his military rank, but the confirmation of the sentence by the king was delayed.¹ Shortly after his acquittal Lord Strathnaver appears to have again returned home, though he was still nominally in command on 12th August 1701, when the Marquis of Montrose wrote him in favour of a relative in the regiment.²

Under the Scottish parliament the pay of the army was irregular and insufficient. For the first regiment raised by Lord Strathnaver no levy-money was allowed, for the second, levy-money was allowed at the rate of twenty shillings a man;³ but it required much effort to obtain the money. A report was read in parliament, on 6th June 1695, recommending £2000 sterling to be paid to Lord Strathnaver on account of arrears due to him and his regiment,⁴ but the money was not forthcoming. Later, in 1704, Lord Strathnaver, now Earl of Sutherland, with Ludovick Grant of that ilk, petitioned for an inquiry into the misappropriation of the poll-money destined for payment of the clothing of their regiments, and the question was referred to the decision of the court of session. Notwithstanding this appeal, the parliament, shortly afterwards, granted a reduction to Sir William Menzies of the tack duty of the inland excise, when the Earl of Sutherland, seeing the injustice that must arise therefrom to the officers of the army, protested that if such a reduction was made, the house should supply the

¹ Vol. ii. of this work, pp. 19-22, 197-199.

² Original letter, in Sutherland Charter-chest.

³ "Memorial respecting 1715," *ibid.*

⁴ Acts of the Parliaments of Scotland, vol. ix. pp. 364, 367.

deficiency of the funds to these officers.¹ No further steps, however, were taken by the earl to recover his arrears of pay till after the rebellion of 1715, when he presented a memorial to King George the First stating his services in raising the two regiments and otherwise, and craved payment of the arrears due, which, with interest, amounted to the large sum of £24,076, 2s. 5d. But the result of this application is unknown.²

By the death of his father, on 4th March 1703, Lord Strathnaver became fifteenth Earl of Sutherland. He then appears to have resigned the command of his regiment to William, Lord Strathnaver, his son, and to have devoted himself to the duties of his station in parliament. The earl was present in the parliaments of 1704, 1705 and 1706, when the usual protests for precedence were made by him or on his behalf.³

The question of his precedence as a peer had been agitated for some time. A petition was presented to parliament by George, fourteenth Earl of Sutherland, on 23d May 1693, claiming to be ranked in the rolls of parliament before the Earls of Argyll, Crawford, Erroll and Marischal. This claim was remitted for decision to the lords of session; and the action against these earls was transferred to John, Earl of Sutherland, on his succession to his father, Earl George. The chief litigants were the Earls of Sutherland and Crawford. The pleadings consisted of informations and additional informations with memorials and petitions respectively for the two earls. The litigation was keenly conducted for several years, and on 25th January 1706 the lords pronounced an interlocutor finding that the documents produced instruct the propinquity of blood and descent of the dignity from William, Earl of Sutherland, brother-in-law to King David Bruce, to John, Earl of Sutherland,

¹ Acts of the Parliaments of Scotland, vol. xi. pp. 133, 134, 170.

² Memorial by John, Earl of Sutherland, respecting 1715, in Sutherland Charter-chest.

³ Acts of the Parliaments of Scotland, vol. xi. p. 116. The Earl of Mar made a similar protest.

served heir to his father, Earl John, in 1512. The lords also found it not instructed that the dignity of John, Earl of Sutherland, is conveyed to Elizabeth, his sister, served heir to him in the estate in the year 1514.¹ That judgment was practically in favour of the Earl of Crawford. But after the lapse of upwards of half a century, the house of lords, in 1771, reversed the judgment of the court of session by admitting the claim of Lady Elizabeth Sutherland to be recognised as Countess of Sutherland and heir to the ancient title. Her son, the second Duke of Sutherland, as Earl of Sutherland repeatedly protested for precedence over all the earls of Scotland.²

The earl at one time meditated a retirement from public life, though it is not clear whether he gave up his attendance on parliament. He married, as his second wife, Lady Catherine Talmash, second daughter of Elizabeth, Duchess of Lauderdale and Countess of Dysart, by her first husband, Sir Lionel Talmash. Lady Catherine was the widow of James, Lord Doune, who died in the year 1685. She bore no children to the earl, but was tenderly loved, and much lamented by him at her death, which took place in the year 1705. This appears from a letter to John, Duke of Argyll, in which the earl refers to this bereavement:—

“My late unexpressably great loss hes made me very indifferent of the world . . . I have (I thank God) a competaney to live a retired life vpon, though the soldier trade by not being justly paid (the publieks not paying me), and being to much at court (London) hes impaired my fortune not a tittle. See that now, unless to serve my queen, country, or freind, I resolve never to stur out of Sutherland.”³

This letter was written in answer to a letter from the Duke of Argyll, who

¹ Copies of summons [etc.] in the process of declarator of precedency, at the instance of the Earl of Sutherland against the Earl of Crawford, etc. Anno 1706. Reprinted at

Edinburgh, anno 1766.

² Original protests at elections of peers in H.M. General Register House, Edinburgh.

³ Vol. ii. of this work, p. 200.

was appointed high commissioner to the Scottish parliament of 1705, in which he desired the Earl of Sutherland to be present at the meeting on 28th June, and to bring his commissions with him, as the second day of the parliament would show how affairs would go.¹ At the same time, Lady Elizabeth Talmash, sister of Lady Sutherland, and Duchess Dowager of Argyll, wrote desiring the earl to persuade young Grant to bring his niece to town. She had now only two nieces, she says, to make up for the loss of her dear sister, and did not know what Grant would do about Strichen, but thanks the earl for taking the poor orphan children under his protection, than which nothing could better express his affection and respect to her sister's memory.² In his reply to her grace, the earl explains in reference to Strichen's children, that he intended to have Strichen and his two brothers under his own tuition at Dunrobin, but that as the Earl of Moray wished to have Alexander, he would submit. If Grant and he could not agree as to Strichen, he wishes to make her grace umpire.³

About this time the earl obtained a new entail of the earldom by a charter under the great seal, following upon his own resignation, in favour of William, Lord Strathnaver, and the heirs-male of his marriage with Catherine Morison, his spouse, whom failing, to the heirs-male of the body of Lord Strathnaver, by any other marriage; whom failing, to the said John, Earl of Sutherland, and the heirs-male of his body; whom failing, the eldest heir-female of the body of the said William, Lord Strathnaver, without division, and the heirs-male of her body, etc., and failing these, to the earl's heirs-female, and several other substitutes, whom failing, to the earl's nearest heirs and assignees whomsoever.⁴

¹ Letter, 6th June 1705, in Sutherland Charter-chest.

² Letter, 6th June 1705, *ibid.*

³ Vol. ii. of this work, p. 201.

⁴ Charter, dated 29th March 1706, followed by sasine on 27th May 1707.

If the earl did shun public life for a time, it was not for long, as in February 1706 he was nominated by Queen Anne one of the commissioners for union between the kingdoms of England and Scotland.¹ He was present at nearly all the meetings of the commissioners, which were held in London; and the result of their deliberations was the Treaty of Union, which was signed by the commissioners, on 22d July 1706, and afterwards ratified by the parliaments of both nations. The Earl of Sutherland signed as the first unofficial Scottish peer; James, Earl of Seafield, the chancellor, James Duke of Queensberry, keeper of the privy seal, John, Earl of Mar, and Hugh, Earl of Loudoun, secretaries of state, alone preceding him. In the subsequent debates upon the Treaty of Union by the parliament of Scotland, the earl steadily supported the government, and voted for the various clauses of the bill. The Earl of Sunderland, then secretary of state for England, in writing to the earl, congratulates him on the progress made: "I am overjoyed to find things have begun with so good a face in your parliament, and that there is so much reason to hope for success in the great affair of this union. I assure you our great dependance in this matter is upon your lordship and your friends."²

A few days later, John, Lord Somers, formerly lord chancellor of England, and now president of the council, with whom the earl seems to have been intimate, also congratulated him on the hopeful entrance that had been made upon the great affair which he hopes to see terminate to the interest, happiness, and security of both kingdoms.³ On the 21st of November the Earl of Sunderland again rejoices over their good success, "which is really greater than one had reason to hope for since the ferment rais'd in

¹ Acts of the Parliaments of Scotland, vol. xi., App. p. 162.

² Letter, dated London, October 11th, 1706, in Sutherland Charter-chest.

³ Letter, dated 26th October 1706, *ibid.*

the country and the church against the union," which ferment he hopes will now abate daily.¹ Later, the English secretary further congratulates the Earl of Sutherland on being now near the end of the good work "which I hope will be happy to the whole island."² As is well known, the Treaty of Union was ratified and approved on the 16th of January 1707.³ John, Lord Somers, writing six days later, in the most cordial terms of pleasure at the "happy conclusion of the union," adds:—

"I wish and hope for good succeſſe here, and I ſhall be heartily joyfull to meet you in parliament next winter."⁴

The Earl of Sutherland himſelf, while he was thus praiſed and congratulated on his ſhare in promoting the union, appears to have deſired a tangible recognition of his merits. About a month before the final paſſing of the treaty, he procured from the Duke of Queensberry a letter of recommendation in his favour, apparently addreſſed to the Duke of Marlborough, "in relation to his pretenſions of being a lieutenant-general." Queensberry wrote, "My Lord Sutherland has behaved himſelfe ſo well and heartily in the queen's ſervice, and particularly in the matter of the union, that I could not reſuſe to give him this teſtimony."⁵ Armed with this letter, and ſupported by his friends the Earl of Sunderland and Lord Somers, the earl approached the Duke of Marlborough, who expreſſed every willingneſs to ſerve him, but the queen had "reſolv'd to declare nothing of this kind till every thing was over in Scotland." Lord Somers adviſed the earl to come to London and preſs his own claims, as "personal ſolicitation is beſt." Marlborough's ſecretary alſo wrote in a friendly tone that the duke had ſaid the

¹ Letter, in Sutherland Charter-chest.

² Letter, dated Whitehall, January 18, 1706-7, *ibid.*

³ Acts of the Parliaments of Scotland, vol. xi. p. 404.

³ Letter, dated 22d January 1707, in Sutherland Charter-chest.

⁵ Letter, Holyrood houſe, 21ſt December 1706, *ibid.*

regiment of guards would not be disposed of till the Scottish ministry came to town, but he assured Sutherland of the duke's goodwill.¹ The earl, however, did not obtain his desired promotion at this time.

The Earl of Sutherland was one of those elected, on 13th February 1707, to sit as representative peers in the first British parliament. That parliament, however, was dissolved in 1708, and a new election took place on the 19th of June in the same year. This election was very hotly contested, and the Earl of Sutherland failed to gain a place.² Lord Sunderland wrote to the earl that all his friends at London were truly sensible of the part he had taken in this great struggle in Scotland, and hoped that enough protests would hold to bring in him and some others of their friends.³ He wrote again, some months later, that the earl should lose no time in coming up, when the writer and his friends would give all their assistance towards doing him justice and bringing him into the house.⁴ Their efforts, however, were ineffectual, as on a scrutiny and calculation of votes by the committee of the House of Lords, the earl was obliged to retire from the contest.⁵ Being thus, as it were, compelled to retire from public life, the earl appears to have lived in a comparatively quiet manner for some years, until he was called to take part in a brief but stirring episode of national history. He himself tells us that during this period he lived in retirement, although the Earl of Oxford offered him a post suitable to his rank, and also payment of the money due to him.⁶ But, he says, he refused these "kind proffers," and preferred retirement, as he

¹ Letter, 10th March 1707, in Sutherland Charter-chest.

² Robertson's Proceedings relating to the Peerage of Scotland, p. 36.

³ Letter, dated Whitehall 24th July 1708, in Sutherland Charter-chest.

⁴ Letter, 26th October 1708, *ibid.*

⁵ Robertson's Peerage Proceedings, p. 45. The announcement of the result was made on 1st February 1709.

⁶ Vol. ii. of this work, p. 73, letter to the Earl of Newcastle.

did not like their measures. These, however, were changed by the death of Queen Anne on the 1st of August 1714, and the succession of the Elector of Hanover under the title of King George the First. The Earl of Sutherland, as one of the peers of Scotland, was summoned to the coronation of the king, and was also informed, two days before the event, that his majesty had appointed him to bear the third sword. He was required to be present at Westminster, on the 20th October, at eight o'clock in the morning, in his velvet robes, and with his coronet, to take part in the ceremony.¹ The earl was, no doubt, obedient to this summons, but he seems to have ere long returned to Scotland.

The new government naturally attached great importance to the result of the elections to the first parliament of King George in Scotland. These were satisfactory and resulted in the return of a large majority of members noted for their adherence to the Act of Settlement, while the sixteen representative peers who were returned had already been selected by the government for their zeal for the protestant succession. Among them was the Earl of Sutherland, who was a strong supporter of the new dynasty. But although he attended the election at Holyrood on 3d March 1715,² he was unable to be present at the first meeting of parliament a fortnight afterwards. In a letter to the king he expresses the happiness it would have given him to see his majesty in the midst of his parliament; but states that owing to his long absence from Scotland and a press of business caused by the recent death of his mother, together with an attack of gout, he had been obliged to postpone his journey.³ The Duke of Montrose had already represented the cause of the earl's absence in similar terms to the king. It is

¹ Vol. ii. of this work, pp. 23, 44. The Duke of Montrose about the same time requested the earl to be present at a private meeting of Scots peers in relation to a matter

that concerned them. [Letter in Sutherland Charter-chest.]

² Robertson's Peerage Proceedings, p. 71.

³ Vol. ii. of this work, p. 24.

probable, however, that the earl did not unnecessarily delay his journey to London, where the king specially desired the presence of the Scottish peers. He was certainly there some months later when the news of a threatened Jacobite invasion spread over the country and preparations were made for resistance.¹ Among other steps taken by the government, new lord lieutenants were appointed to the several shires of Scotland. The Earl of Sutherland was appointed lord-lieutenant of the six northern counties, Ross and Cromarty, Moray and Nairn, Caithness and Sutherland; while his neighbour in Banff and Inverness was Brigadier Alexander Grant. These and other appointments were published in the Gazette of 19th August 1715.² The earl also received on the 25th of the same month instructions as lord-lieutenant to embody the fencible men of the shires into regiments, etc., with orders to assemble them immediately in case of rebellion or invasion.³ A few days later James Stanhope, secretary of state, wrote intimating his majesty's pleasure that the earl should repair with all possible expedition to the shires of which he was lord-lieutenant to carry out his instructions.⁴

He immediately began preparations for his journey, as he intimates in a letter to Viscount Townshend:—

“I have all this day been preparing myself for my voyage; if the ship were come to the Nore, and had I those things soe very necessary for the king's service which I gave your lordship a memorandum of, I shall be ready to goe and putt the country in as good a posture as I can for his majesty's service, and venture my life in the good old cause.”

¹ Among the papers of Viscount Townshend, then secretary of state, is a document signed by the earl and other northern gentlemen, on 27th July 1715, begging for an interview “on a subject of great moment for his majesty's service.” The subject is not stated, but perhaps referred to a garrison de-

sired for Inverness. [Eleventh Historical MSS. Report, part iv. p. 159.]

² Rae's History of the Rebellion, p. 205.

³ Vol. ii. of this work, p. 25.

⁴ Letter, dated 30th August 1715, in Sutherland Charter-chest.

The earl then reminds the viscount of the office of chamberlain of the crown rents of Ross, promised to his son, Lord Strathnaver.¹

The letter cited was written on 1st September 1715, and on the 9th the earl had an audience of the king, and kissed hands on his appointment as lord-lieutenant. He had already advised that a garrison should be posted in Inverness, and he now told his majesty that, since he was going north without arms, ammunition or money, he had but a very dismal prospect of affairs there, yet he renewed his professions of loyal service.

We learn these and many other facts of the earl's northern campaign from a narrative prepared by himself, and embodied in a memorial of his services, which he afterwards presented to the king and parliament. It will be quoted in this memoir so far as occasion serves, as it illustrates the situation in the north of Scotland, of which not much is known. In it he tells us that he embarked on board the man-of-war *Queenborough*, on 11th September 1715, sailed from the Nore on the 14th, and landed at Leith on the 20th of the same month. He wrote immediately to the Duke of Argyll, commander-in-chief at Stirling, who replied two days later expressing his regret that the earl had not been provided with arms and ammunition in London, but though the quantity at his disposal was small, he had ordered him to receive 300 firelocks and ammunition for 24 charges. The duke adds:—

“As to directions for your conduct in the north, all I can pretend to say is, that I think it for his majesties service you should make the best of your way thither, and gathering together what number of men you can, endeavour to join with the rest of the well affected people in the north, and the two highland companies, follow the enemy in the rear, and annoy them as much as possible you can. For me to be more particular I take to be impossible.”

The duke concludes by stating that he is doing all he can. He wishes

¹ Eleventh Report of the Commission on Historical MSS., part iv. p. 160.

the ministers knew the true state of affairs in Scotland, and urges the earl to write them freely on the subject.¹

The earl apparently made a second application for arms and ammunition, which were granted; but he explains that in his anxiety to reach the north in good time, he sailed in the "Queenborough" with the 300 he already had on board, and ordered the second supply to be shipped and sent after him. This course proved unfortunate, as a contemporary historian relates. The arms, which were brought from the castle of Edinburgh, were put on board a ship at Leith; but the wind being contrary, the master dropped anchor near the harbour of Burntisland, and went into the town to see his wife and family. The Earl of Mar, having intelligence of this, detached from Perth a body of 400 horse, with as many foot mounted behind them, under the command of the Master of Sinclair, on the evening of the 2d October, who arrived at Burntisland about midnight. They pressed the boats in the harbour, boarded the vessel, and found in it 306 complete stands of arms; they found 100 more in the town, and 20 or 30 in another ship; all which they seized, and returned to Perth next day without opposition.² Meanwhile, the earl had reached his own country, and for some account of his further proceedings at this time we may now refer to his own narrative. He says:—

"I sailed from Leith the 25th [September], at night, and arrived the 28th at my own house of Dunrobin, in Sutherland, where I no sooner came, than without so much as refreshing myself, I immediately wrote my circular letters to convocate as many of my men as possible, with such arms as they had proper for an expedition, and for the greater dispatch, my son with one body of men, and my Lord Reay with another, were ordered forthwith to march to Ainess in Ross, the place appointed for the rendezvous, as being about 8 miles distance from my Lord Seaforth's country, and where Colonell Munro, with some of his men, and Hugh Ross of Brelanguall, with some of the Rosses, were assembled. I march'd with a third body myself, making in

¹ Letter, Stirling, 22d September 1715, in Sutherland Charter-chest.

² Rae's History of the Rebellion in 1715, p. 234.

all about 900 men out of Sutherland (which, for want of arms, were all I cou'd take with me then), and came to Alness the 5th October 1715. Next day I viewed the little body of men I had there, and found them to be about 1500 men (whereof 1200 only were fitt for service, the rest wanting arms), appointed officers, and form'd them into company's and regiments. On the 7th I had intelligence, that Sir Donald M'Donald with his clan, the Chisholme with his, and Frazerdale with a considerable number of the Fraziers, had joined the Earl of Seaforth, with about 1400 men. On the 8th I put my men in the best order possible, and understanding by my spyes that the enemy were in a full march towards us, I detached Colonel Munro, and some other gentlemen *pour reconnoitre*, who, viewing them distinctly as they marched in columns, reported that, by a modest computation, they were about 3000 men, which account was also confirmed afterwards by one Serjeant Ross, who had been 12 years in the army in Flanders; whereupon I call'd a councill of war, and having asked the opinion of all the gentlemen what was proper to be done at this juncture, they all (except one, who gave no positive opinion) unanimously agreed that, considering the inequality of our numbers, it would be more proper to retreat; for should any misfortune happen to us (that being the part in the north best affected), your majesty's affairs wou'd be lost in Scotland; for even some of those, who were well affected, were before my arrivall in that country compounding with the rebels, and the rest wou'd certainly have been forced into the rebellion, or swallow'd up by them, and consequently, the whole north of Scotland, as far south as Sterling, engaged against your majesty, if my being there had not encouraged them to continue firm.¹

“In pursuance then of the sentiments of the council of war, and judging it better conduct to retreat to a place of security, than to try experiments at so great hazard, as loosing the few, that remain'd faithfull to your majesty, and also since other considerable services might be pursued afterwards; we accordingly retreated in very good

¹ It is to be noted that there is a somewhat different account of this council given by an Inverness gentleman, whose letter [Vol. ii. of this work, pp. 53-61] may be read in connection with the earl's version. He states that several messages passed between the royalist and the rebel forces, as they lay for nearly a week within a few miles of each other; that Seaforth demanded hostages, but was desired to lay down his

arms, and he then threatened an attack. On this a council was held, when the Monroes of Foulis and others wished to fight, as even if they were defeated they would at least scatter the enemy; but Lords Sutherland and Reay were of a different opinion, and drew off their men, while the others separated, and Seaforth occupied the royalist camp. [Cf. also Rae's History, p. 331, where a similar account is given.]

order to the summit of a hill, from which we saw the enemy make a halt within a mile of us.

“About the same time several small ships came into the road of Cromartie, which the enemy believed to be a reinforcement of regular troops to us, which our march that way confirmed them in ; so that they did not think fitt to advance further, till we made a very safe retreat over the River Bonar, which divides Ross from Sutherland, and having brought all the boats from the enemy’s side of the river, and secured all the passes etc., I was obliged to let most of my people go home for provision, with positive orders to be ready at a call, they being in extream want of every thing necessary for such a cold winter’s campaign ; besides the half of their corn was lost, not being yet cut down, which with the badness of the preceding crop of corn portended a famine in the country.

“On the 13th [October], being informed that the enemy intended to invade Sutherland with 2000 men, I dispatch’d my son with a good body of gentlemen, and others to reinforce those whom I had left to guard the passes, and gathered the country together again to support them ; but the rebels, instead of pursuing that resolution, did nothing but plunder and destroy the goods and estate of Sir Robert Munro of Fowlis, and other gentlemen of that name, and also the estate of Sir William Gordon, now one of the commissioners of accounts, to whom they show’d a great deal of malice, leaving nothing undestroyed upon his lands ; nor upon the lands, even of such, as had compounded to continue neuter.

“In the mean time my Lord Duffus march’d into Tain, the chief town of that part, with about 4 or 500 men of the Mackenzies, Chisholms, and MacDonalds, and proclaim’d the pretender there, my Lord Seaforth with his main body being at hand to support him.

“Thus finding it impracticable for them to penetrate further, and Seaforth dayly receiving one express on the back of another from Earl Mar in the most pressing terms imaginable to make all possible hast to joyn him at Perth with all the men he cou’d bring with him, march’d back to Inverness, taking Sir Robert Munro’s house in his way with about 200 stands of arms, and on the 22nd October continued his march to Perth.

“I shou’d have told before, that Sir Donald M’Donald with about 900 men and the Mackenvines [Mackinnons] with about 200 came from the western islands of Scotland to joyn Seaforth, (which is a longer march than if they had gone to Perth) they being ordered by Mar to reduce me, and the whole north, and not to leave an enemy behind them ; but instead of that, they were not only by Gods blessing, and my

endeavours, disappointed, but the diversion I gave them for some time was probably the ruin of their cause, for by their stay in the north, they cou'd not joyn Mar, till the troops from Ireland had joyned the Duke of Argyle, and if the MacDonalds, Mackenvines, Mackenzies, Frazers, Grants, and Chisholms, to the number of about 4000 of the best men in the Highlands, had not been detained by the diversion they had in the north, they wou'd have joined the Earl of Mar at Perth 3 weeks or a month sooner than they did ; which probably wou'd have enabled Mar to make his way into England with 10,000 men, when the Duke of Argyle had but 1600 men to oppose him ; and if 1000 Highlanders, joined with the disaffected in England, made so great a consternation there, untill they were beat at Preston, what wou'd 10,000 together with the disaffected in Lancashire, Warwickshire, Cheshire, and Staffordshire have done ? 'Tis terrible to think ! and I may say, without vanity, that God was pleased to make use of me, as an instrument to prevent it, and that long before the Lord Lovat and some other assuming gentlemen came to the north and joyned me."¹

The Earl of Seaforth, before he set out for Perth to join the army under the Earl of Mar, halted a day or two at Inverness, where he was joined by 300 Frasers under the command of Alexander Mackenzie of Fraserdale. On his departure from that town he left Sir John Mackenzie of Coul with a garrison in the castle ; but he had no sooner gone than the Earl of Sutherland took measures to retake that important post, and secure the northern shires to his majesty's government.

In the meantime, having received no intelligence from the south of what had been done by the Duke of Argyll, he wrote to his grace to keep him informed of his actions. The letter, however, only recapitulates what has been already narrated, and the writer sends the duke a "journal" of his pro-

¹ "Memorial for John, Earl of Sutherland," in Sutherland Charter-chest. The somewhat contemptuous allusion to Lord Lovat will be explained by occurrences narrated later on, but it may here be noted that in various letters during 1714 and 1715, Lovat had written to the earl making great professions

of loyalty and assertions of his own usefulness in the north. He also made abject appeals to the earl to use his influence on his behalf, or the Clan Fraser and he would be in a desperate condition. It is not clear if any reply was given to these appeals. [Vol. ii. of this work, pp. 206, 207.]

ceedings. He complains greatly of the lack of arms and ammunition, and wishes his grace "all success imaginable."¹ The earl's narrative proceeds:—

"That matters might be carried on with more vigour for your majesty's service, I called what gentlemen I cou'd from the severall counties of Cromartie, Nairn, Ross, Murray, Sutherland, and Caithness, to meet me 1st November at Inverbreakie in Ross, a house of Sir William Gordon (in the centre),² in order to concert measures for reducing of Inverness, and afterwards pursuing the enemy to Perth, or any other service that cou'd be thought practicable; but having no money, arms, ammunition, or provisions, nor any advice from the Duke of Argyle, nor from the secretaries of state, I sent Mr. Alexander Gordon, brother to Sir William Gordon, to acquaint the Lord Townsend, and Mr. Secretary Stanhope of the condition we were in, that so they might inform your majesty of it, and to pray for a speedy relief.³ So after I had laid out all the money I had my self, or cou'd borrow, we resolved at length to take up the land tax, and in the county of Murray, where the men are very little us'd to arms, I made them pay their proportion of militia in money for subsisting the men I had got with me, and thus having got a little money, I proposed in the first place the taking the town of Inverness, whereby we might not only joyn our friends on the other side of the water of the severall shires of Murray, Nairn, and Inverness,⁴ but also prevent the retreat of the enemy to their own country, and as Providence was still favourable to your majesty's cause, one Captain Brice, in a trading galley, happened then to come into Cromartie Road, who, out of his affection to the government, gave us 12 pieces of cannon with powder and ball, for to make the reduction of that place more effectually, since our friends on the other side fail'd in their attempt upon the place, in which Killraicks brother was kill'd."⁵

¹ Draft letter, 27th October 1715, in Sutherland Charter-chest.

² Of the county.

³ This is corroborated by the drafts of two memorials, in the Sutherland Charter-chest, dated 2d November 1715, the first to the Duke of Argyll, attributing much of the misfortune of their present circumstances to the want of regular troops in the town of Inverness, and complaining of their lack of

arms, etc.; the second, in similar terms, addressed to Viscount Townshend.

⁴ In another account the earl expresses a hope that, in eight days "we shall have a body of two thousand men 'twixt those on this and the other side of the river Ness to attack the place [Inverness] which wee do not doubt wee shall soon be masters of."

⁵ This refers to the death of Mr. Arthur Rose, brother of Hugh Rose of Kilravock. See also vol. ii. of this work, p. 57.

The earl, however, was not destined to take part in the actual seizure of Inverness. Its importance had not escaped the notice of the authorities, and while the Earl of Sutherland had been occupied with Seaforth's army, the Duke of Argyll was taking measures for the reduction of the northern burgh. Brigadier Grant of Grant, lord-lieutenant of Inverness and Banff, but who was then in the duke's camp at Stirling, writes to his brother, Captain George Grant, on 18th October 1715, with instructions for the retaking of the town. These provided that the work should be done by Colonel William Grant, Lord Lovat, Captain George Grant, and others:—

“What we have projected here with the advice and by the direction of the Duke of Argyll is that my Lord Lovat, the two Lairds of Kilraick, Culloden, Collonel Grant, and you, with all their people and myn, doe joyn in the retakeing the toune and castle of Inverness, and in extirpating the rebels and rebellion, now raised by the Earle of Seaforth; that you doe attack them on the one side at the same tym as the Earle of Sutherland does the like on the other.”¹

Lord Lovat, who had in a measure made his peace with the government, and had come north to take part against the rebels, had reached Stirling shortly before the date of this letter, and if not the bearer of it, was no doubt aware of its contents. He announced his arrival in his neighbourhood on 2d November to the Earl of Sutherland, who also forwarded instructions to him as to how he and the others should act until the earl came up. It was his intention that they should all act together, and if possible secure the capture of the rebel garrison then in Inverness. But the separate orders, cited above, from the Duke of Argyll, and the fact that the march of Seaforth with the main body of rebels towards Perth, had left the Inverness garrison almost unsupported, determined Lord Lovat and the other gentlemen named to act independently in an attempt to seize the town. The story of the retaking of Inverness has been often told, and need not be repeated here, and

¹ Letter cited in “The Chiefs of Grant,” vol. i. pp. 357, 358.

the rather as the Earl of Sutherland took no part in it. As indicated by the earl's narrative, their first attack resulted in failure, but the governor, probably on hearing a report that the earl's force was approaching, bringing cannon along with them, offered to surrender, which was permitted, and he and his men, on 12th November, marched out with their arms, and went towards Perth, while the royalists proceeded to occupy Inverness. On the following day Lovat, Rose of Kilravock, George Grant, and the other commanders, wrote advising the earl that the town was theirs, stating in inflated style that it had surrendered through dread of the earl's approach, and earnestly hoping for his presence to aid them in repressing the rebels in the neighbourhood. They also, in a second letter, advised that the cannon, as now no longer necessary, should be stored at Inverbrakie, but that the earl should bring powder and ammunition, which was much needed.¹

The Earl of Sutherland was greatly disappointed that he was thus deprived of the honour of taking Inverness, and he comments somewhat severely on the garrison being allowed to go free. But into these, and also into the disputes which afterwards arose between him and others on the subject, it is needless here to enter. It is evident from one of his own letters that for some reason the earl did not march direct from Inverbrakie to Inverness, but returned to Dunrobin, as he was there on the 14th of the month, two days after the town was surrendered. Those on the spot were justified by their orders in acting without him. The letter in question, to his son, Lord Strathnaver, urges the latter to make all haste in his preparations, and to secure the ferries.² He reached Inverness a few days after its capture, and congratulated those who had aided in that result. As he himself says, though he thought "this treatment [acting without him] was very

¹ Letter, quoted in the Earl's Memorial, and also original, in Sutherland Charter-chest.

² Letter, 14th November 1715, vol. ii. of this work, p. 48.

provoking, yet I stifled all resentment, the better to go on with your majesty's service." But his disappointment at the evacuation of Inverness by Sir John Mackenzie, ere his own arrival, was somewhat alleviated by his promotion to the rank of lieutenant-general. He also received a gratifying letter from the secretary of state, Mr. James Stanhope, who wrote :—

"I am commanded by his majesty to return your lordship his thanks for your eminent zeal and activity at this juncture. Mr. Gordon will deliver your lordship a commission of lieutenant-general, and is likewise charged with a thousand pounds and a thousand arms for your lordship's service."¹

His own narrative, after the taking of Inverness, proceeds—

"I ordered the severall cheiffs to march with their men to a place near the house of Brahan, belonging to Lord Seafort, and to meet me and my people there on the 22d of November, which being done I summoned the house to surrender, with the arms and ammunition in it. The Countess Dowager of Seafort represented that it was her jointure house, that she had neither men, arms, nor ammunition, that there were none in it, but women and a few servants, and that she would find good security that the house shou'd not be made a garrison against King George ; but that it shou'd be allways open, and ready to receive his troops, when required, etc^a. I sent my son, Lords Lovat and Reay, with Collonell Munro to search the house for arms and ammunition, and if none was found therein to take the countess's bond for £5000 and ten landed gentlemen of the name of M'Kenzie, who were not concerned in the rebellion, as bayle for the performance of those terms. This I was obliged to accept of, having no provision for men to garrison the house.

"I then returned to Inverness to put the place in the best posture of defence that was possible, where, having got intelligence that the Marquis of Huntley's men of Badenoch, Glenlivet, Strathdon and Strathbogy were preparing to fall down upon Murray to lay that shire under contribution, I marched a body of 2000 men 28 miles south as far as Elgin, within six miles of Huntley's principall house, in a very severe winter season, as ever was seen in that country.² This march was designed not only for

¹ Letter, dated London, 25th November 1715, in Sutherland Charter-chest.

memoir, intrusted his son, Lord Strathnaver, with the command of this expedition. The letter of instructions is dated from Burgie.

² The earl, as will appear in the following

[Vol. ii. of this work, p. 50.]

protecting the country, which was insulted by the enemy, but also to alarm the rebels at Perth, as well as those in the severall shires of Aberdeen, and Merns, etc^a, who were getting to a head.

“This partly had its desired effect, for Seaforth got home with all expedition in order to fall upon Inverness on one side, while my Lord Huntly designed to attack it on the other, and was also come home from Perth to get his men together again for that end. I thought it then high time to look to the security of that important place by returning thither with all the forces I had at Elgin, except the Grants, who went home; alledging that Huntley wou’d fall first upon their lands; but they promised to joyn me again, which they afterwards did.

“It was no small difficulty in such violent cold weather to keep a militia together, made up for the most part of highlanders, having little provisions and less money for their subsistance; when at the same time many of them were at a great distance from their homes, and more particularly my own people of Sutherland and Strathnaver, who were 100 miles.”

About this time the earl received another communication from the commander-in-chief, who wrote that he had only received one letter from the earl since he went north. The duke had then written two letters, neither of which the earl had received. He says, “I am extreamly glad of the success you have had, and I know you to be so much Lord Lovat’s friend that you will let our ministers know how servisable he has been to you and consequently how much he merits his majestic’s favour.” His grace mentions the arrival of the Dutch troops and two regiments of dragoons at Edinburgh.¹ A second letter states that the duke could not send regular troops as the ministry had Perth so much at heart; that his men ought not to want so long as the rebels had whercwithal, and again asking his assistance to do justice to Lord Lovat with Lord Townshend.²

The earl’s narrative continues:—

“However, having such powerfull enemies as Huntly and Seaforth to grapple with I did all I cou’d to keep them (his men) together, and having on 26th December called

¹ Letter, dated Stirling, 16th December 1715, in Sutherland charter-chest.

² Letter, dated 19th December 1715, *ibid.*

all such as had the command of them, I proposed to fight Seaforth first, he being within 9 or 10 miles of us with about 2000 men, before my Lord Huntly could have time to gather his men, he being about 30 miles distant from us. To which they all agreed, and for that service I detached 200 of my son's battallion, 150 of Lord Reay's, all Sutherland and Strathnaver men, about 300 Grants, 150 of Munro's, and 50 of Culoden's, all very well arm'd. These were ordered to joyn Lord Lovat's men at his house which was within 2 miles of the enemy. I design'd this command for my son, but he having strained his leg by a slip upon the ice, and so not able to walk, I gave the command to Lord Lovat. I prepared another detachment to go along with myself to joyn Lovat, if it shou'd be necessary; leaving 700 men in and about the town, in case Huntly shou'd make any attempt, or to join my own detachment, if there was occasion for it.¹

“On the 27th my Lord Lovat, with the other officers at the head of their severall commands, marched to his lordship's house of Castledunie with a design, according to his orders, to attack the enemy next day. But when he had marched about a mile, the Countess Dowager of Seaforth met him with offers of submission from her son, the Earl of Seaforth, to this purpose—that Seaforth promised upon honour to disperse and dissipate his men immediately, and not to appear or take arms against his majesty King George, or the government, till the return of an express the Earle of Sutherland was to send to court.

“This agreement she promised wou'd be returned next morning ratified and signed by her son, of which my Lord Lovat acquainted me, and in a short time after sent another express, signifying that those terms were not returned to him signed by Seafort according to agreement.

“I then suspected that all this was only grimace to gain time for concerting with Huntley, and knowing the countess to be a woman of intrigue, being bred a bigotted papist, and a daughter of the Marquis of Powis, and her mother one concerned in all the popish plots; and finding by a letter from Lord Lovat, and the other gentlemen with him, written at 11 of the clock at noon, and also another letter at night, that there was no submission yet sign'd; besides not having above 2 days' provision, and also remembring the former management of affairs at Inverness, I forthwith took horse at midnight, with 20 gentlemen along with me, and ordered 200 foot to follow. But

¹ This account is corroborated by the resolutions of the council of war, printed in vol. ii. of this work, p. 50.

when I came to Castledunie, I found Lord Lovat sick in bed, and then ordered all the severall corps to march to the river Beulie, which parted us and the enemy, and to meet me early next morning in good order to attack them, and after reposing my self a little in a chair without stripping, I put my self at the head of my men by 7 or 8 next morning, who were all very earnest to engage the enemy, tho' more numerous and more advantageously posted, but not quite so well armed as we were.

"I passed Beulie river upon the ice with 1600 very good men, and having got certain intelligence that the enemy had a mind to retreat to a wood that they had near to their left, where it was impossible to follow them, I marched my men as much as I cou'd to their left to cut off this their intended retreat; whereupon there came a message from Earl Seaforth with his submission sign'd, as it was formerly agreed upon with Lord Lovat. I, who had never any conversation with rebels (except I call the Countess of Seaforth one), sent Lord Lovat (who was now recovered a little of his illness) with Collonell Munro, and some others, to see Seaforth disband all his men, except 100 he was allow'd to keep about his person untill I had your majesty's pleasure concerning him. We then march'd back to Inverness.

"Here I must observe how remarkable Providence was in this, as well as in every other step I made in your majesty's service; for had I stay'd that night upon the other side of the river Beulie, which I pass'd early in the morning upon the ice, there came on such a sudden thaw next night, that it wou'd have been impracticable; for men and horses could not pass for some weeks after, and had that thaw happen'd on the day before, Seafort wou'd not probably have submitted, or if I had returned that night, I shou'd have been without provisions in our enemies' country; but on 31st December I returned to Inverness, after settling with Seaforth, and so escaped all those accidents."

The terms of the Earl of Seaforth's submission may here be given:—

"Wee, William, Marquis of Seaforth, doe promise upon honour to Simon, Lord Lovat, commanding his majesties forces near Iuerness, to disperse and dissipat my men immediatly, and set at liberty the gentleman of the name of Munro detain'd by my orders; and not to take arms or appear against his majesty, King George, or the government, till the return of the Earle of Southerland's express from court, provideing that neither I nor my friends, countrey, or people, be molested or troubled till the said return from court."¹

¹ Signed at Brahan, 30th December 1715, contemporary copy in Sutherland charter-chest. Cf. also "The Chiefs of Grant," vol. iii. p. 253.

The agreement on Lord Lovat's side was a counterpart of this.

The capitulation thus arranged on the moor of Gilchrist happened at a fortunate moment, for the earl's narrative thus proceeds :—

“In a day or two afterwards Seaforth had advice of the Pretender's landing in Scotland, when his men were dispersed, some to the west isles above 50 miles distant, so cou'd not be brought back for some considerable time.

“In a few days after, the Lark man of War arriv'd in Cromartie Road with Mr. Gordon, whom I had sent express to London, and he brought with him 1000 arms and ammunition, with £1000 in cash, which if it had come sooner, or had it been sent with me, when I went from London, it wou'd have turn'd to a far better account for your majesty's service. All this £1000 was ordered for subsisting the men, for which the paymaster got receipts.

“Earl Seaforth being forced to terms, my next task was with the Marquis of Huntly, whom I cou'd no ways annoy, for when I marched, or sent any party to attack any such as he sent into Murray, they always retired over the river Spey, so that none of my people cou'd ever get within ten miles of his.

“When I understood that the Pretender had fled beyond sea, and that the regular forces were at Elgin on their march to Inverness, I sent home my own men, and such others as had joined me, except the Lord Lovat's who lived near to Inverness.

“I then left that place to make a visitt att Culoden two miles from the town, where the gout seized me. Major-general Wightman, Brigadier Grant, and severall other gentlemen came to visitt me, and as they were there with me, the Marquis of Huntly, Lord Rollo, Tulloch of Tanachie came and surrendred themselves to me, as your majesty's prisoners. I recommended them to the care of Mr. Wightman, who in my absence commanded the troops at Inverness.”

Here the earl's narrative practically ends, but its summing up and conclusion may also be quoted :—

“I have made this representation as short as possible I could, considering the variety of matter it contains. Your majesty will easily observe in the whole course of my proceedings, that your interest and service was what I only had in view and ventured all for, and which, without vanity, I may say, I had the pleasure by God's blessing in a great measure to advance by preventing the Earl of Seafort, with near 4000 men with him, from reinforcing Mar till such time as the forces from Ireland

had joined the Duke of Argyle. I then not only hindred the Marquis of Huntly and the Earl of Seafort from joyning their forces, but obliged the latter to own your majesty and dismiss his people, and the first to surrender himself to me, as your majesty's prisoner. These two being the persons of the greatest command amongst the rebels, and both papists, the Pretender had his chief dependance upon them ; so when he heard that I had obliged the Earl of Seaforth to own your majesty and dismiss his men, and that I detained the Marquis of Huntley in the north, so that none of them joyned him, he took his precipitate flight without seeing either of them. So having laid before your majesty in a former memoriall what part I acted for your service before your accession to the crown, I leave it entirely to your majesty to judge of my behaviour." ¹

It is uncertain when this account of his actions during the rebellion was presented by the Earl of Sutherland to the king, but it was probably in the year succeeding the rebellion. Long ere that, however, his version had become known, and its accuracy was disputed in at least one point. Lieutenant-Colonel William Grant of Ballindalloch, at the instigation of Brigadier Grant of Grant, wrote and printed what he styled "A true and impartial account of the conduct of the well affected in the north during the late Rebellion." ² Brigadier Grant in a letter to Colonel Grant on 22d December 1715 says :—"I wonder that none of you sent me up ane exact account of the takeing and possessing the town and castle of Inverness. Its in all the prints that it was done by Earle Sutherland, with the M'Kays, his own people, the Rosses, and Monroes of Ross-shire, and by what I can understand, there was none of these, no, not the earle that came over the ferry for several days after you were in possession of both." He desires the memorial to be written in a fair hand, and signed by the deputy-lieutenants,

¹ Manuscript memorial in a fair hand, with French translation indorsed "Copy of Lord Sutherland's account of his conduct in the 1715." There are several copies of this

document in the Sutherland Charter-chest.

² Manuscript at Ballindalloch. History of Scotland, 1689-1745, by John Hill Burton, vol. ii. p. 189 note.

and he would transmit it to court, "that other people may not run away with the glory of your actions." People at London were surprised this had not been done before, "especially when I tell them that had it not been for the appearance made in Inverness-shire by Lord Lovat and others, that the Earl of Sutherland, nor any of the others, would have ventured to cross the Mickle Ferrey."¹ This dispute, which led in the end to a rupture between Sutherland and Lovat, need not further be discussed, as we know from his own narrative that the earl was not present at the taking of Inverness.

Before leaving the active operations of this campaign, we may refer to a curious document as illustrative of the proceedings of a council of highland chiefs in conducting a campaign. It narrates the proceedings of a council of war before the surrender of Seaforth at the moor of Gilchrist, and before the Earl of Sutherland had made his night journey from Inverness to discover what his able but "assuming" commander, Lord Lovat, was about. The document begins in due form :—

"CASTLE DOWNTIE, December 1715.—Sederunt, Simon, Lord Lovat, appointed commander of the forces employed against Earle Seafort by the Earle of Sutherland, lord-lieutenant of the 6 northern counties, Collonell Robert Monro of Foullis, Captain George Grant, of the Earle Forfar's regiment, John Forbes of Culloden, and Mr. Duncan Forbes, advocate."

The minute is too long for full quotation, but may be summarised. Lord Lovat announced Lord Seaforth's willingness to submit, on the terms already stated. Intelligence as to the relative strength and advantages of the two forces was then given, and it was moved that the agreement be rejected, as the royalists, being better armed, would probably gain the victory in the event of a battle. To this it was replied, that while victory was probable, the rebels could escape easily to the mountains and avoid a contest, while the

¹ Letter at Ballindalloch, quoted in "The Chiefs of Grant," vol. i. pp. 363, 364.

royalist army was straitened for provisions, and if obliged to retreat to Inverness would be seriously incommoded. It was then resolved that Seaforth's submission should be accepted. The same document gives the minute of another council presided over by the earl in person at Inverness, 10th January 1716, the same members being present. Lord Reay reported that at a meeting with the Marquis of Huntly, the latter had offered to withdraw his forces to the east side of Spey, provided the Earl of Sutherland would not invade him; and it was resolved, because of the season of the year, "the excessive storm," and the difficulty of keeping a force together, to accept this arrangement.¹

The "excessive storm" here referred to probably rendered the roads difficult of passage, as it was not until the middle of January that the news of Seaforth's submission reached Stirling. We learn this from a letter written by the Duke of Argyll, commander-in-chief, who thus announces his intended advance to Perth:—

"We are in hopes that every thing will be ready to enable us to march to Perth about the 22d, and nothing but an extremity of bad weather shall then occasion a moment's delay. Your lordship will therefore judge it necessary to doe all you can to prevent the rebels in the north from rejoining those in Perth."

The duke intimates that he sends twenty barrels of powder, with shot in proportion; and he informs the earl of the Pretender's arrival at Scone.² There is also a letter from Lieutenant-General Cadogan of the same date in similar terms. When these were written, information from the earl had not reached Stirling, but in a postscript to his letter the lieutenant-general acknowledges receipt of the earl's letter of the 1st of January, and congratulates

¹ Original minutes, in Sutherland Charter-chest.

² Letter, dated Stirling, 14th January 1716, *ibid.*

him upon Seaforth's submission.¹ The earl's letter was transmitted to James Stanhope, secretary of state, who, by his majesty's orders, wrote conveying to the earl the king's thanks for his good services, and desiring the same to be communicated to the Lord Lovat, and other gentlemen concerned. The secretary also announced that the king had accepted the Earl of Seaforth's submission on condition that he surrendered himself at Inverness within a reasonable time, and remained there on parole; that he had bestowed on the Earl of Sutherland the lord-lieutenancy of Orkney, vacant by the decease of the Earl of Morton, and that, in consideration of Lord Lovat's zeal and services on this occasion, his majesty had decided to grant him his pardon, of which the earl was to inform him.² Besides this, the Earl of Sutherland had the honour to receive a letter from the king himself, thanking him for his services, and for the skilful arrangements he had made to preserve the important position of Inverness. His majesty declared he would never forget those services, and hoped the earl would continue them now when the king's army was about to march against the rebels.³ The earl also received letters from John, first Duke of Roxburghe, who congratulates him upon his "glorious and successful campaign," and from other courtiers.⁴

One episode, showing some difficulties placed in the way of the Earl of Sutherland, while acting in support of the government, may here be noticed. When he, as lord-lieutenant, summoned the militia of Caithness, he was answered by a letter from Lord Glenorchy, who states that he had received

¹ Letter, vol. ii. of this work, pp. 51, 52. A letter written on the same date by Colonel William Ker to the earl, begs "to assure your lordship that whatever is done for your lordship or family is not owing to a certain man here [at Stirling], but to your own merit, for I know what I know."—Original letter in Sutherland Charter-chest.

² Letter, 23d January 1715-16, vol. ii. of this work, p. 52.

³ Letter, dated St. James, 17th January 1716, vol. ii. of this work, p. 27. The earl returned a suitable reply, 7th February 1716, *ibid.* p. 27.

⁴ *Ibid.* pp. 61, 63.

the earl's letter giving him advice to take care of the peace of the shire, and of the coast, "thereby to prevent any trouble to this shyre, or confusion in our bowells." He thanks the earl for his opinion, that he would take care to make the shire safe, which was all that could be expected of it, considering its remoteness. On the other hand, in reference to the earl's appointment as lord-lieutenant, Glenorehy claimed that office by heritable right, a claim which arose out of the old vexed question of the heritable justiciary of Caithness, and he further states that he had laid his case before the king. He therefore advised the earl to delay giving any orders to gentlemen in the shire till the king's pleasure were known.¹ This untoward opposition by Lord Glenorehy is referred to in a memorial on behalf of the Earl of Sutherland presented to the king by Sir William Gordon about the beginning of the rebellion, in which he says that the earl was encompassed with enemies, having in his rear the men of Caithness commanded by Lords Glenorehy and Duffus to the number of 800 men, and in his front the clans of the Mackenzies and others to the number of 5000, led by the Earl of Seaforth.² It is evident from this that Lord Glenorehy's sympathies were believed to be with the rebels, though he did not actually join them. A belated attempt was made in Caithness, in the end of January 1716, to proclaim Prince James at the town of Wick.³ Many gentlemen of the neighbourhood took part, as described by a letter of the period, but Lord Glenorehy is not named among them, and at a later period he is found on the side of the government.

The advance of the royal army to Perth, the retreat of the Pretender, and his embarkation at Montrose for France are so well known, that recapitulation here is unnecessary. The army of the Duke of Argyll reached

¹ Letter, dated Thurso, 12th November 1715, in Sutherland Charter-chest.

² Draft memorial to the king, *ibid.*

³ Letter, Robert Sutherland, from Lairg, 28th January 1716, *ibid.*

Aberdeen on the 8th of February. The duke had formerly written to the Earl of Sutherland advising him of his design to attack Perth, and that the rebels, upon their deserting that place, might possibly endeavour to get possession of Inverness, which, being the key of the country beyond it, might be a convenient station for them. The duke therefore desired the earl to have his garrison as strong as possible. This letter reached the earl about the beginning of February, and he communicated it to his majesty's friends in those parts, who forthwith assembled their men as formerly; and the garrisons continued till the arrival of the regular troops.¹ In reference to this movement Hugh Rose of Kilravock and Sir Robert Monro wrote to the earl at Inverness that they had met by concert at Fearn, and that it was agreed by Pitcalnic, Easterfearn, Tolly, and other gentlemen of the name of Ross in the low country that on Monday next the six eastern parishes should rendezvous at Mulderg to march to Inverness, while the men of Strathoykel and Strathcarron were to go over about the same time with Braelangwell and Kindeace. The writers complain of lack of provisions, and say that for want of meal the people in that country were starving. They would have about 700 men on Monday at Fearn, and wish to know if they should march at once to Inverness, without waiting for the earl's men or for provisions. In a postscript they report that Seaforth had pressed out the Assynt men, who marched last Sunday to join the Coigach and Lochbroom men, who were all in arms to march to Brahan.²

The impoverished condition of the country is also referred to in a letter from Lord Reay, who says that he would be glad to hear that the rebels were driven north, but to make head against them a quantity of meal should be secured in Sutherland to be sent where neces-

¹ Rae's *History of the Rebellion*, pp. 370, 371.

² Letter, dated Fearn, 4th February 1716, in *Sutherland Charter-chest*.

sary.¹ He says "there is no corn in this country. I never saw it so scarce in the bad years." He nevertheless expressed his readiness to march at call, and three days later wrote that he had sent off his men. On the following day he announces "Macpherson met me here, just as I was giving a dram to the men to drink King George and your lordship's health. They march this moment."²

Lord Reay, in one sentence of his letter, wishes the earl joy of his new post. This refers to his recent appointment as first lord of police. Viscount Townshend, one of the secretaries of state, in a letter to the sixth Earl of Haddington, when intimating the arrangements that were to be made on the death of the Marquis of Tweeddale, first commissioner of police, says, "His majesty designs the Earl of Sutherland shall succeed to the marquess as first commissioner of police. Your lordship is to come into the Earl of Sutherland's room in that commission."³ This arrangement was carried out, and the earl was made first lord of police; but he subsequently complains that his salary was sometimes in arrear.

The earl's preparations to defend Inverness proved successful. The dispirited Jacobite army broke up ere they reached that town, and dispersed for safety to the highlands. Their disorganised condition is described in a letter written by Alexander Sutherland, Tormore, to William, Lord Strathnaver. After telling how a former messenger had been seized, stripped and robbed of his horse, the writer says:—

"Yesternight the Lords Southesk, Marishall, Lithgow, Rollo, Kingstone, Lord Edward Drumond, Burlee, and severall others, and the clans, with General Gordone, were in Keith, with maney gentelmen of the South countray, who sent to Huntly to see

¹ Letter, dated Tongue, 4th February 1716, in Sutherland Charter-chest.

² Letters, dated Tongue, 7th and 8th February 1716, *ibid.*

³ Letter, 23d December 1715. Memorials of the Earls of Haddington, by Sir William Fraser, K.C.B., vol. i. p. 56.

if he would head them, which I hear he wond not, so they marched this day about eleven acclock up to the Highlands in the last despair, maney of them having dispatched ther horses and servantts to shieft for themselves. Ther was, they give out, about 1700 foot besids horse, maney of which horse have crosed Spey, in order to transport them selves to Caitness and Isls by boat, amongst whom is Duffus, Generall Ecklin, the Master of Sinclair and Kintore, who went from Gordon castell this day, and yesterday. The Clans have ruined this place, particularly my small intrest, for Rob Roy M'Grigor and all his creu, Kepacks, and most of Sir Donals men lay on me last night, have caried away ods of tenty of my peopls horses, loaden with ther effects, killed my sheep, and in a maner left nothing woud carie, brunt severall things . . . Ther are severalls returning back by the Cairn, rather choysing to stand ther fait as tack the hills, finding Huntly will not joyn them as is said. They say they have nather money nor amnitione, and oun themselves to be in a starving condition. I hear those went by boat were so malichons as to shout ther horses when the[y] took boat." ¹

Lord Glenorchy writes to Lord Strathnaver on the same subject, assuring him of the good neighbourhood of the shire of Caithness to Sutherland, that he had sent an express to the earl. He adds, "To-morrow I am to send pairties to all the coast to prevent boats landing. I believe it is over. It is twentie miles from this the boats landed, and they went straight through to Orkney, fortie or more gentlemen in a miserable condition." He further expresses gratification that the Duke of Argyll had taken his father into his protection, and had got his peace. In a postscript he states that some of the gentlemen who were at Wick had surrendered, while the rest were to do so that day. The two Ulbsters and Geese were to receive them when they came.²

Orders were now issued to the lord-lieutenants to apprehend and detain in custody gentlemen who had been concerned in the rebellion.³ At the same time the Duke of Argyll intimated to the earl his arrival at Aberdeen,

¹ Letter, dated Tormore, 10th February 1716, in Sutherland Charter-chest.

² Letter, Thurso, 12th February [1716], *ibid.*

³ Orders, 10th and 14th February 1716, *ibid.*

informing him also that those of the rebels who were in a body had marched towards Castle Gordon by Old Meldrum, and that the king's troops were to be disposed in different quarters, four battalions and two squadrons being destined for Inverness and Moray. The duke also said he had learned from Lord Haddo that the Marquis of Huntly was to have an interview with the earl, in order to his submission to his majesty.¹ A short time afterwards instructions were given to disarm all the common people who had been in the rebellion.² The Duke of Argyll returned at this time to London; and Lieutenant-General William Cadogan writes to the earl intimating the fact, also his own appointment to the command of the army, and the measures taken to disarm the rebels.³ On the advance of the regular forces as far as Elgin, the earl, as his own narrative relates, disbanded all his forces except Lord Lovat's men; and being seized with a severe attack of gout, retired to the house of Culloden.

It was probably about this time that Lords Huntly and Seaforth appear to have raised difficulties as to the observance of the terms of their surrender. To this Lieutenant-General Cadogan alludes in the letter cited above. He says, "The conduct of my Lord Huntly and Lord Seaforth is very surprising; and since they have not thought fit to accept the terms your lordship was authorised to offer them, in my opinion they have freed you from any engagements you were under to them, but of this your lordship can best judge." A few days before, Major-General Wightman, who was appointed to command in the north, wrote that they were much surprised at the liberty allowed to the Marquis of Huntly.⁴ It is not clear what part Seaforth

¹ Letter, dated Aberdeen, 10th February 1716, vol. ii. of this work, p. 61.

² Letter, dated 20th February 1716, *ibid.* p. 62.

³ Letter, dated Aberdeen, 26th February 1716, *ibid.* p. 64.

⁴ Letter, announcing his appointment, Forres, 22d February 1716, in Sutherland Charter-chest.

played in this matter, but it would appear that the Marquis of Huntly used the Duke of Argyll's name somewhat freely, and claimed a special tolerance in terms of an alleged promise from the duke. We learn this from a copy of Argyll's letter to Huntly forwarded by the duke himself to the Earl of Sutherland. The duke told Huntly that he was not in the right to tell the earl that Argyll was authorised by the government to promise to him and all his followers their lives and fortunes upon condition of their living quietly. The duke did say that if Huntly would forsake the rebels, go home and dismiss his men in order to his returning to his duty to the king, he would intercede with his majesty on Huntly's behalf; also that he would be glad if the Earl of Sutherland employed whatever powers he possessed to obtain mercy for the marquis.¹ Apparently Huntly presumed upon this letter, but the immediate issue of the affair is not stated. Another person who surrendered to the earl at this time was Sir John Maclean. General Wightman's appointment also, through a misunderstanding, caused some annoyance to the earl, the nature of which we learn from General Cadogan, who writes, "The orders given to Major-General Wightman not to obey your lordship are very surprising. But I write to him by this post to take the word from your lordship when you go to Inverness, and acknowledge you as his commanding officer." General Cadogan also refers to a failure of deference and respect displayed towards the earl by Brigadier Grant, who, so far as depended on the general, was to be made to render reparation. Into this, however, Cadogan does not enter further, as he expresses a hope that the earl and he will soon meet at Edinburgh.

This proposed meeting, however, did not take place, as a few days later the earl was hastily summoned to London. His friend, Sir William Gordon, wrote, pressing him to come there as quickly as possible. "It is highly

¹ Letter, enclosing copy, Aberdeen, 23d February 1716, in Sutherland Charter-chest.

necessary you be here soon, and the sooner the better. This is honeymoonth." He informs the earl that in the absence of the secretaries he had presented the address and particular recommendation in favour of Lord Lovat to his majesty in his closet, in presence of Barons Bernsdorf, Bothmar and M. Robethon. The latter "read them to the king, and his majesty was pleased to look at the subscriptions, and with great goodness sent for the mapp to consider the situation of Inverness and country's adjacent, graciously expressing a concern for the safety of your lordship and those with you." The address was to be fully inserted in the Gazette.¹

Sir William Gordon requests the earl to let his brother know of his arrival, so that Sir William might wait on him three days before his entering London, to inform him of certain things it was necessary for him to know. The reason of this sudden summons to London is partly explained in an earlier letter, referred to by Sir William, from Lady Jean Maitland to the earl, her father. She writes that Sir William says, "Lovat and other persons who hes been making their court to a great man, on whom they think much depend, will find it their interest to court your favour as much as his."² It would appear that Lord Lovat used his influence, which was considerable, with the Duke of Argyll, not only to claim all the honour of the recapture of Inverness, but to spread disparaging reports about the Earl of Sutherland at court. It was in connection with these, and to counteract their evil effects, that Sir William Gordon so earnestly desired to see the earl in London.

The earl at once obeyed the summons, and went on board the Queenborough man-of-war in Cromarty Road, where, however, he was kept waiting two days for a hogshead of ale and other things that were to be sent aboard.³ After a short and prosperous voyage of five days the earl reached London,

¹ Letter, 18th February 1716, in Sutherland Charter-chest.

² Letter, 30th January 1716, *ibid.*

³ Vol. ii. of this work, p. 209.

where he was accorded such a reception as his undoubted services and merits deserved. On the morning after his arrival he was "visited by all the ministry and prime nobility, and the day after received by the king, prince and princess, who all expressed how much they were satisfied with his lordship's services." So his Edinburgh agent wrote to Lady Strathnaver, adding: "I hope a little tyme will bring account of his being handsomely provided for as a reward."¹ Lord Lovat himself wrote in his characteristic manner to Lord Strathnaver:—

"I congratulat your lordship of the glorious and great reception the Earl of Sutherland had at London. The Duke of Malborow, 2 secretarys of state, all the squadrone, and maney English nobility came to visit him to his own house, and he is to have great rewards for his services, aud what I have done is only to be rewarded according as his lordship represents my services, which gives me good hopes."²

As the same letter intimates that Lord Lovat's remission had passed the great seal, his case was evidently favourably considered. His lordship, however, by no means trusted to the earl's recommendations alone, but shortly afterwards proceeded to London in person to see that his merits were not overlooked. On the recommendation of the Earl of Sutherland, Lovat received the governorship of Inverness, and the command of an independent company. A paragraph, however, inserted in the "Flying Post" stating that the appointment was made in consideration of Lord Lovat's services in reducing of Inverness, gave offence to the earl, who sent to ask Lovat if that

¹ Letter from Mr. Alexander Ross, 29th March 1716, in Sutherland Charter-chest. From the same source we learn that during the earl's visit to London he narrowly escaped a fatal accident. As the boatmen were going through London Bridge, where some scaffoldings had been put up for the

repair of the arches, they, not knowing of the erections, struck upon them before they were aware, "and had near been all oversett. But God almighty, I hope, has reserved him to better uses."

² Letter, dated 3d April 1716, vol. ii. of this work, p. 212.

paragraph was inserted by his orders. This Lovat denied upon oath, but it was found to have been given in by Alexander Fraser, one of his dependants. Lord Lovat was then asked to set the matter right by a letter under his own hand, to which he made some demur. The progress of the quarrel, and Lord Lovat's interrupted duel with Sir William Gordon; as also the duel between Major Cathcart and Mr. Gordon of Ardoch, in which Cathcart was killed and Mr. Gordon severely wounded, will all be found fully related in a long letter by Mr. Alexander Ross,¹ the earl's agent, and need not be here enlarged on. After this the correspondence between the earl and Lord Lovat lost its cordiality, and soon ceased.

For the earl's services to the king and government he was appointed one of the twelve knights brethren of the most ancient and most noble order of the Thistle.² So much was the earl in favour that his agent wrote, "The earl is in that esteem with the king as to be refused nothing he asks." The earl soon afterwards received from the treasury a pension of £1000 sterling a year, while his son, Lord Strathnaver, was granted a similar pension of £500 a year out of the chamberlainry of Ross. The earl also received a gift of the admiralty of Orkney.³

While the earl's own affairs were thus prospering, he was at this time appealed to for aid by several of his friends, who, having joined the Jacobite cause, had suffered in consequence. The most prominent of those who thus applied to the earl was the Marquis of Huntly, whose submission has already been referred to. After the earl left for London, the marquis, in April 1716, was confined in Edinburgh castle, whence he wrote entreating the earl to concur with his friends at court that he might get liberty to go home upon

¹ Vol. ii. of this work, pp. 216-220.

² Original nomination, 22d June 1716, in Sutherland Charter-chest.

³ Letter of Alexander Ross, London, 9th June 1716, *ibid.*

bail till he got his remission, and also to get the garrison removed out of his house, where his family were, and where his wife must stay while he was in prison, since she was soon to come to Scotland. He concludes: "Since voluntarily I surrendered my selfe to your lordship at the king's mercy to continv til farder orders, I hope that wil bee a sufficient proof I always intend to liv like a good subject for the future by giving proofs of my loyalty and gratitude to so gratius a king and government."¹ This appeal was successful, and at the earl's intercession the marquis was pardoned and his estates restored. Another person who applied for the earl's good offices was Robert, fourth Lord Rollo, who had surrendered to the earl, and now requested his influence to procure that he should not be transported to Carlisle to be tried.² He was ultimately pardoned. Robert, Lord Burleigh, also appealed for a representation of his case to the government, and his plea was supported by a letter from the Earl of Rothes.³ A request of a different kind came from John, fifth Viscount of Arbuthnott, the earl's nephew, who asks his help against some envious neighbours, who were using their interest at court to take the town of Bervie out of his hands, which he claimed had been under the authority and command of his family "these many centuries and years bypast." He desires the earl to get an order from the king and council for naming certain friendly judges of the poll tax, which would very much disappoint his enemies' designs upon his town.⁴

In the end of the year 1716 King George the First revisited Hanover, and halted some time at Göhre, where the earl, who was then at the Hague, proposed to pay him a visit. To this effect he wrote to M. Robethon,⁵ and also to secretary Stanhope, who both gave him the same answer that there

¹ Letter, dated Edinburgh Castle, 8th May 1716, in Sutherland Charter-chest.

² Vol. ii. of this work, p. 215.

³ *Ibid.* p. 214.

⁴ Letter, 18th June 1716, in Sutherland Charter-chest.

⁵ Vol. ii. of this work, pp. 66-68.

was not room for him at Göhre, the house being full, while more guests were expected. Mr. Stanhope, however, added :—

“If your lordship doth not travell very fast, by that time you have seen the Duke of York, and paid your respects to the young prince, the most lovely and promising child in Europe, his majesty will be at Hanover, where you will be sure of such a reception as a most dutyfull servant may expect from a prince perfectly well apprised of your great services.”¹

From a letter to the king, in March of the following year, we learn that he was then in London, but much afflicted with the gout, which prevented active service. He, however, writes to repeat the advice he had given the king two years before, to dismiss from the army such as were disaffected to the government, and of whom he maintained there were still too many.² The result of this advice is not known, though the earl's unimpeachable loyalty and zeal for the house of Hanover gave his opinions weight. At a later date in the same year the earl was still suffering from the same malady which prevented him from personally congratulating the king on the anniversary of his coronation.³

In the following year, 1718, the earl received a special mark of the royal favour—the augmentation of his armorial bearings. In the royal warrant the king states that it had been represented to him that the Earl of Sutherland was lineally descended from William, Earl of Sutherland, and Lady Margaret Bruce, second daughter of Robert the First, king of Scotland. For this reason, and in remembrance of the earl's services at the revolution, and also of his “great and signal services” in the recent rebellion, the king authorised the Lyon-king to add to the earl's paternal coat-of-arms “the double tressure

¹ Letter, dated 21st October 1716, addressed to the Earl of Sutherland at the Hague, in Sutherland Charter-chest.

² Letter, dated 19th March 1716-17, vol. ii. of this work, pp. 29-30.

³ Letter, dated 21st October 1717, *ibid.* p. 30.

circonfleur-de-lizé.”¹ In terms of this warrant Sir Alexander Areskine of Cambo duly matriculated the earl’s arms with the addition.² The earl then ordered two copies of the blazon, “the one to keep in a frame, and another to copy off the armes to putt upon my chariot, which I cannot get done for want of it.” Incidentally the earl denounces the peerage-writer, George Crawford, for selling his books incomplete.³

Towards the end of this year, 1718, the earl was again warned to be active on behalf of his country. He was vice-admiral of the islands of Orkney and Shetland, and as such he was required, in terms of an order in council, dated 16th December, to seize and secure all ships and vessels belonging to the subjects of the King of Spain, with their goods and cargoes, and all mariners, subjects of the said king.⁴ That order was called forth by an outburst of activity on the part of the Jacobites. They had received encouragement and assistance from Spain, whence a small force sailed shortly after this date, and landed at Stornoway in the Lewis. The Earls of Tullibardine and Marischal, with the younger brother of the latter, were the principal leaders of this expedition, and, as is well known, they were worsted in an engagement in the wilds of Glenshiel on 11th of June 1719, followed by the surrender of the Spaniards to General Wightman. The military movements which led to this result will be more fully referred to in the next memoir, and in these the Sutherland men were actively engaged along with the royal forces.⁵ In a letter to Monsieur Robethon, a few

¹ Warrant, dated Kensington, 14th July 1718, vol. iii. of this work, p. 220. From what has been stated in a previous part of this work on the alleged descent from the Princess Margaret Bruce, it will be seen that the narrative of the grant of arms is inaccurate on that particular point.

² Ensign armorial, 24th November 1719,

ibid. pp. 221, 222.

³ Letter to Mr. Alexander Ross, in Sutherland Charter-chest.

⁴ Original order, dated 18th December 1718, *ibid.*

⁵ Letter, dated Marlborough Street, 19th June 1719, vol. ii. of this work, p. 68.

days after the battle of Glenshiel, the earl congratulated him on the success of the king's forces against the rebels upon the Pretender's birthday, and informs him that there were no highlanders present with the king's forces, but some of his own men, and a few of the Monroes. "They behaved, as I could have wished, to the approbation of the generall and everybody else." The earl also takes the opportunity of requesting something for himself. He significantly says: "Mr. Addison is dead, and his post of teller in the exchequer would make me easie." This was Joseph Addison, the famous writer in the "Spectator." The earl adds that there was due him a year and a half of his small salary as a lord of police. On the same date he wrote in similar terms to Charles, Earl of Sunderland, and James, Earl of Stanhope. M. Robethon, in his answer, somewhat sharply informs the earl that Mr. Addison had not been one of the four tellers of exchequer, and wonders he could have fallen into such a mistake, while he expresses regret that his lordship's services should be so ill rewarded, and congratulates him on the defeat of the rebels, and that his men behaved so well.¹ The earl, however, pressed his claims on the court for some further appointment. In this he was befriended by the Duke of Montrose, then at Hanover, who, in one of his letters, declares his eager desire to serve the earl, adding: "I am entirely of your lordship's opinion that it would be most for the service of the government that people of quality, whose services are confest by every body, should be first taken notice of."² He had previously intimated to the earl that he had delivered his memorial to the king, and to Lord Stanhope, but the latter, while speaking of the earl with the greatest respect, could not hold

¹ Letter, dated Hanover, July 16-5, 1719, in Sutherland Charter-chest.

² Letter, dated Hanover, 21st August n.s. 1719, *ibid.* The duke also states that his

majesty is in perfect good health, "and walks when he goes a shooting, as if he had not half the number of years upon him that he has."

out hopes of his getting Davenport's regiment, which in fact had since been disposed of by the lord-lieutenant of Ireland.¹ The duke wrote later in reference to the earl's application for the post of a Mr. Hyde. What that was is not stated, but he writes that Lord Stanhope approved of the earl's project, and would lose no time in proposing it to the king, as he was just then going to Harenhausen to his majesty.² The earl was afterwards assured, both by the Duke of Montrose and by M. Robethon, that the application had been duly made on his behalf, but that his majesty had given no positive answer, only saying that he thought the post was of no importance, and might be suppressed. Lord Sunderland, who was shortly expected, would determine the king's mind.³ There is, however, no evidence that the earl at this time received any appointment, except that in the following January he was made a privy councillor.

During the next few years little is recorded of the earl's doings. He was, in April 1722, elected one of the representative peers for Scotland and attended faithfully to his duties in the house of lords.⁴ He was evidently in London when he received the following letter, which gives a sufficiently graphic picture of the state of the country caused by the disorders arising from the rebellion. It also shows how the friends of order were disabled by the disarming act:—

“My lord, ever since the rebellions, Camerons of Locharkaig, Mackenzies and others, theives and robbers from the shires of Invernes and Ross, have caryed away spreaths of catle out of the country in February and March last, as I then wrote to your lordship. They have been still threatening us with more depredations, which obliged us to keep up a constant watch, night and day, to guard the passes

¹ Letter, dated Hanover, 3d August 1719, in Sutherland Charter-chest. house.”

² Letter, 25th August 1719, *ibid.* The duke writes: “I am just going to dine with your friend, Monsieur Shullembourg, att his

³ Letters, dated Hanover, 29th August 1719, *ibid.*

⁴ Robertson's Peerage Proceedings, pp. 101, 102; vol. ii. of this work, p. 71.

of Corriekanloch in Shines at 6d. a man per diem, a far greater charge to the country than the land tax. The Ross watch for most part made up of rebels or theives like themselves and suffer them to pass to the confines of this country without molestation, or as some say by actual concert or connivance with them. They march in small parties of 6, 12, 20, 30 and 40, well-armed men, and sometimes in a body like the Blacks of Weltham in England; and because of the act for security of the peace of the highlands, we are not allowed the use of fire-arms, no, not in our own defence against rebels, we are verie ill provided to make resistance against them that are so well arm'd; but yet, with a few peices scowr'd up out of rust and ashes, we have hitherto by our diligence, pains and charges, secur'd these passes and guarded the country from their insults; and just now I have 3 letters from Shiness signifying that last night there was hot firing on both sides, in which one of the robbers were killed and severall wounded, and on our side only one wounded. These banditi will certainly interrupt all droveing of catle this year, and so ruin the country."

The writer, therefore, at the desire of several of the country gentlemen, begs the earl to procure a warrant to Brigadier Preston to send guards from the regiments at Inverness and Fort-William to escort the drovers through the hills of Ross, Inverness, Badenoch and Atholl, and to allow his deputy-lieutenants to arm small parties to go along with the drovers. He also makes complaint against some of the country gentlemen referred to, for the constant encroachments made by them on the earl's property. They looked upon the earl's lands, grazings, woods, forests and fishings as common property, demanded services from his tenants, and swore to take revenge upon the writer, if he in any way hindered their passage or the pasture of their cattle on the mains of Dunrobin. As an instance of his difficulties, he says:—

"I had a busle 3 week ago with Sir John Gordon and his brother about a milston for the miln of Golspy I took from the quarry of Embo. Besides your lordship's other right, as that quarry is within the sea mark, I mantained that the property of it was more your lordships, as lord of regality and admiral, than Sir John's, whose march goes no farther than his plough or the shoar at furthest. I took the ston by force, for

which he will sue me criminally, as he says; the miln shall want another ston shortly, (I) must therefore intreat for your lordship's orders and further information of your right to that quarry, where your milstons were always got for ages past memory. Poor Thomas Knight was slightly hurt on this occasion, and as he was yesterday burryed, some woul'd attribute his death to that accident." ¹

The earl, as already indicated, passed a comparatively uneventful life during the next few years, but in August 1727, after remaining a widower for upwards of twenty years, he married, as his third wife, a lady described as "Dame Frances Travell, widow and relict of Sir John Travell, knight, deceased." Their marriage-contract is dated 11th August 1727.² Shortly after his marriage the earl was obliged to leave his wife and journey from London to Edinburgh; one consequence of which was the writing of several affectionate letters to him by the countess, which will be found in another volume of this work.³ The reason of the earl's absence was apparently his attendance at an election of representative peers, which took place when a new parliament was summoned after the accession of King George the Second. In the expectation of a great struggle for votes the earl writes to Prince Frederick, asking his influence with the queen to support his interest.⁴ He was one of the peers elected on 20th September 1727,⁵ but was prevented from walking with the other members of the house of lords at the king's coronation. He was disabled by the gout, and received a formal warrant excusing his absence.⁶ He wrote, however, to Sir Robert Walpole, reminding that statesman of his services, and expressing a hope that he would be remembered in the new establishment.⁷ The earl also wrote to John, second

¹ Letter from David Ross, dated Dunrobin, 20th June 1723, in Sutherland Charter-chest.

² Original contract, *ibid.*

³ Vol. ii. of this work, pp. 227-234.

⁴ 28th July 1727, *ibid.* pp. 32, 33.

⁵ Robertson's Peerage Proceedings, pp. 122, 125.

⁶ Warrant, 9th October 1727, vol. ii. of this work, p. 34.

⁷ Letter, dated 27th September 1727, *ibid.* p. 71.

Duke of Argyll, informing him of his own election as a representative peer, and of his grandson's election as member of parliament for Sutherland. He requested the duke's assistance if any question arose about Lord Strathnaver's election, in consequence of the resolution of parliament that peers' eldest sons could not sit in the house of commons, which, however, the earl thought did not apply in this case, as Lord Strathnaver was his grandson. The earl further requests the duke to press his claims, so that in framing the establishment he should be particularly taken care of, and that others who had ventured nothing for the government should not be put on a better footing than himself.¹ The duke meanwhile wrote that he was extremely glad the earl had brought Lord Strathnaver into parliament, that he might depend on what services he could render, and that the sooner both were at London the better, as a man's absence was generally a disadvantage to him at court.²

About this time also the earl presented a petition to the house of commons reciting all his services as already detailed, and pressing for the payment of a sum of £1500 sterling, arrears of money due to him.³ He had received, during the course of the rebellion, the sum of £1000,⁴ and it was also found on investigation that the sum of £2000 had been allowed in the treasury accounts, and apparently disbursed by the earl. Of this sum he received a discharge without accounting,⁵ but what result attended the petition for the £1500 of surplus expenses is not known. The earl also

¹ Edinburgh, 23d November 1727, vol. ii. of this work, p. 72.

² Sudbrook, November 13th [1727], in Sutherland Charter-chest. During the six months or more, previous to his election as member for Sutherland, Lord Strathnaver had been abroad. His grandfather had taken much interest in his progress, and cor-

responded with Frederick, Prince of Wales, on his behalf, as will be more fully related in his memoir.

³ Copy petition, in Sutherland Charter-chest.

⁴ Receipt, March 15, 1715-16, *ibid.*

⁵ Discharge, 10th May 1727, *ibid.*

petitioned the king, referring to a memorial he had presented to the late King George the First, in which he requested a charter of "certain lands lying upon Delaware Bay in America, commonly called the three lower counties," which belonged to the crown. He now besought a definite answer to this petition, which had been referred to the attorney and solicitor-general.¹ No benefit accrued to the earl from this grant, and his grandson afterwards complained that their attempts to acquire the right to the three lower counties had cost the family a considerable sum of money.

The earl, however, notwithstanding his disappointment at the want of compensation for his services, was a staunch supporter of the Hanoverian dynasty, and of the government. Thus, when owing to a vacancy in the number of representative peers, the Earl of Crawford was proposed, the government relied upon the Earl of Sutherland's support. The Duke of Newcastle wrote him to this effect, and the earl at once promised compliance. From his reply we learn that his gout and other infirmities had increased, and in consideration of these he requests a special favour:—

"I entreat your grace may speake to the king that I may have liberty to goe from hence through the park in my coach as I had formerly, as I have orders to produce under your grace and the Lord Viscount Tounshends hands, and my state of health and my wife's not bearing the jolting upon the stones, which prevents our paying our duty to the king and queen as wee incline."²

The earl was then residing at Chelsea. The great statesman, Sir Robert Walpole, whose measures the earl had almost uniformly supported, calculated on his concurrence to the last. The following brief letter, written only a few weeks before the earl's death, evidences this fact:—

"MY LORD,—There being bussiness appointed in the house of lords on Thursday

¹ Draft petition, in Sutherland Charter-chest.

² Letter, dated 9th December, and the earl's reply, 10th December 1731, *ibid.*

next, I beg your lordship will give your self the trouble to attend that day. I am, with great respect, my lord, your lordships most obedient humble servant,

R. WALPOLE.¹

The earl had now reached the age of seventy-two, but he retained his mental activity to the close of his life, as is shown by the following letter to his law-agent, Mr. Alexander Ross, about six months before his death :—

“CHELSEA, 5 January [1733], 2 of the clock afternoon.—Sir, my servant, John Gordon, having gone off Thursday last, and caried with him a repeating watch, a gold hilted sword, a banknote of twenty £, and a gold snuf box valued att forty guineas, and 20 guineas he borowed in my name from George Gordon, the piriwig maker ; so you'll send and cause it be advertised in the ‘Evening Post’ this night, with a reward of 20 guineas to any that will secure him. He is twenty-five year old, poc-pitid, six foot high, and of a dun complexion. You'll take the most expeditious way to write to all postmaster[s] on the post road betwixt this and Harwige and Deall, is all from, sir, your humble servant, SUTHERLAND.”²

The portrait of this fifteenth earl, which is preserved at Dunrobin, represents him as a tall and handsome figure. In the works of Thomas Tickell, a minor poet of the time, the earl is referred to, and the verses may be quoted:—

“As Mar his round one morning took,
Whom some call earl, and some call duke,
And his new brethren of the blade,
Shiv'ring with fear and frost, survey'd ;
On Perth's bleak hills he chanc'd to spy
An aged wizard six foot high,
With bristled hair and visage blighted,
Wall-eyed, bare haunched, and second sighted.
The grizly sage in thought profound
Beheld the chief with back so round,
Then roll'd his eye-balls to and fro
O'er his paternal hills of snow,

¹ Letter, 21st May 1733, in Sutherland Charter-chest.

² Letter, *ibid.*

And into these tremendous speeches
Broke forth the prophet without breeches.

In vain thy lads around thee bandy,
Inflam'd with bagpipe and with brandy.
Doth not bold Sutherland the trusty,
With heart so true and voice so rusty,
A loyal soul, thy troops affright,
While hoarsely he demands the fight ?
Do'st thou not gen'rous Ilay dread
The bravest hand, the wisest head ?
Undaunted do'st thou hear the alarms
Of hoary Athol sheath'd in arms ?¹

The earl died at Chelsea on 27th June 1733, and in the following October, letters of administration of his estate were issued in favour of his grandson, William, sixteenth Earl of Sutherland, and his two daughters, Jean, Lady Maitland, and Lady Helen Sutherland.

John, fifteenth Earl of Sutherland, was thrice married, first to Helen, second daughter of William, Lord Cochrane, who died about the year 1690; secondly, to Lady Catherine Talmash, widow of James, Lord Doune, who died about 1705; and thirdly, to Dame Frances Travell, widow of Sir John Travell, who also predeceased him at Chelsea about 20th December 1732.

He had issue, by his first wife only, one son and three daughters :—

1. William, Lord Strathnaver, of whom a memoir follows.

1. Lady Jean, who married, contract dated 31st August 1702, James, Lord Maitland, eldest son of John, fifth Earl of Lauderdale. He died in 1709. They had one daughter, Jean, who married, in 1726, Sir James Fergusson of Kilkerran, Baronet, and had issue.² In 1701 Mr. Charles Ross, writer

¹ "Imitation of the prophecy of Nereus." to John, Earl of Sutherland, for 7000 merks
[Works of the most Celebrated Minor Poets, Scots as part of tocher, dated 18th June 1703,
ed. 1749, vol. ii. pp. 181-183.] in Sutherland Charter-chest.

² Discharge by John, Earl of Lauderdale,

in Edinburgh, wrote, "I have advanced to your lordship's daughter, Lady Jean, and her sister, fourtie two pounds sterling, and obtained her ladyship's receipt therefore. Young ladies must have, if all should want, nor do I know how soon they may stand in need of more money."¹

2. Lady Helen, who died, unmarried, at Rossth, 19th September 1749.
3. A daughter, who died young in 1686, whose name is unknown. She is referred to in a letter from the Duke of Gordon in that year.

¹ Letter, Edinburgh, 16th September 1701, in Sutherland Charter-chest.

Strathnaver & Sutherland

Helen Strathnaver

J. Sutherland







XVIII.—WILLIAM, LORD STRATHNAVER.

KATHERINE MORISON (PRESTONGRANGE), LADY STRATHNAVER.

1683-1720.

WILLIAM, Lord Strathnaver, the son of John, fifteenth Earl of Sutherland, and Helen Cochrane, his first wife, was born in December 1683, and his parents were congratulated on the event by the Marquis of Huntly.¹ From 1683 to 1703, while his father was known as Lord Strathnaver, he received the courtesy designation of Master of Strathnaver. Little has been discovered of the master's early life. In October 1700 he was in Edinburgh, whence, on the 19th of that month, he set out for London, where his father was at the time, and to save expense, travelled by a coach which had arrived from London, and was now returning thither. The family law-agent in Edinburgh saw the master away, and wrote to Lord Strathnaver wishing him a happy meeting with his son, who was "healthfull and jovial when we parted with him," but he adds that Jean, Countess of Sutherland, his grandmother, was "much dissatisfied" with his journey.²

In March 1703, his father having succeeded to the earldom of Sutherland, William, Master of Strathnaver, acquired the courtesy title of Lord Strathnaver, by which designation he continued to be known till his death. He was, on 5th August 1704, appointed a commissioner of supply for the shire of Sutherland.³ Four months previous to this date he entered the army, and, although only then twenty years of age, commanded a regiment. This regiment, however, was afterwards much reduced by a draught made

¹ 19th December 1683, vol. ii. of this work, p. 190.

² Letter from Mr. Ross, dated 19th October 1700, in Sutherland Charter-chest.

³ Acts of the Parliaments of Scotland, vol. xi. p. 150.

from it, to recruit others, probably for Marlborough's campaigns.¹ A year later it was reported that the regiment was to be given to the Marquis of Tullibardine, and that to this, the Duke of Argyll, who was commissioner to parliament, had given his approval. The Earl of Sutherland, while he did not credit the story, wrote to the Duke of Argyll on the subject,² calling it a "squib," and an attempt to injure the duke, and to influence politics. The earl also wrote to the Duchess Dowager of Argyll, to whom he says:—"Wee have the misfortune in this poor kingdome to have few places and many pretenders, soe that of course the greatest part who aim att preferments must be disobleidged."³ The result as to the regiment has not been ascertained.

Lord Strathnaver was not long in public life when, under a family arrangement, his father made over to him and his heirs the Sutherland estates and the household plenishing at Dunrobin, himself retaining the life-rent of the house and castle of Dunrobin.⁴ The earl placed his son in immediate possession of so much of the unpaid rents of the year 1704 as would amount to ten thousand merks. This arrangement was made by the earl "to encourage and help our said sone to pay our debts."

At the close of 1706 Lord Strathnaver was again appointed a commissioner of supply.⁵ On 19th November 1707 he was made a burghess of Forres.⁶ A year later the elections for the first parliament of Great Britain took place, when he was chosen to represent Dornoch, but his election was afterwards annulled by the house of commons, on the ground that being

¹ Letter, dated 29th April 1704, printed in *The Earls of Cromartie*, vol. i. pp. 233, 234.

² Vol. ii. of this work, p. 200.

³ *Ibid.* p. 201.

⁴ Original Assignation, dated 4th October

1705, in the Sutherland Charter-chest. The debts amounted to £83,561 Scots.

⁵ Acts of the Parliaments of Scotland, vol. xi. p. 319.

⁶ Burghess ticket in Sutherland Charter-chest.

the eldest son of a peer he was incapable of sitting in that house. This decision was in accordance with the practice observed in the parliament of Scotland previous to the Union.

Lord Strathnaver's regiment, along with several others, was, in 1708, ordered to be largely increased by recruiting to aid in repelling a threatened Jacobite invasion from France. But, as is well known, the French expedition was a failure. It sailed up the Forth, but failed to obtain a landing there or at Inverness, and the enterprise was abandoned.

The regiment of Lord Strathnaver, along with that of Colonel Alexander Grant, was then ordered to Newcastle, and arrived there about the middle of October 1708. But we learn from a treasury minute, and other sources, that the men were intended for foreign service, though this was kept a secret, to prevent desertions. They were sent to the Netherlands, where the Duke of Marlborough was then directing the war against France, but Lord Strathnaver was not permitted to accompany his regiment, which was placed under the command of Colonel Grant. This is noted in a letter of the period: "Grants and Strathnavers regiments have orders to embark for Holland immediatelie. The last is to stay, and Grant commands both regiments."¹ Lord Strathnaver appears to have suffered disappointment at the deprivation of the command of his regiment, and made some effort to effect a change. The Earl of Sunderland, writing to the Earl of Sutherland, nearly a month previous to the embarkation of the regiments, says, "You may depend always upon everything I can do towards serving your lordship or any body that belongs to you, and I shall write to my Lord Marlborough in relation to my Lord Strathnaver's pretentions."² But these efforts were not successful.

¹ Letter, Sir James Mackenzie, Lord Royston, to George, Earl of Cromartie, dated 30th November 1708. *The Earls of Cromartie*, vol. ii. p. 79.

² Letter in Sutherland Charter-chest.

Lord Strathnaver held various appointments from his father, amongst others those of admiral-depute, and bailie-depute of the regality of Sutherland. In the latter capacity he was concerned in a criminal process of some importance directed against Donald Mackay of Eriboll. The case turned out a protracted and troublesome one, and cost Lord Strathnaver much anxiety and expense. The indictment against Mackay was that of inflicting torture in one instance, and committing acts of oppression in nine other cases between November 1708 and February 1711. It set forth that Mackay had "beatt and banged" Neil Down with his hands and feet, and, when Down attempted to escape, with the assistance of his servants, brought him back, took him to a barn or kiln at his house, and, stripping him to the shirt, caused him to be tied tightly about the waist and arms, with small cords, by which he hung him up "to the balk or cupple" of the kiln till the following day. Down was then "all swelled, strained, and disabled, so as for some considerable tyme he was not able to speak." Apparently alarmed lest he should die in their hands, Mackay and his servants now threw the unfortunate man "cross over a horse with creills," and so conveyed him to his own house, some miles distant, in cold and tempestuous weather, where he lay for a lengthened period in a critical condition. The other charges against Mackay were of a less serious nature, such as seizing cattle and other arbitrary acts.

When the case was brought into court, Mackay objected first to the right of jurisdiction, and also to Lord Strathnaver's competency as a judge. These objections were repelled, the first by the statement that the whole lands in Sutherland had above one hundred years before been erected into a regality. Lord Strathnaver decided that the first part of the indictment, if proved, was relevant to infer punishment and damages, and the other portions to infer fine and imprisonment; but when the case came on for trial before a

jury, the witnesses absented themselves, notwithstanding various adjournments and summonses issued to compel their attendance. Meanwhile Mackay carried the matter to the court of justiciary by a petition of advocacy for sisting proceedings in the regality court, but the result of the appeal has not been ascertained.¹ During the progress of the case in October and November 1711, Lord Strathnaver sustained an accident to his foot, which prevented him travelling to Edinburgh, though his legal adviser, Mr. Ross, was very anxious for his presence in reference to that and other vexatious legal business, of which the particulars are not stated.²

During the remainder of Queen Anne's reign Lord Strathnaver appears little in public affairs, his father and he, as indicated in the previous memoir, living in comparative retirement. But when in August 1715 King George the First was proclaimed in Edinburgh with great pomp and ceremony, Lord Strathnaver caused the proclamation to be made in Inverness in the course of the same month. A description of the ceremonial in Edinburgh, as furnished by Mr. Ross, who was present, is of some interest :—

“ This serves to acquaint your Lordship that this morning at 1 a'clock ane other express arrived with account of her majesties haveing dyed on Sunday morning last, but to allay our grief in some measure it brought along with it a proclamation for proclaiming the king, of which I send your lordship a cobby. This day at 12 a'clock the magistrats in their robes went to the cross, followed by the heraulds and lyon deput in their robes in the first place, and next by a great confluence of the nobility (of whom the Duke of Montrose was leader), judges and other gentlemen of character, who went to a theatre prepared for that purpose, and my lord provost reading, the proclamation was audibly proclaimed by the lyon deput, while a vast confluence of people received the same with loud huzza's and acclamations of joy. Our bells now ring, our guns roar, and I am hurried away with some honest gentlemen to drink a health to our king and his son, the Prince of Wales. I don't doubt your lordship

¹ Two documents by the procurator-fiscal of the regality court, in Sutherland Charter-chest.

² Letter, 14th November 1711, *ibid.*

will not be difficient in publishing this proclamation at the mercat cross of your metropolitan with the best solemnity : of which when I receive account will procure it a place in our Courant." ¹

Lord Strathnaver did not attend the funeral of Lady Jean Wemyss, Countess of Sutherland, his grandmother, which took place on 18th January 1715, in Edinburgh. He was informed by an express message of the event, but as he then resided in Dornoch, the distance from Edinburgh and the season of the year may have deterred him. Mr. Ross, in writing to Lord Strathnaver, leaves it to himself to consider "how farr it will be convenient for your lordship to come up at this tyme, since thereby your interest will not be a shilling bettered more than as it is now left, but on the contrary, be putt to a certain expence." The messenger was a person of the name of Bayn, in the employment of the laird of Little Torboll, to whom he was being sent by a gentleman in Edinburgh. This gentleman was ready to let him go, and Mr. Ross was urgent for him to go on the forenoon of the 7th, the date of the letter, and also that he should leave behind him two spades which he was carrying north for his master, as they would impede his progress and retard the affairs of Lord Strathnaver. But Bayn was in no hurry to take his departure, nor would he consent to leave the spades. He would wait for the Inverness post. Neither representations that the letter required the greatest haste, nor the offer of a money reward, would induce him to yield, and Mr. Ross remarks in the letter, "I do not know how it happens that I always find these little scoundrells more ready to be careful of the affairs of the least cock-laird in the countrey then of your lordship; in which, I think, they should be discouraged." ² By her settlement, the

¹ Letter, dated 5th August 1714, in Sutherland Charter-chest. This was done a few days later. Letter, dated 26th August, *ibid.*

² Letter, dated 7th January 1715, *ibid.*

Countess of Sutherland left five bank shares to Lord Strathnaver and his children.¹

In the course of 1715 Lord Strathnaver asked for a gift of the chamberlainry of Ross from the crown, in succession to George, first Earl of Cromartie. His father obtained the promise of it, and also of a pension of five hundred pounds sterling. But performance was long delayed, payment of the two gifts being refused at the exchequer, for what reason does not appear. Neither a memorial to Sir Robert Walpole, nor a personal interview which the earl had with the king, was successful in obtaining them, and it was not until November 1717, more than two years after their bestowal, that the gifts were passed by the barons of exchequer.²

Meanwhile Lord Strathnaver was actively engaged in the service of his country. The loyalty and conspicuous efforts of the Earl of Sutherland during the whole of the rebellion of 1715 have already been described in his memoir. It is therefore unnecessary here to do more than follow the actions of Lord Strathnaver in the stirring events which took place. The probability of the Jacobite invasion and of the rising of the clans was formally announced to parliament on 20th July 1715, but two days previously Sir Robert Munro of Foulis wrote to Lord Strathnaver for assistance in case he should be attacked by the rebels. Sir Robert reminds his lordship that his noble progenitors, in former times of threatened danger, rendered such assistance when solicited by the Munros, and in "this tyme of imminent

¹ Letter, Alexander Ross to Lady Strathnaver, dated 7th February 1715, in Sutherland Charter-chest.

² On 1st November 1717, Mr. Ross writes from London to the Earl of Sutherland that he had paid the fees of the gift of chamberlainry, and mentions his brother, Robert Ross, at Tain, as a suitable deputy to

act as collector, at a salary of fifty pounds. On the 21st of the same month he writes to the earl: "I have presented my Lord Strathnaver's gift of chamberlainry, and got it passed, and will proceed no further till I hear from your lordship with respect to the naming of a deputy." [Letters in Sutherland Charter-chest.]

hasard, and seeming approaching storm," Sir Robert earnestly entreated and expected the like. The bearer of the missive was to inform Lord Strathnaver of the intelligence of the designs of the rebels, and of the precautions taken both for his majesty's service and his own defence. Sir Robert desired that his lordship would order such a number of the men of Sutherland as he deemed proper to be in readiness to march to his assistance in Ross when required.¹

Lord Strathnaver forthwith took steps to get together an armed force. Early in August he was engaged enlisting and assembling men, though there was great want of arms and ammunition. The Munros, the Grants and the Rosses were mustered about the same time by their respective chieftains.² On the 13th of the following month Inverness was taken possession of by the rebels. On the 26th the Earl of Seaforth, in the Pretender's name, required Sir Robert Munro to deliver up to him his defensive weapons. Sir Robert refused to do this, garrisoned his house, despatched the remainder of his men, under the command of his son, Captain Munro, to keep the general rendezvous at the bridge of Alness,³ and advised Lord Strathnaver of the proceedings. The Earl of Sutherland, as lord-lieutenant of the six northern counties, arrived at Dunrobin from London on the 28th, and immediately directed his attention to concentrating the forces within the bounds of his lieutenancy. The following letter, received by Lord Strathnaver from his father, appears to have been written just at this time :—

"DEAR SON,—Forward this with all expedition to my Lord Reay, and seal it after reading. My service to Colonel Hugh Macky. Tell him and the rest of the deputy lieutenants that I entreat of them to exert themselves now, hoping it will put

¹ Letter, dated Foulis, 18th July 1715, in Sutherland Charter-chest.

² Rae's History of the Rebellion, p. 328, and footnote.

³ Copy letter from Thomas Robertson, without address, dated 30th January 1716, vol. ii. of this work, p. 53.

ane end to the matter. Write a letter to Mackemish and Mr. Brodie to have the Strathully men punctually brought out, and write to Mr. Macky and John Matheson about the Breachatt men. Write particular letters to all the gentlemen nearer you to express ther zeal att this time, and to be all in the links of Dornoch by Teusday next. You wold write to Mr. Robert Sinclair, Stratbie, and all the Strathnaver men; and don't forgett, since Invercastlay does not think fit to come to me, to send him by my groom, and two or three more.—I am, dear son, your most affectionate father,

“SUTHERLAND.

“Send the Cathnes letter to Lengwall. I have been writting till now since you left me, and it is near twelve acloak. Dear son, adieu.”¹

Lord Strathnaver held the rank of colonel, and commanded one of three divisions brought together by the orders of the earl, those under his leadership being the men of Sutherland.² By the 5th of October he had marched with his division to Alness, where he joined the other two divisions, and in the disposition of the forces his lordship led the centre, and Lord Reay and the Earl of Sutherland respectively the right and left wings. After the retreat was resolved on and effected to the other side of the Bonar, and the men disbanded, intelligence was brought that the Earl of Seaforth was about to invade Sutherland with 2000 men, whereupon Lord Strathnaver hastened with a body of men to strengthen the passes, while the Earl of Sutherland held himself in readiness to support his lordship if necessary. The threatened inroad, however, did not take place, as the Earl of Seaforth was called away with his forces to assist the Earl of Mar at Perth.

Lord Strathnaver was, on 12th October 1715, appointed a deputy-lieutenant under his father, the Earl of Sutherland, and appears in that

¹ Letter, undated, in Sutherland Charter-chest.

² In a commission, dated 14th November 1715, granted by the Earl of Sutherland as

lord-lieutenant, to Adam Sutherland of Sciberscross to be captain in a regiment of infantry, Lord Strathnaver is stated to be colonel of the regiment; vol. iii. of this work, p. 219.

capacity at the council of war held at Inverbrakie on 2d November.¹ Nearly a fortnight later, when it was resolved to take Inverness, he received instructions to communicate to persons of all degrees what punishment they might expect if they withheld their assistance to uphold the religion, laws and liberties of the country at the present juncture. He was also to take a list of those who stayed behind, or deserted, and to secure the ferries so as to prevent desertion.² He probably did not accompany his father to Inverness, remaining behind to carry out his instructions, but a week later he was with the earl when, on 22d November, the house of Brahan was summoned to surrender. Lord Strathnaver, with Lords Lovat and Reay, and Colonel Munro, entered the house, made search for war material, and took a bond of the dowager countess for £5000, ten landed gentlemen of the Mackenzies becoming securities.

In the beginning of the following month Lord Strathnaver, who was posted at Forres, was ordered to march to Elgin, and directed to rendezvous his division with the other forces under his father's command at the muir of the cairn of Kilbuiak. The whole force numbered about 2000. This movement upon Elgin, as was intended, separated Huntly from the Earl of Mar, for both he and Seaforth hastened north from Perth to fall upon Inverness. For the defence of this important place Lord Strathnaver now returned and was present at a council of war held there on 26th December, when it was resolved to march against the Earl of Seaforth and the Mackenzies, who were then about ten miles distant; also in certain eventualities against the Chisholms, and to bring Urquhart and Glenmoriston into obedience. For this service the army was divided into three parts, and one division of eight hundred and fifty men was designed for Lord Strathnaver, but owing

¹ Original commission, by the Earl of Sutherland, in Sutherland Charter-chest.

² Vol. ii. of this work, p. 48.

to an accident on the ice, he was rendered unable to proceed, and Lord Lovat received the command. This expedition was rendered necessary by the conduct of the Mackenzies, who, in revenge for an invasion of their country by the earl's forces, were retaliating by predatory attacks on loyal subjects. But as Lord Strathnaver took no part in the affair, further details are here unnecessary.¹

He was at Inverness, detained there by his accident, when the submission of Seaforth to the Earl of Sutherland was made, the news of which was exceedingly agreeable to him.² He also attended a council of war which was held there on 10th January 1716, when the agreement with the Marquis of Huntly for a fourteen days' truce was ratified.³ On the same day he entered into a bond with Lord Lovat for mutual friendship and defence.⁴ After these arrangements, Lord Strathnaver left Inverness with his men and returned home. His health became unsatisfactory at this period. A letter received by Lady Strathnaver from his father alludes to her husband's illness, and states that he had given him all the good advice he could, and that it would be a great satisfaction to him and contentment to her if he would act upon it. The earl also refers to his son's promise to use a prescription which he had given him. He recommends him to continue using it for three weeks, and to take moderate exercise.⁵ A letter from Lord Lovat to the earl is more explicit:—"I wish with my soul that my dear Lord Stranaver may give over his drinking in some mesure, otherwayes he canot live, and it were a thousand thousand pityes for a man of honor and good sense ; and I am sure his lordship is as dear to me as my

¹ The Earl of Sutherland's Account of his conduct in 1715, in Sutherland Charterchest; vol. ii. of this work, p. 50.

² Letter from Thomas Robertson, no address, dated Inverness, 30th January 1716,

vol. ii. of this work, p. 53.

³ Copy minute in Sutherland Charterchest.

⁴ Original bond, *ibid.*

⁵ Vol. ii. of this work, pp. 209-210.

own only brother.”¹ Lord Lovat had good reason to wish well to Lord Strathnaver, who manifested on all occasions a disposition to act the part of a friend towards him, and soon afterwards gave practical proof of this by joining with a number of other influential gentlemen of the highlands in a petition to King George the First on his behalf, in which they pledged themselves for his future fidelity to the government.² Lord Lovat himself, in one of his letters to Lord Strathnaver, expresses his confidence in his lordship’s desire to serve him.³

About this time Lord Strathnaver received an intimation that General Cadogan, who succeeded the Duke of Argyll as commander-in-chief of the forces in Scotland, was at Inverness. The writer, Alexander Gordon, urges his lordship to meet the general there. He says:—

“Generall Cadogan is to-morrow night to be at Rivan in Badenoch, and . . . its absolutely necessary your lordship wait of him. . . . It will be proper your lordship bring the gentlemen of your shyre with you, and if my Lord Rea were timously advertised that he might also come with your lordship. Mr. Cadogan is so much a friend of the Earle of Sutherland, that tho’ he were not the commander-in-chief of the forces, your lordship is bound in duty to wait of him. I shall in the meantime acquaint the generall of your lordship’s inclinations to wait of him when and where he’ll acquaint you.”⁴

It is doubtful if his lordship proceeded to Inverness and visited General Cadogan, as, ten days later, the General wrote to him from Fort William, assuring him of his “most humble respects,” and referring him to Mr. Gordon, the bearer of the letter, “for an account of all matters in these parts,” and stating that he had recommended Mr. Gordon to Mr. Stanhope.⁵

In March of this year, or shortly before, the zeal which Lord Strathnaver

¹ Vol. ii. of this work, p. 211.

² The Chiefs of Grant, by Sir William Fraser, K.C.B., vol. i. p. 350.

³ Vol. ii. of this work, p. 212.

⁴ Letter, dated Inverness, 2d April 1716, in Sutherland Charter-chest.

⁵ Letter, *ibid.*

displayed in the public service during the rebellion received recognition from the Earl of Sutherland, his father, who discharged him of two hundred and fifty pounds of tack duty, as he says, "in consideration of the great zeal he has shoven at this juncture for the service of his king and country and the expenses he has been att."¹ Later, however, writing from London, the earl finds fault with his son for giving protection to certain rebels. In strong terms he declares that the report that his son would either countenance or protect rebels "makes me think those that want children less to be pittied, for it is better to have none than such as bring a reproach and scandall upon a family." He conjures him not to allow his good nature to be abused and himself imposed upon by showing favour to rebels and Jacobite magistrates.²

From this time to the close of his life Lord Strathnaver was involved in much correspondence and trouble on behalf of the earl and himself regarding the arms which the Earl of Sutherland received from the government at the commencement of the rebellion, and which were now required by the government from the earl. These arms had been given out by the earl without any account being kept of the names of the persons to whom they were given, and they could not be recovered, though the government authorities continued to demand either the arms or their value in money.³ He was also engaged about this time on an inquiry, and gave in to the commissioners on forfeited estates a report as to the real and personal estate of Kenneth Sutherland, Lord Duffus, who, on account of his having engaged in the rebellion, was included in the act of attainder of 1715.⁴

¹ Vol. ii. of this work, No. 206. It appears from a letter by the Earl of Sutherland to the Earl of Sunderland, written after Lord Strathnaver's death, that his lordship had "laid out of his own money dureing the two rebellions above twelve hundred pounds for maintain-

ing men and keeping garisons." [Vol. ii. of this work, p. 225.]

² *Ibid.* p. 213.

³ Letters in Sutherland Charter-chest.

⁴ Copy information, Dunrobin, 11th October 1716 *ibid.*

In April 1719, Lord Strathnaver, as deputy-lieutenant in the north of Scotland, was called upon to make preparations in connection with the landing of a small force of about three hundred Spaniards, the remnant of a large expedition fitted out by Spain on behalf of the pretender. This portion, accompanied by the Marquis of Tullibardine and Earls Marischal and Seaforth, reached Stornoway on 30th March 1719, and landed at Eilandonan in Kintail on 16th April 1719.¹ They had already communicated from Stornoway with the Clan Ranald, Glengarry and others. Upon arrival at Eilandonan a magazine was prepared, and arms were transferred to it from the ship. The invaders were soon joined by several highland lairds and their followers, including Rob Roy and his men.² They also received additions to their strength from the island of Mull. But with all these accessions the expedition never exceeded fourteen hundred men, and their number has been stated as low as nine hundred.

On the 25th of April Lord Strathnaver was in Aberdeen, whence he advertised Sir Harry Innes, one of the deputy-lieutenants of the county, that a detachment of one hundred and fifty dragoons, commanded by Colonel Clayton, would come to Morayshire, where they would continue for some time, and instructing him to supply them with provisions, for which payment would be made. The dragoons were to be quartered chiefly at Elgin, but also at Forres.³ His lordship also requested Sir Harry and the other deputy-lieutenants to meet at Elgin and concert measures for the safety of the country. But from the 30th of April to the end of June he

¹ Burton gives the date of the expedition entering Lochalsh as "the middle of May," exactly a month after it actually took place. [History of Scotland, ed. 1853, vol. ii. p. 224.]

² Tenth Report of the Historical MSS. Commissioners, Part I. p. 123.

³ One of the Elgin magistrates, at least, had intercommuned with the rebels. In the Marquis of Tullibardine's account of public expenditure there is the entry on 8th May 1719, "To Bayly Falconer of Elgin, £6, 16s. 0d." *Ibid.* p. 124.

made Inverness his headquarters. He kept a journal of his correspondence and proceedings in connection with this expedition, and from it the following particulars are taken.¹

On his arrival at Inverness, Lord Strathnaver called a meeting of the commissioners of supply to have forage provided for troops then arriving. Colonel Clayton, with his dragoons, arrived at Inverness on 1st May, where he was actively engaged in carrying on works for the defence of Inverness until shortly before the battle of Glenshiel. During this time Lord Strathnaver had it as his duty to provide food for the troops and fodder for their horses, and also to procure from time to time drafts of men to assist in the works. The plan which he adopted was to take the different shires under his lieutenancy in turn, and give instructions to the authorities of the principal parishes in each, to have what was stated in his orders provided. His lordship made no demand without undertaking, on behalf of the government, to pay for what he got according to market value. But in case of failure to provide what was ordered, quartering of soldiers, forcible seizure of what was required, and treatment of the defaulters as disaffected to the government, were threatened. In almost every instance, however, the orders of his lordship were executed.

Lord Strathnaver also issued many orders for pioneers or workmen from the various districts in the north. These were required to assist the troops in defensive works about Inverness. They were employed in ditching and trenching, and had to provide themselves with pickaxes, shovels, spades, and other necessary implements, as well as with victuals. The following particulars regarding the number of men so employed, and the places from which they were levied, are gathered from these orders. Inverness-shire was called to furnish from the respective parishes in the shire one hundred

¹ Journal of Lord Strathnaver, in Sutherland Charter-chest.

workmen daily from 1st May till the works being carried on were finished. Killearnan, Kilmuir Wester, Suddy and Avoch, four parishes in the south-east of Ross-shire, had each in turn to supply sixty men for two days, beginning on 8th May and again on the 22d; whilst the parishes of Rosemarkie, Kirkmichael, Cullicudden and Cromarty, situated in the shires of Ross and Cromarty, were to send sixty men for three days from the 13th.

An incident connected with the coming and going to and from Inverness of the workmen may here be noticed. The laird of Redcastle, who was the proprietor of the ferry-boat of Kessock, by which the workmen passed to and from Inverness and Ross-shire, rigidly exacted passage-money from the men when using the ferry. Lord Strathnaver took means to free the men from the exaction. He reminded the laird that soldiers and such workmen had the privilege to go free at all ferries within the kingdom, and sent him peremptory orders not only to give free passage to the pioneers, but also to return to them the money he had unlawfully taken from them, with which it is probable the proprietor of Kessock ferry complied.¹ The necessary horses and carts for these defensive works at Inverness were levied from the neighbourhood. Inverness had to supply these for fifteen days at the rate of twenty each day, the gentlemen of the shire being required to give proportionately to their respective rents. The shire of Nairn was in the same way ordered to provide twenty horses and carts for five days.

The works at Inverness thus carried on under the orders and personal oversight of Lord Strathnaver were prosecuted the more vigorously on account of notice received by his lordship of the intentions of "the rebels and foreigners" to march upon Inverness. To be prepared for such an eventuality he judged that a strong garrison was also necessary. Being

¹ Letter, 9th May 1719, in Journal, in Sutherland Charter-chest.

informed that the rebels numbered sixteen hundred men,¹ he raised the fencible men in several places, and concentrated them at Inverness. The deputy-lieutenants of Moray and Ross were required to repair to Inverness without loss of time with all the fencible men they could bring,² while the deputy-lieutenants and gentlemen of Sutherland were instructed to send to Kessock ferry six score men with proper officers, and to be at Inverness not later than the Saturday following. These were to be followed by six score more with all convenient speed, and again by another detachment of the same number as soon as they could be raised. Lord Strathnaver urged his countrymen not to allow others to surpass them in zeal in this emergency, and accordingly the three detachments were duly sent.³

On 5th May he directed Hugh Fraser of Struy,⁴ William Fraser of Culbokie, James Fraser of Belladrum, and James Fraser of Relick, with the other gentlemen of the name of Fraser in the Aird, to furnish fencible men, under the orders and directions given them by Alexander Fraser of Phopachie, subject to his own orders; and required Donald Fraser to convene the Urquhart and Strathglass militia to join those of the Aird. About the same time, also, Hugh Ross of Auchnacloch was instructed to raise a regiment of militia in his division of Ross, for the king's service, although there was some unexplained delay in carrying out the order.⁵ He communicated with the Grants, desiring them to join in his measures for the defence of the country, and as a letter he wrote to Colonel William Grant of Ballindalloch for men to assist in the works at Inverness was not responded to, Lord Strathnaver says:—"The postscript to my last, I assure

¹ Letter, Lord Strathnaver to the Lord Justice Clerk, 8th May 1719, in his lordship's Journal, in Sutherland Charter-chest.

² Letter from Lord Strathnaver to the deputy lieutenants in Moray and Ross, dated

1st May 1719, *ibid.*

³ Order to the Justices of Peace, etc., 8th May 1719, *ibid.*

⁴ Letter, *ibid.*

⁵ Letter, dated 16th May 1719, *ibid.*

yow, was no banter, as you call it, nor did I mean it as an afront, for I'm persuaded you are not ignorant that ditching is often very necessary in the military service, and soldiers doe use pike axes, etc., as well as guns."¹ Besides this a garrison was maintained at the castle of Brahan, and orders were signed by Lord Strathnaver for meal, provisions, and other materials, for sustaining the men there.² All these additions to his forces greatly increased the difficulty of his commissariat duties.

Lord Strathnaver also directed his attention to the suspected persons in the north, and fourteen lairds answering this description were summoned by him to the burgh of Inverness on 15th May, to give security for their peaceable behaviour.³ The lairds of Glengarry and M'Intosh were both suspected persons.⁴ On 6th May Lord Strathnaver wrote them in cautious and respectful terms requiring them to come to Inverness forthwith. It was hinted that their coming would be to their advantage, besides that the laws required their obedience. Writing to the lord justice clerk two days later, Lord Strathnaver says:—"I thought it likewise proper at this time to summons in here severall considerable gentlemen of whom there is reason of suspition, particularly M'Intosh and Glengarry. I expect your lordship will

¹ Letter, dated 6th May 1819, in Lord Strathnaver's Journal, in Sutherland Charter-chest.

² Orders, dated respectively 6th and 8th May 1719, *ibid.*

³ The names of the persons in question are William Mackbean of Kinchyle, Angus M'Bean, younger thereof, Fergus M'Gillivray of Dunmagles, Angus M'Intosh of Kellachy, Lachlan M'Intosh younger thereof, Mr. William M'Intosh of Aberarder, Mr. Thomas Fraser of Dnnballoch, Alexander Fraser, younger of Relick, James Fraser of Bella-

drum, Hugh Fraser of Kinaries, John Chisholm of Knockfin, Æneas M'Donald of Muckerach, Alexander Fraser of Ballnayne, and John Fraser of Gartmore. The summons containing the names is given in Lord Strathnaver's Journal.

⁴ Tenth Report of the Commissioners on Historical MSS., Part I, pp. 123-125. In the account of public money laid out by the Marquis of Tullibardine in furtherance of the Spanish invasion, there is an entry on 16th April 1719, "To the Laird of Gleugarry £85;" and again, on 3d June, "To ane express from Glengarrie, 5s."

write me your opinion what is to be done with these gentlemen, and whether it be proper to take bail of them, and for how much.”¹

The laird of Glengarry excused himself for not coming to Inverness on the plea that he expected he would be imprisoned were he to do so. Lord Strathnaver in reply repudiated this idea, and alleged that what they intended was to concert such measures for the king's interest as would certainly be to the advantage of the laird. His lordship asks the latter to acquaint him with any news he could of the rebels, and hopes his not coming to Inverness may not give umbrage to the government, especially as he had his own enemies.² These communications, however they may have acted as a check upon the laird, had not the satisfactory effect upon him which was desired. Lord Strathnaver received information which indicated that he was placing no obstacle in the way of his clan joining the rebel ranks, if indeed he was not actually encouraging them to do so. Accordingly on 10th June his lordship again wrote to Glengarry urging him “to take proper measures for curbing a crime of so black consequences in the bud,” and to recall such of his men as had joined the rebels. He gives him plain warning, and places the responsibility upon him of what his men might do. The laird of M'Intosh is not mentioned, as having either come to Inverness as required, or answered his lordship's letter. Lord Strathnaver corresponded in the same way with other highland lairds, among whom were Sir Kenneth M'Kenzie of Cromarty, Sir Kenneth M'Kenzie of Scatwell and his son, the M'Kenzies, elder and younger, of Redcastle, the M'Kenzies, elder and younger, of Bellmaduthy, M'Kenzie of Mount Gerald, tutor of Gairloch, the M'Kenzies of Ord and Highfield, and M'Kenzie of Suddy. Most of these came to Inverness and saw Lord Strathnaver.

Among the more miscellaneous orders issued by Lord Strathnaver was one

¹ Letter, 8th May 1719, in Lord Strathnaver's Journal. ² Letter, 11th May 1719, *ibid.*

providing for the safe conveyance of powder, lead and flints from Leith to Inverness. Two days later he gives an order for "all the arms which at the last rebellion were given up and appretiat in the shyre of Sutherland." On the same day he gives instructions for the apprehension of seven highlanders of the country of Glenmoriston, who were in the late rebellion, and who now haunted the country of the Aird armed with guns and other offensive weapons, and insulted the people. The military were to assist the constables in making these apprehensions.

Towards the end of May Major-General Wightman arrived at Inverness and took command of the troops with a view to active operations against the enemy. One of the general's first acts on his arrival was to demand from Lord Strathnaver, for carrying the military baggage, etc., eight hundred and twenty-four horses to be brought to the town of Inverness on 2d June, furnished with crook saddles, sacks and ropes. To every three horses there was to be one man, but this was afterwards changed so that there should be one man for every two horses.¹ The army was still in Inverness on the 4th. On that day Lord Strathnaver instructed Ensign Hugh Mackay, who was in command of the garrison at Brahan, to march from that place to Inverness with "eighty of the best (and ablest body'd) men of Sutherland," and join the army under General Wightman against the rebels. John Gray of Over Skibo was left in charge of the garrison at Brahan Castle. Lord Strathnaver intended to accompany his men to Kintail, and lead them into action, but "Ginerall Wightman stop't him from going to the heillands when he had all things in order for going."²

The government forces were superior in point of numbers to the rebels, and having marched from Inverness attacked the latter at the pass of

¹ Letters, 27th and 29th May 1719, Lord Strathnaver's Journal.

² Letter, Lady Strathnaver to Mr. Ross, *ibid.*

Glenshiel on 10th June. The rebels were defeated, and the Spaniards surrendered themselves prisoners of war on the day following. Lord Strathnaver was informed of this success late on the 11th, and wrote to the lord justice clerk requesting him to acquaint Lord Carpenter, to whom he also wrote. On the 13th he takes "the very first opportunity to congratulate" General Wightman "upon soe glorious an action," and states how pleased he was to hear that the Sutherland militia had done their duty. He craves the pleasure of seeing the Spaniards at Inverness, "for," he says, "otherways the Jacobits will not believe they are prisoners." The same day, he again wrote the lord justice clerk confirming the news formerly sent him of the victory, and informing him "that there were noe highlanders there on the king's part except the Munros and some of the Sutherland men who (as I am inform'd) behaved very well." He adds that about two hundred of the forces were killed and wounded besides the highlanders, and that it was a wonder, considering the ground, that any escaped. Lord Strathnaver also wrote to his father, the Earl of Sutherland, giving him a full account of the victory over the rebels, and of the good behaviour of the Sutherland men, and he sent similar letters to Lady Strathnaver, Mr. Gordon of Ardoch, and Colonel Munro, younger of Foulis, to the last of whom he intimates that his brother Culcairn had been wounded, "but not mortally."¹

Lest the loyal friends of the government, whose places of residence lay in the line of the return march of the victorious army, should suffer injury from the troops not distinguishing between the innocent and the guilty, Lord Strathnaver wrote to General Wightman: "I must ask it of you as a favour that the lands of Litle Scatwall and Kenlochlichart belonging to Sir Kenneth M'Kenzie of Scatwall, and the grasing of Strathvaich, and others belonging

¹ Letters, etc., in Lord Strathnaver's Journal.

to Mr. Simon Mackenzie of Allan-grange, with their tennants and cattle, may be safe and preserv'd from any loss or prejudice from the army, the said persons being loyall and peaceable subjects. This favour, as it will be a peece of justice to these gentlemen, so it will add to the glory of your victory not to punish the innocent." This letter was followed by another to the same purpose on behalf of Alexander Mackenzie of Ballmaduthy. His lordship at this time also wrote several letters in favour of Ensign Hugh M'Kay, particularly one to Earl Lincoln, paymaster of the forces.¹

Now that the rebellion was crushed, attempts were made to depreciate the value of the services of Lord Strathnaver and to take from him the credit of some of his actions ; but the consciousness which he had of the singleness and thorough loyalty of his aims in all his public services prevented him from being much moved by the attempts which were made to deprive him of the glory of them. The Fraser militia had formed the garrison at Brahan castle, but were succeeded by the Sutherland militia, as Lord Strathnaver considered there was necessity for a stronger garrison at that place, though the Frasers, while they held the garrison, which was only for a short time, subsisted upon his lordship's charges. After being relieved and returning home they appear to have been disbanded ; at any rate they were not called upon for any further active service. It was now given out by the Frasers in the newspapers that they had served the king at their own charges, and that they had assisted in obtaining the victory at Glenshiel. Mr. Ross having drawn his lordship's attention to this, Lord Strathnaver wrote as follows,—“Its true some persons give themselves airs of serving the king at their own charges, and would impose the belief of it upon the populace by inserting the same in the newspapers. If you think fitt you may insert the true matter of fact in the same paper. But since my affection for the king and government is the

¹ Letters, etc., in Lord Strathnaver's Journal.

cause of my service without any by-end, I think it a matter of noe moment whether that advertisement is contradicted or not." Proceeding to relate the actual state of matters, he adds, "All the highlanders who accompanied the generall to the battle were the Munroes and Sutherland men, and this, I fancy, the generall himself will allow to be fact."¹ Representations had been made at court against Lord Strathnaver by General Wightman himself, but of these his lordship remarks, "I am not much concern'd about the complaints sent by him to court, since I am not singular, as you observe, and being conscious I acted every thing in my power for the service of the government during my abode here." Lord Strathnaver concludes his letter, "You need not insert the above unless others continue there false advertisements, since I send it for your own and my other friends satisfaction. But I leave it to your own managment to do it or not as you see cause."² His lordship, however, continued to suffer from misrepresentations made against him at court.³

Lord Strathnaver returned home on 23d June,⁴ having been absent since April. But he did not intermit his careful vigilance upon the movements of such rebels as were still at large, and who were threatening to raise a new rebellion. Being informed that five transports had come from Spain, that General Gordon had landed from these men and ammunication, which were "now in the Captain of Clanroneld's alias Muidart's bounds," and that the Marquis of Tullibardine was in Glengary's bounds, called Loch Eurn, with four hundred rebel highlanders, Lord Strathnaver transmitted this

¹ Letter in Lord Strathnaver's Journal.

² Letter in Sutherland Charter-chest.

³ On 9th July 1719, Lady Strathnaver writes to Mr. Ross:—"I am sorry that my lord shuld be so unjustly talked of. I am perswaded that he hath don larg mor then they have all don." On 27th July she again

writes him:—"I am sorry my lord shuld be misrepresented at court. I can not say, but he hath don as much as them who is better rewarded."

⁴ Letter, Lord Strathnaver to Mr. Ross, dated 23d June 1719, in Sutherland Charter-chest.

information to Lord Carpenter, then commander-in-chief of the forces in Scotland. But it was found to be erroneous.¹

At this time Lord Strathnaver fell into bad health, and became so ill as to be unable to attend to the management of business. In these circumstances he wrote to London to Captain Ross, a brother of his law-agent, informing him of his condition, and inviting him to Dunrobin to take the charge of his affairs. Captain Ross complied with this request.² His lordship was also unable to travel any distance. On 19th May 1720, Mr. Ross writes to Lady Strathnaver :—

“The account I had of my lord’s being a little better was most agreeable to me. I wish his resolution of travelling about may continue with him, since nothing earthly can more contribute to his recovery. If my lord should even venture to Aix la Chappelle, it could not fail of being the utmost advantage to him, and he might take that opportunity of paying his duty to the king at Hanover. I wish your ladyship would induce him to it, since it would be for his health and his interest.”

This letter shows that his lordship had formed the intention of travelling for his health. On the same day Lady Strathnaver writes to Mr. Ross :—
“My lord [has gon from] this the 16 instant to Tain, in order to [benefit] his health, the lenth of Pitterhead. I was but [a] feow days brought to bed, and could not travell t[o there] till I recover. Our affairs is in disorder, but [if my] dear lord recover, everything will be well. [He write]s to me from Chenerey he is better.” On 6th June Lord Strathnaver had become weaker, and ass’s milk was prescribed to him. Lady Strathnaver wrote to Mr. Ross :—

“Upon sight of this you are to buy a good milch ass with her colt, of Mr. Dickenson, in the king’s park, or of any other, for which the bearer carrys fifteen pound sterling to be given. Dispatch the bearer back with the ass, being the milk is for my lord’s use ; and take Dr. Eccles and Dr. Dixon’s advice as to the age of the milk, and

¹ Letter, Lord Strathnaver to Mr. Ross, dated 16th July 1719, in Sutherland Charter-chest.

² Letter, Mr. Alexander Ross, without address, dated London, 9th November 1728, *ibid.*

let the bearer have also directions how to travel north with the ass, that her milk may not dry up as the last did that came north. . . . If you can get the ass to borrow for a certain time, it will do better than purchasing her. . . . Give my kind respects to Lady Maitland, and let her know that I am not in health at present to write, and that my lord is very weak, as Dr. Cuthbert writes to the earl, which shew to Lady Maitland, and seal the same."

The doctor added a postscript to the letter as follows:—"Postscript by Geo. Cuthbert—I received a letter directed to Drs. Eccles and Dickson, which please deliver to them as soon as possible, as my Lady Strathnaver desires, tho' I'm affraid it's to no purpose, yet let it not be at all omitted." Two days later Lady Strathnaver wrote for lozenges to cure her husband's vehement cough. After this he seems to have rallied a little, though his father, the Earl of Sutherland, writing from London on 3d July, expresses his concern about his condition; he says, "I am very much obleidged to Captain Ross for the constant accounts he gives me of my sone's state of health. It rejoyces me and comforts me to hear that he is anything better."¹ This improvement, however, did not continue, and his lordship died on 13th July 1720.

ON THE RIGHT HONOURABLE WILLIAM, LORD STRATHNAVER, WHO DIED
13TH JULY 1720, AGED 32.

Sing muse (if grief allow) in softest lays,
Deceast Strathnaver's well deserved praise.
He has so much himself, you need not trace
The shining glories of his ancient race.
First own thyself for such a task unfit,
Then sing the beauties of so bright a wit.
Sing his strong reason and his solid sense,
Finely expressed in smoothest eloquence.

¹ Letters in Sutherland Charter-chest.

Sing modesty that makes the difference
 Betwixt men's real merit and pretence.
 Sing youth refined from vanity and rage,
 Which shows that wisdom's not confin'd to age.
 His boundless knowledge also should be sung,
 Which he dispens'd with an unerring tongue.
 Sing how from this such treasure he'd produce
 What could be wish'd for pleasure or for use.
 His universal learning sing, and then,
 How he not only studied books but men ;
 His martial valour in a righteous cause,
 His firm adherence to our ancient laws.
 His open heart sing, and his gen'rous mind,
 Just to men's virtues, to their failures blind.
 To these you likewise justly may annex,
 The charming sweetness of the other sex.
 In fine his humble piety proclaim,
 The best ingredient to embalm his name.
 Consider, Muse, and name me, if you can,
 So kind a friend, or so polite a man.
 His soul too great to be confin'd to clay,
 Has broke it's prison and has forc'd it's way.
 Since now this wondrous man no more does live,
 What reader's so hard-hearted but must grieve ?
 What must the loss be to the world, if all
 That has been nam'd unto the dust should fall ?
 But this of comfort does some prospect give ;
 He leaves a hopeful representative.
 We see each of these noble qualities
 Grow in the son, that in the father dies.
 May heaven on him his father's gifts entail !
 May no disease, but old age make them fail !¹

Lord Strathnaver appears not to have been wanting in amiable qualities.

¹ Scottish Elegiac Verses, 1629-1729, pp. 224, 225.

He was easily led; indeed, he was too compliant, and consequently liable to be imposed upon. His official orders, which he issued as deputy-lieutenant, manifest a degree of firmness which is not so apparent in his ordinary business transactions. He was wonderfully free of resentment and diffident in pleading his own cause. He had practically the management of the Sutherland estates in his own hands, and resided chiefly at Dunrobin and Dornoch. The establishment which he kept up was suitable to his rank and possessions. The bills of fare at Dunrobin for the years 1703 and 1712 are preserved, and from those relating to the latter year the following particulars may be of interest. In this year the number of household servants at Dunrobin ranged from sixteen to nineteen. The supplies of food received for the use of the establishment for the year from the end of April 1712 to the end of April 1713 are as follows:—19 cows, 29 deer, 67 wedders, 31 calves, 5 lambs, 26 kids, 5 swine, 213 rabbits, 134 wild fowl, 473 hens, 230 chickens, 834 pigeons, 2485 eggs, 400 herring, 5389 other fish.¹ There is no information of the supplies of the wines, garden produce and potatoes, etc., nor of the flour and meal, etc., used for the household during this period. But from a daily account of bottled ale consumed at Dunrobin from 23d April to 23d November 1712, a period of 214 days, 2273 bottles of ale were used. On some days only three bottles were used and on others from 5 to 8, 10 and as high as 20, 30, 45, and 56 bottles in one day were used. But the average number throughout the above period was about 10½ bottles per day.¹

Lord Strathnaver married Katharine Morison, eldest daughter of William Morison of Prestongrange, in Haddingtonshire, whose sisters were Helen, Countess of Glasgow, and Jean, Viscountess of Arbutnott. The contract of

¹ These particulars were classed and stated, as here given, by George S. Taylor, in Notes drawn up at Golspie on November 7, 1836,

from an original document in Sutherland repositories. Mr. Taylor's notes are in the Sutherland Charter-chest.

marriage is dated at Edinburgh, 4th October 1705, and her dowry was sixty thousand merks.¹ Lady Strathnaver survived her husband for the long period of nearly forty-five years, dying on 21st March 1765.²

Shortly after the death of her husband, Lady Strathnaver had to leave Dunrobin, where she had so long resided. Unfortunately, her departure was accompanied with disagreeable circumstances. Captain Ross, who was responsible for the affairs of the house and estates, accused her of removing much valuable furniture, plate, jewels, and especially a diamond ring of great value. This and other matters led to a series of lawsuits, at her instance, against Captain Ross and others in regard to her claims upon her husband's estates, which lasted for seven years, and was only compromised in 1729. After this date the notices of Lady Strathnaver are not numerous. She took much interest in her son's affairs, and in 1750 received a commission from him to manage the estates, which lapsed soon afterwards by his death. She resided in Holyrood Abbey till 1751, when she removed to a house in the High Street, near the Netherbow port. In this year she executed a settlement of her affairs in favour of her grandson, William, seventeenth Earl of Sutherland, and others, but it was strongly censured by her own daughters. She did make an alteration of this settlement in 1764, when her daughters received £5000 each.³

It may be said of Lady Strathnaver that she had considerable force of character. She was shrewd, intensely practical, possessed of business tact, and always devoted to the interests of the Sutherland family. If she was

¹ Memorial for Lord Strathnaver, in Sutherland Charter-chest.

² On 24th May of that year the entry occurs in the Minute-book of the curators of the Countess of Sutherland: "Paid William Dallas, wright, in full for Lady Strath-

naver's funeral expences, per indorsation to the account, £71, 3s."

³ Minute-book of the curators of the Countess of Sutherland, 1766, in Sutherland Charter-chest.

strong in her prejudices, somewhat imperious in her manner, exacting in regard to her rights, and limited in her friendships, she was also kind and affectionate in her family, successful in her management of business, and free from intermeddling in the affairs of others. During the lifetime of her husband she greatly assisted in the large correspondence with their Edinburgh law-agent, Mr. Ross, and others upon all kinds of business. She made herself acquainted with every estate matter, and, with equal facility, gave directions regarding the conducting of important legal transactions, the sale of grain, the freighting of ships, the disposal of cattle, and the purchase of provisions, etc. As an apt, and somewhat amusing, illustration of her style of business correspondence, the following letter by her to the factor of the laird of Muirtoun, may be quoted: "Andrew Frigge. You sent here a barrell of prunes without any commission from me, which I would have thought the less of provyded they had been good, but the lyke of them I never saw—not worth a penny the pound are they, which is meer imposition to send here goods that no body will take, or as if payment was never expected."¹ An instance of her attention to the welfare of the community may also be given. On 21st June 1718, she wrote Mr. Ross with reference to a school for the parish: "I writ for a governor to my son's heir that wod keip a schoul in the parish. Let me know what is the delay in itt for the children is neglacked how long they want on." In the same letter she attends to another public want in the north: "Pray let ws know if you can provid drovers to come in to the countrie to by our kattle, sieing in the month of Jully and August is the proper time of yeir."²

Of the marriage of Lord Strathnaver and Katherine Morison, there was issue eight sons and two daughters. Four of the sons predeceased their

¹ Letter, 24th September 1711, in Sutherland Charter-chest.

² Letter, *ibid.*

father, who, on 12th February 1720, made a bond of provision for the remaining six children.¹

The sons were—

1. John, Master of Strathnaver. He was born in November 1706.² On 19th February 1713 Mr. Alexander Ross writes to Lady Strathnaver: "I have sent a New Testament for the master's use, as your ladyship desired, in which I wish him a good progress." During March, April, and May 1713, he was in bad health. On 1st May of the following year Mr. Ross writes to Lady Strathnaver: "I am heartily glade to have so good accounts of the master and his two Billies." On 12th November 1714, he writes again to her ladyship, "I am surprized the master's wig is not yet come to hand, being I sent it a 4^tnight ago by the Inverness post."³ He is mentioned in his father's bond of provision for his children, where he is described as "John, Master of Strathnaver, our eldest lawfull sone." Upon his father's death on 13th July 1720 he became Lord Strathnaver. In a letter by Lady Strathnaver he is mentioned as being fourteen years of age.⁴ He died the same year, and was buried at Kensington on 13th December 1720.
2. The Hon. William Sutherland. He became sixteenth Earl of Sutherland upon the death of his grandfather in 1733. A memoir of him follows.
3. The Hon. George Sutherland, who was born in July 1711. He died young, but subsequently to July 1714, when there is mention made of him.⁵
4. The Hon. Alexander Sutherland. He was born in July 1712, and died before 18th May 1713, on which day Mr. Ross writes to Lady Strathnaver: "I am extreamly concerned for the loss of Mr. Alexander, which I hope your ladyship will very soon make up by one other."⁶
5. The Hon. Charles Sutherland. He was born in August 1713. On 6th August Mr. Ross writes Lady Strathnaver: "I am very hopeful this finds your

¹ Extract bond of provision, registered in the books of council and session, 1st September 1720, in Sutherland Charter-chest.

² The dates of the births of the children are taken from Lady Strathnaver's Bible at Dunrobin Castle, where they are noted.

³ Letters in Sutherland Charter-chest.

⁴ Vol. ii. of this work, p. 225.

⁵ George is named by peerage-writers as the eldest son, but this is a mistake.

⁶ Letter in Sutherland Charter-chest.

ladyship safely delivered, ane account whereof would be very agreeable." On the 29th he again writes: "I am heartily glade of my lady's safe delivery, and wish your lordship and her much joy of the young gentleman, whose health I have drunk oftener than once, and particularly with my Lord Reay." In the bond of provision by his father, being then the third surviving son, he is provided with twenty thousand merks. On 11th February 1731 William, Lord Strathnaver, writes to Mr. Ross "to give my brother Charly seventy-nine pounds sterling, as per my draught to him for that sum. He is in a day or two to set out for London in order to push his fortune, so that I hope you'll have ane eye over him, and let him have the money by degrees, as he'll have occasion for, and not all at once, in caice he may come to squander it away. I hope the earl, General Ross, and other friends will be assisting in getting him a pair of collours, or some other place in the army." Soon afterwards he was well reported of by his grandfather, John, Earl of Sutherland. By 27th September he was in Holland, and resided in Utrecht for the purpose of pursuing his education, having engaged a tutor to accompany him from London, at a salary of £40 per annum. His brother, Lord Strathnaver, was displeas'd at this expense, which he deemed to be unnecessary, as he thought he was of age to be able to govern himself. Charles reported that he is beginning college, and that he was instructed for an hour with a French master. Lord Jedburgh and Lord George Hay were with him, but he intended to live in a frugal manner. As early as 7th October, bad reports were received of him by Lord Strathnaver, who writes to Mr. Ross that he is not surpris'd at these reports, and that he is very much afraid of his conduct.¹ He died abroad, at Spa or Olne, in August 1732, without issue.

6. The Hon. George Sutherland, who was born in September 1714. On 19th November 1714 Mr. Ross sends for "Mr. George" a whip with a string of beads. In the bond of provision, where he is described as the fourth lawful son, he is provided in a sum of sixteen thousand merks. He died at Edinburgh on the 13th, and was buried in the Abbey Church at Holyrood on 18th March 1736.²

¹ Letters in Sutherland Charter-chest.

² Burial register, Holyrood Abbey.

7. The Hon. Robert Sutherland, born in October 1715. He died young.
 8. The Hon. Frederick Sutherland, born in September 1718. He died in infancy.

The daughters were—

1. The Hon. Helen Sutherland. She was born on 8th April 1717, and was named after her grandmother, Helen Cochrane, Lady Strathnaver.¹ She was provided by her father to the sum of twenty-four thousand merks. She married on 12th April 1740 Sir James Colquhoun, baronet, of Colquhoun and Luss. In 1738, in terms of the bond of provision, she made claim to her deceased brothers' portions. In 1766, along with her sister, she proposed that their dispute with William, seventeenth Earl of Sutherland, regarding the legacies left by Lady Katharine Strathnaver to their children should be submitted to arbitration rather than have their names so frequently mentioned in the Parliament House.² It was after Lady Helen that the town of Helensburgh, built by Sir James Colquhoun, her husband, was named.³ She died 7th January 1791, aged 73 years, having been predeceased by her husband on 16th November 1786. They were both buried in the Colquhoun family burying-place in the old chapel of Rossdhu. There was issue of their marriage three sons and six daughters.
2. The Hon. Janet Sutherland. She was born before 16th May 1720, and was provided by her father to the sum of fifteen thousand merks. She married, on 24th October 1740, George Sinclair of Ulbster, and died in Edinburgh on 9th June 1795. She had issue.

¹ Vol. ii. of this work, pp. 220, 221.

W.S., 24th March 1766, in Sutherland Charter-chest.

² Original letter, Lady Helen Colquhoun and Lady Janet Sinclair to Mr. Mackenzie,

³ The Chiefs of Colquhoun, vol. ii. p. 109.



Strathnaver
L. Strathnaver



XIX.—WILLIAM, SIXTEENTH EARL OF SUTHERLAND.

LADY ELIZABETH WEMYSS, HIS COUNTESS.

1733-1750

WILLIAM, sixteenth Earl of Sutherland, was the second son of William, Lord Strathnaver, and Katharine Morrison, Lady Strathnaver, and was born on 2d October 1708.¹ By the death of his father and also of his elder brother he became, in 1720, Lord Strathnaver and heir-apparent to the earldom, and his grandfather, the fifteenth earl, sent him abroad to complete his education. He went to Angers, from Angers to Paris, and from Paris to Hanover. His grandfather wrote to Frederick, Prince of Wales, and to the prince's secretary, on the young man's behalf. The latter in reply to the earl comments upon the favourable impression made on the court by his grandson: "A young lord is come here that is a fine gentleman, shewing sense and discretion in everything he says and does, and therefore much liked by the prince. This gentleman has so great a value and respect for your lordship, that he will goe soon to England on purpose to make you a visitt."² The Earl of Sutherland hoped the Prince of Wales would make his grandson a gentleman of the bedchamber. While in Germany Lord Strathnaver proposed to make a visit to the royal mines in the Hartz mountains, but apparently he was called home before the opportunity offered. Shortly afterwards, in the same year, 1727, he was elected member of parliament for the county of Sutherland, and his parliamentary duties, with occasional visits to Scotland, occupied him till his succession to the earldom, which took place in 1733.

¹ Letter, Hugh Gordon of Carroll to the earl, 2d October 1746, mentioning the 2d as the earl's birthday, in Sutherland Charter-chest.

² Letter, 1727, *ibid.*

He married Lady Elizabeth Wemyss, eldest daughter of David, third Earl of Wemyss, by his third wife, Elizabeth, daughter of Henry, Lord Sinclair. She was only about seventeen years of age at the time, the earl being in his twenty-sixth year. The contract of marriage is dated at the Canongate, 17th April 1734, Lady Elizabeth's dowry being 28,000 merks, of which sum, on the same day, she assigned 27,000 merks to her future husband.¹ Great preparations were made at Dunrobin for the reception of the young couple, and it was proposed that a party of seventy or eighty gentlemen on horseback should meet them at Inverness to escort them home.

For the next ten years the course of the earl's life flowed on in peaceful domestic happiness. His marriage into the Wemyss family brought him into intimate relations with an extended circle, including General James St. Clair, uncle of his wife, who became one of the earl's warmest and most influential friends. During this period the earl was elected in 1734 and 1741, as a representative peer to parliament. About this time also he made a purchase of the large estate of Assynt, but for some reason the purchase was disputed, and did not take effect until a much later date. It appears that the earl's efforts to obtain possession led to serious disturbances,² in course of which Chalda House in Assynt was burned down, and numerous thefts of cattle took place there and elsewhere. It was proposed to get a strong party of the highland company to guard the country, and efforts were made to arrest the marauders and recover the cattle, but apparently without much success.

The earl was for some time governor of Blackness Castle, but in lieu of this post, in 1744, he received the appointment of first lord of police. In

¹ Memorials of the Family of Wemyss of Wemyss, vol. i. pp. 344, 345.

² Vol. ii. of this work, pp. 237, 238.

the same year, when there arose rumours of invasion, he wrote a letter, probably to Sir John Cope, expressing his willingness to serve the government. The disarming of the country put the loyal clans at a disadvantage, as the disaffected were generally very well armed; but the earl promised upon an emergency to bring 500 men together, and suggested that a lord-lieutenant should be named, who could assemble the militia, and that a supply of arms should be distributed, a thousand of which, he adds, could be usefully placed among his friends.¹ These suggestions were not adopted, but the earl, in the following year, foreseeing the imminence of an invasion and insurrection, took the most prompt and direct measures to protect his country. Owing to old feuds and political disagreements, there existed a coolness between the earl and George, third Lord Reay. To obviate this and secure cordial co-operation in behalf of the government, he sent Major Hugh Mackay to Tongue on a friendly mission to Lord Reay. The major reported that Lord Reay had the heartiest disposition to serve the earl and his family's real interests on terms equal, honest and honourable on both sides; and that, while regretting they were hindered from doing so for some time past, he was now well pleased that the earl was disposed to allow them to serve him.² The earl therefore entered into a bond of friendship and mutual assistance with Lord Reay, and the reconciliation gave great satisfaction to the friends of the government. Robert Craigie of Glendoick, lord advocate, expressed much pleasure on learning the fact, as he had regretted the differences between them, particularly in the parliamentary elections, which he always regarded as the principal cause of their dissension.³ The earl's mother, however, was sorry and vexed

¹ Letter, dated Edinburgh, 24th March 1743-4, at Yester. *The Earls of Cromartie*, vol. ii. pp. 184, 185.

² Letter, 15th July 1745, in *Sutherland Charter-chest*.

³ Vol. ii. of this work, p. 253.

at the agreement, declaring that Lord Reay was a "very cunning man;"¹ while other friends, notably Sir James Fergusson of Kilkerran and General St. Clair, wrote with advice on the subject.

About the middle of August 1745, the earl received private intelligence of the landing of Prince Charles Edward in Scotland, and also advices from the lord advocate. In reply, the earl reminds him that his majesty's firmest friends were destitute of arms and ammunition, while the king's inveterate enemies were but too well provided. He and Lord Reay, he says, could raise 1800 or 2000 men, and bridle all the public enemies to the north of them, besides doing considerable service otherwise, if only they had arms and ammunition.² The lord advocate states that he had represented the matter to the government, and intimates Sir John Cope's march northward.³

The earl corresponded with Lord Reay, and he also wrote to the ministers of the various parishes in his sheriffdom, intimating the pretender's landing, and requiring from each a list of men in their parishes between the ages of sixteen and sixty, able to bear arms, and of what arms they could furnish.⁴ Orders were given for the mustering and reviewing of all available men, and apparently at their first gathering, the men were addressed by the earl with the following words of encouragement:—

"You are indebted to me considerably on account of arrears for some years past. These I forgive you. The current rent of this year I do not expect till the affairs of the nation are settled, as you seem heartily inclin'd to follow me and risque your all in defence of his majesty's person and government. I further assure you that if it happens to come to action, you will see that my person will be the first exposed to danger with yours; and if any of you suffer by death, or be rendered incapable to support

¹ Letter, dated 25th July 1745, in Sutherland Charter-chest.

² Letters, vol. ii. of this work, pp. 75-77.

³ *Ibid.* pp. 253, 254.

⁴ In answer to this appeal the fencible

men were returned as follows:—Dornoch parish, 373; Golspie, 208; Loth, 176; Kildonan, 188; Criech, 322; Rogart, 284; Clyne, 155; Lairg, 151; Farr, 299; and 151 about the castle of Dunrobin.

your families, if I survive they shall be my peculiar care, and as I am to settle my affairs before I take the field, I shall leave this my will and pleasure to be observed by my heirs and executors." ¹

The earl, on 31st August 1745, informed Sir John Cope, then at Inverness, that he had 200 men ready to be sent there on two days' notice, with a promise of 400 or 500 more, but Sir John's departure for the south prevented his acceptance of their services. The earl then wrote to President Forbes at Culloden, repeating the offer of the 200 men, and earnestly desiring that arms might be forwarded to Dunrobin for their use. The president replied in general terms that the arms were not forthcoming, and meanwhile Inverness was quiet.² During these arrangements, the earl, in conjunction with Lord Reay, provided for a guard of men to be stationed at Corrykinloch, not far from the head of Loch Shin, and at various fords, to check "broken men" and plunderers from entering Sutherland, but a good deal of trouble arose from desertions, as the harvest pressed and the service was not palatable.

The president wrote on 17th September 1745, proposing to the earl to raise an independent company. The earl at once agreed, and named officers who received commissions, while several gentlemen who wished employment as officers were disappointed, as the number of companies to be raised was restricted. The earl wrote expressing the readiness of his men to take the field at once, to which the president replied commending the earl's zeal, which he promised to represent to the authorities.³ Learning from the neighbouring county of Caithness, with which he had established a correspondence, that ships were cruising off that coast and the Orkneys and landing

¹ MS. Narrative, "Conduct of William, Earl of Sutherland, 1745," p. 233, in Sutherland Charter-chest.

² Letters, 11th and 12th September 1745, *ibid.*

³ Letters, 17th September and 1st and 2d October, *ibid.*

arms, and that the people were disaffected, though this was contradicted by his own brother-in-law, George Sinclair of Ulbster, who was sheriff of Caithness, the earl employed men to guard the passes between the two counties. He was also troubled by some of Prince Charles's adherents recruiting in his neighbourhood, notably M'Donell of Barisdale, and took precautions to prevent the lurking in the hills of stragglers and rogues who favoured the rebels and were inclined to plunder.

The Earl of Loudoun arrived in the north on 9th October, and President Forbes wrote requiring that the earl's independent company should be brought to Dornoch to receive directions, arms and commissions. The earl replied that the men would be assembled on the 19th, although he was later informed that the authorities had nothing but guns and bayonets with which to arm them, and President Forbes suggested that they should beg or borrow broad-swords till such could be had from the south.¹ The president a few days afterwards desired that the company might be sent to Tain and thence to Inverness. He informed the earl that Lord Fortrose had gathered a few men about Brahan and the way would therefore be comparatively safe, but he suggests that the company should borrow a few guns to ensure safety on the march, which could be returned after their arrival at Inverness. The men, however, were despatched by sea, and their arrival at Inverness is recorded in a letter to the earl. The writer explains that he had been at Sir Roderick Mackenzie's house at Scatwell on Wednesday night because the people there did not think it safe for him to go to Kessock that night for the Frasers, but he went on Thursday to Inverness. He informs the earl that young Ross of Pitcalnie had joined Lord Lovat with 30 men from the heights of Strathoykell and Strathcarron, and that Lord Lovat was to send a detachment to Ross. He then adds, "Your lordship's men arived

¹ Letter, 12th October 1745, in Sutherland Charter-chest.

at Inverness last Friday's night [25th October]. The company, when it reached Inverness, consisted of 108 men and a piper, and made a fine appearance. I assure your lordship there was none at Inverness that came within sight of them, the very cadies on the street was whispering to one another that the Sutherland men had affronted all the rest except the M'Leods. They were very well clade, and mostly gentlemen's children. Major Mackenzie was claping your men, making very much of them, and did not house till they all got their billets."¹ Lord Loudoun had provided money for the men, and wrote complimenting the earl upon his zeal, and that "they and their officers will do credit to the country they come from;" while President Forbes congratulated him that, notwithstanding the difficulty of their route, they had arrived earlier than any other company, except Ross of Culcairn's, which had only a short distance to come: "But zeal like your lordship's will do anything."²

The first company of the Sutherland militia was commanded by Captain Alexander Gunn, who wrote, that when his company was inspected they were told they were all good men, and a very good company.³ Their fine appearance led to a request for the raising of a second company, which was raised within a few days, and placed under the command of Captain Patrick Sutherland, a cadet of the Duffus family.⁴ The president strongly commended the earl's activity, and wrote of it as further evidence, if such were wanting, of his ability as well as zeal to serve the government, which he hoped would be properly remembered in due time. This company, however, on its first appearance at least, produced a less favourable impression than the former, as many of the men were poorly clad, and there was no fund from which to clothe them.

¹ Letter from Patrick Gray, dated 28th October 1745, in Sutherland Charter-chest.

² Letters, 26th and 27th October, *ibid.*

³ Letter, 1st November, *ibid.*

⁴ He is described as brother to the late [Alexander Sutherland of] Kinminitie.

Letters from the earl's friends, Alexander Brodie of Brodie, and Lord Duffus, at this time, advised him of the rumours of the progress of the rebel army, desertions from their ranks, the conduct of the Earl of Cromartie and Lord Lovat, which, however, are matters of history, and need not here be detailed. A subject which lay nearer home was an application from the people of Assynt, who were apprehensive of an attack from the rebels. The earl ordered the men of Lairg parish to render aid if necessary, and also wrote to Lord Reay to give similar instructions to the men of Edderachills. This promptitude on the part of the earl prevented the threatened attack. He himself was much laid aside by illness during the month of November, but took an active interest in all that was going on, and the presbytery of Dornoch presented an address expressing their sense of the earl's activity in the public service, and of his adherence to the Protestant and Revolution interest.¹

To encourage the two companies of Sutherland men at Inverness, the earl sent kindly messages to them, which were communicated by Captain Gunn. Ensign Kenneth Sutherland wrote giving an account of the discipline maintained in Inverness, the number of guards and their stations, hours, etc. Besides three companies from Sutherland, there were in the town one from Ferrindonald, one from Grant's country, and 450 Macleods, while 200 Macdonalds were expected shortly. A company of townsmen were also to receive arms. The writer complains that all the necessaries of life had risen greatly in price, "the best lod of peats haveing risin from five pens to a mark," and other things in proportion, which made living dear.² One of the greatest troubles in connection with the independent companies was the frequent desertions of the men, and the Sutherland militia were no exception.

¹ Address, vol. ii. of this work, p. 92; letters, 16th and 17th November, in Sutherland Charter-chest.

² Letter, 20th November, *ibid.*

One letter refers to the men of the parish of Loth, who had deserted apparently in a body, and numerous single desertions are referred to. What opinion was held on the subject by the culprits may be gathered from a letter addressed to the earl by the minister of Rogart. He says: "Having enquired into the reason of such as I mett with in the church this day of the paroch of Rogart, what might bee the occasion of their coming from Inverness, (they) told me they frequentlie commanded the priveldge for some few dayes of seing and settleing their affairs, which was ther onlie motive, and to demonstrate ther willingness in serving the government, and ther regard towards your lordship and countrie, they were all to take journey to-morrow."¹

Captain Patrick Sutherland, who commanded the second company, and had come from England for that purpose, asked for leave to visit the earl at Dunrobin, but was told his presence was necessary at Inverness. He wrote that the men of his company were very uneasy about returning, and being relieved by others which they said the earl had promised. Their officers had great difficulty in keeping them together, and they ask for instructions from the earl.² Other and more definite complaints were made by other officers, and the earl on his part punished some of the deserters by incarceration in the "pit," or dungeon, but apparently without much good result. From one letter we learn that the piper of Captain Gunn's regiment turned out to be a "drinking silly raskall, and quite unfitt for that charge." He was set to carry a musket, and the captain begged the earl to procure from Captain Innes of Sandside the use of his piper till Captain Gunn could obtain one from his brother's regiment in Holland.³

¹ The men in question were imposed upon by one of their sergeants. Letter, Mr. Munro of Rogart, 21st December, in Sutherland Charter-chest.

² Letter, 23d December, *ibid.*

³ Letter, 2d January 1746, *ibid.*

The Sutherland militia, however, had already taken part in some military expeditions by Lord Loudoun against the Frasers. The first was to Fort Augustus and met with no opposition, while a second led to the capture of Lord Lovat, the particulars of which are given in a letter from Lieutenant William Mackay.¹ Lord Lovat was taken to Inverness, and allowed to live in private lodgings on his parole, but not many days later Mr. Brodie, the Lyon, wrote that he had made his escape, but how or where was not then known.

Some annoyance was caused to the earl at this time by certain remarks made by the Lyon in a conversation which they had together at Dunrobin, in reference to which the earl thus expressed himself to the lord president:—
“He gave it me as his opinion and advice that I should march to Inverness with 200 men in order to serve the government, and keep them at my own expence.” At the same time he had remarked that the earl had not done more, nay, not so much as others, and as the two companies he had sent were paid by the government, they were under no obligation to him on that account. The earl wrote that though he had a regard for Mr. Brodie, and the more so that he was a servant of the government, he must still be cautious in following the advice of a private gentleman who had no commission. As to his two companies, and Mr. Brodie’s observation that they were paid by the king, and consequently the obligation less as to him, “my answer is that when I call’d those men together, as they were then indebted to me considerably both by arrears and the current rent of this year, I told them that they should not be straitned with paying either till these troubles were over.” The earl was daily looking for a call for more men, to whom he promised the same, “so,” he adds, “I have not received ten pounds sterling of my rent since these troubles began.” If the president deemed it proper, however,

¹ Vol. ii. of this work, pp. 93-94.

he would march to Inverness.¹ In reply, the president expressed his surprise that anybody should be so foolish as to disparage his lordship's zeal and service on this important occasion. He suggests that he must have misunderstood the Lyon, or that the reflections came from some low ill-meaning person, unacquainted with the truth. He bears witness that the earl, from the very beginning of these unhappy confusions, had shown the most becoming zeal and forwardness for the maintenance of his majesty's just rights, and the religion and liberty of his country, and had furnished the troops called for with exemplary promptitude and alacrity; "and that you, over and over again, offered to march with your whole posse, if occasion required, an offer which nothing prevented your making good, or our accepting of, but the want of arms and subsistence, which most certainly was none of your lordship's fault." The president concludes by advising the earl not to be uneasy at so foolish a falsehood.² The earl sent Lord Loudoun a new year's present of a plaid, for which the earl thanks his lordship, and was very much obliged to him.³ The presence of Lord Elcho, Lady Sutherland's nephew, with the prince's army, which no doubt was a grief both to the earl and countess, is thus referred to by Lord Reay: "As in civil wars people have generally some they wish well on both sides, so they meet with some uneasiness even when their cause succeeds. This I take to be your lordship's case with respect to my Lord Elcho, and is really partly mine, as I had allwise a great regard for that family."⁴ Another correspondent at this period was the Right Hon. Henry Pelham, first lord of the treasury, who wrote in a very friendly manner about the earl's zeal for the government, and with offers of service.⁵

¹ Letter, dated 31st December 1745, in MS. Narrative, *ut supra*.

² Letter, dated 2d January 1746, in Sutherland Charter-chest.

³ Letter, dated Inverness, 2d January, *ibid*.

⁴ Letter, dated Tongue, 9th January, *ibid*.

⁵ Letter, 9th January, *ibid*.

At the end of January 1746 President Forbes again wrote to the earl to furnish more men. He expected a ship shortly to arrive laden with arms, and he wishes the earl "to pitch upon a couple of hundred cleaver fellows to be brought together in the form of militia as soon as the arms expected come."¹ In reply the earl said he would have the men ready to march at a moment's notice, and he had told them he would place himself at their head. In a later letter the president informed the earl that the Angus, Mearns and Aberdeenshire men had set out from Perth with Lord Lewis Gordon towards Aberdeen, that the prince was said to be marching northward through Athole, and that they were not far distant. The forces of the well-intentioned should therefore be got together and march towards Inverness to frustrate their design; and the writer suggests to the earl that he should immediately send off as many men as he had at hand, by Dornoch and Tain towards Inverbreaky, and as many more as soon as he could get them together. He announces the arrival of the Speedwell sloop of war with arms, not the third of what was demanded, but they would be of use; and if the earl's people could not come to Inverness, 200 or 300 could be carried to Cromarty Bay. The president further comments on the earl's generous offer to come along with his people as an absolute proof of zeal; but he advises the earl not to do so owing to the state of his health, and the badness of the weather, adding: "And besides, how irreparable the loss would be to the publick, as well as to the family of Sutherland, if anything should happen to give a wrong turn to your health." He concludes by suggesting that if the earl must head his people to bring them out, he should come only a short way with them, and send them on under other leaders.²

In the meantime the earl hurried forward his levies. His manner of

¹ Letter, 31st January 1746, in Sutherland Charter-chest.

² Letter, 9th February 1746, *ibid.*

raising the men is indicated in an order which he issued to Captain John Clunes of Neilston, his factor, commanding him to rendezvous the whole effective men in Loth and Kildonan, without distinction of persons, and pitch upon 38 of the sightliest and best-bodied men in Kildonan, and 25 in Loth to appear at Dunrobin, and march with the earl in person wherever his majesty's service required.¹ The earl did place himself at the head of his men, and on the 15th of February he wrote to the president from Tain that he was now so far on his way, and proposed to be at Cromarty on Monday night with 400 men. His Strathnaver men, who were at a greater distance, were not yet arrived, but would come in a day or two. He expected arms and ammunition as soon as they arrived at Cromarty, and if any broadswords could be spared they would be very useful. In this he was disappointed, and wrote from the same place on 20th February: "I shall only add that I march'd to Cromerty with 400 men when I made not the least doubt but that I was to have received arms and ammunition for them; and as I have kept them at my own expence, I should be very glad to know what rout I am to take with them, that I may order their provisions accordingly." The men's complaints for want of arms made him uneasy.²

Though it was a disappointment to the earl to be forced to return to Tain

¹ Order, Dunrobin, 8th February 1746, in Sutherland Charter-chest. As a preparation for the earl's campaign a military friend sent him some hints as to the marching and quartering of a small number of men, and also an old book containing an abridgement of the life of Gustavus Adolphus.

² Letters, dated Tain, 15th and 20th February 1746. A bill rendered to the earl some months later has several items relating to this expedition. Under date 15th February 1746 it has: "To twenty one

bottles claret, £2, 2s." "To 25 bottles rum to the men, and in punch, £3, 2s. 6d." On the 16th, "To entertainment for two days, £2, 10s." "To corn and straw to the horses, 9s." Similar entries occur on the 20th, 21st and 22d of February, and include among the liquors, "Lisbon," claret, sack-whey, whisky, "zerry," rum, and ale. On the last date is "To entertainment, £1, 5." "To straw and corn for the above 4 days, 18s. 8d." [Account to William Ross, paid 7th August 1746, in Sutherland Charter-chest.]

without arms, his presence there turned out fortunate. Lord Loudoun had been forced to retire from Inverness as his men were not sufficient to cope with the rebel army. He, however, kept the one end of the town till the rebels took possession of the other, and he passed the tower with the last of his troops under fire of their cannon. He retired first into Ross, crossing at Kessock Ferry and thence to Dunskeathness.¹ Balnagown was his next stage, from which he wrote the earl to order all the boats from Sutherland to be sent to the ferry near Tain, and also to inquire if the people of Tain had brought up all the boats between them and Tarbatness. On the following day he wrote that the boats ought to be at the Dornoch Firth, but he saw no use in crossing at present. The ships had arrived in Cromarty Bay with arms, of which 300 stand were for the earl, who was to march so many men to Cromarty to receive them. Later on the same day, however, he resolved to cross on the morrow, starting from Balnagown with the troops at five o'clock in the morning. He therefore wrote again to the earl desiring him to have all his people across the Meikle Ferry or Dornoch Firth before Lord Loudoun's men came up, lest the enemy, by advancing too quick, should attack their rear. Loudoun's army accordingly crossed from Ross into Sutherland on the morning of the 23d of February, and he took up his quarters at Dornoch, whence he wrote the earl asking him to send his fourth company, then at Golspie, to guard the passes on the Shin.² Lord Loudoun's retreat into Sutherland was caused by an advance of a detachment of the rebels under the Earl of Cromartie, who had reached Alness when he learned of Lord Loudoun's retirement to Sutherland.³ Lord George Murray also marched with some of the best of the highland regiments, "the flower of the army," to join Earl Cromartie, but turned on reaching Dingwall, and hastened back to Inverness

¹ Vol. ii. of this work, p. 86.

² *Ibid.*, pp. 86-88.

³ Lord Macleod's narrative. The Earls of Cromartie, vol. ii. p. 396.

in case the enemy should march through Athole. He left the Stewarts of Appin at Foulis and the Macgregors at Dingwall, in all about 300 men.¹

Lord Loudoun wrote to the earl on 24th February that he had delivered to his officers 10 chests of arms and a chest of cartridges. Lord President Forbes also, who had retired along with the army, thanked the earl for his obliging invitation to Dunrobin "to so good company and so good quarters," and was heartily sorry that the nature of the service did not permit him to make himself happy in accepting it. Lord Loudoun was marching with the Macleods, to be followed by the Macdonalds and others, if necessary, to secure the passes into the earl's country, and the lord president required to remain in the neighbourhood for some time to give the best directions he could. He asks a favour for the laird of Macleod, who by different accidents had lost all his horses, so that he had not a beast to ride on, at the same time that he was almost lame. If the earl could send him a clever pony to carry him through the rough places he must pass, it would be extremely obliging. Next day the president wrote that he had certain information that Lord Cromartie had halted at Alness, and had orders to march back to Dingwall—Cromartie had expected to be at Tain yesterday—a money gathering—but had retired.² Desertions from the earl's companies, now that they were in their own country, continued to increase, and vigorous measures were taken for checking the evil, and filling up the proper numbers. Meanwhile, intelligence came to the earl of the gradual advance from Aberdeen of the royal army under the Duke of Cumberland. Notices of the movements of the rebels also came to him, which he transmitted to President Forbes, announcing the numbers under the Earl of Cromartie to be between 2000 and 3000 men, who

¹ Letters, Lord George Murray to the Earl of Cromartie, Dingwall, 25th and 26th February, vol. ii. of this work, pp. 192, 193.

² Letters, dated Overskibo, 25th and 26th February 1746, in Sutherland Charter-chest.

were threatening to march "throw this country for raising men, meal, and the crown rents under the pains of fire and sword." There was also a rumour they were to be attacked from the west that night or to-morrow morning. The president returning the letter of intelligence remarks, "We are daily alarmed with storys from the west, of armys coming to invade us or more properly to raise contributions in East Ross. To-day morning we had the same allarum that has been transmitted to your lordship, with notice that the rebels were to be this day at Tain. But that did not hinder Lord Loudoun to send over a detachment of 150 men to Tain, who about noon made proclamation at the cross, discharging all those from whom delivery of meal or money was required by the rebels, to comply in any degree, with certification that if they did, they should be considered as aiders and abettors of the rebels, and be demeaned as traitors. This proclamation was orderly made, and the detachment returned without hearing any more about the rebels except the common report that they were coming." But he did not think their prince could spare so many hands from the work he was about.

Lord Loudoun wrote on the 10th of March that he had a letter from the duke, dated at Aberdeen the 7th instant, informing him of the intended advance of his army to Inverness. Lord Loudoun added that he was informed that a body of the rebels, not very considerable, was soon to be at Tain, and he begged the earl to order all the boats upon the Sutherland coast to repair forthwith to the Meikle Ferry, that he might be able to transport a force strong enough to put a stop to their depredations. Next day Lord Loudoun thanks the earl for his promptitude in sending the boats. But it appears the weather prevented them being sent, as on the 15th Lord Loudoun informed the earl that Lord Cromartie had formed a scheme to surprise them in the night; and begging the earl to send them round to him. The earl transmitted to Lord Loudoun at this time some intelligence which was

considered important, and also made an application for more arms to defend Dunrobin castle, adding that his former appeals had been unsuccessful. Lord Loudoun, in his reply, expresses his surprise at this fact, because he never knew that the earl had applied for arms for the defence of his house before. He had arms ready for the new companies, as he yesterday took their numbers, and the demand would be very small; but he would send what number of arms and what quantity of ammunition would be sufficient for the earl's use, on being acquainted of what was necessary.¹ It is plain, from this letter, that Lord Loudoun, although he had learned something of the movements of the rebels, was in total ignorance of an expedition which they threatened against him from Tain, and which was put into execution on the following morning.

On the 15th of March the Duke of Perth, who had been intrusted with the duty of dispersing Loudoun's force, was informed that the prince desired his return to Inverness, as there was no possibility of pursuing Loudoun beyond the water; but next day he wrote, that as there was no word arrived about the Duke of Cumberland's motions, "it is hoped wee shall have time enough to make clear work in other places." Accordingly, the duke wrote to Lord Cromartie that he had been recalled, but that the attempt against Loudoun was quite possible, nay easy, in case the Moray boats came up, or even with the few boats in Cromarty Bay. It would appear that the rebels' intelligence was more complete than that of Lord Loudoun, or there was treachery among the royalists, as the duke adds that the Frasers had been speaking to the Sutherland men over the ferry, and they were in absolute want of meal, and had nothing but rye to boil, and were begging for a little meal. The Duke of Perth's project was submitted to the prince, and was approved. It was, however, kept a complete secret, and the troops were held

¹ Vol. ii. of this work, pp. 89-91.

in readiness on an hour's warning on some other pretext. The expedition was carried out, and took Lord Loudoun's force completely by surprise. Lord Macleod, son of the Earl of Cromartie, who accompanied the expedition, thus summarises the result :—

“The thirtieth [nineteenth] of March in the morning, we gote an express from Tain to acquaint us that several large boats were arriv'd there from the coast of Murray. We immediately went into the town. These boats had been sent over by the prince's orders, for transporting of the troops at Tain into Sutherland, the enemy having carried away, or destroyed, all the boats thereabouts. Everything having been gote ready that day and the following night, the first division of our troops cross'd over into Sutherland next morning, led by the Duke of Perth, and landed without opposition, being unobserv'd by the enemy by reason of a thick fog. As we were to cross over at three different times, by reason that our boats were too few, and as my father's regiment was to be in the last division, I cross'd over with the Frasers, expecting that there wou'd be some action, at which I was desirous of being present. But the enemy, as soon as they discovered our being landed, retir'd. The county militia went to their respective homes, and the Earl of Sutherland cross'd over the Firth of Murray and went to the Duke of Cumberland's army. The Earl of Loudoun and the President Forbes retir'd with Sir Alexander Macdonald and the Laird of Macleod and their men into the Isle of Sky. The greatest part of Loudoun's own regiment was made prisoners of war, together with their major, William Mackenzie. We marched without loss of time to Dornoch, and so soon as my father's regiment was come over, I march'd with it to Lord Duffus's house of Skelbo, where I remain'd that night. The Macgregors and Stuarts, who had march'd the same way before me, had taken possession of three small ships which were lying at the Little Ferry, and which were fraughted by the government.”¹

But this was not all, for Dunrobin Castle itself fell into the hands of the rebels, though the earl escaped after some adventures. The following incidents are narrated by himself :—

“Under the favour of a thick fog the rebels cross'd (by boats collected from the coast of Murray, notwithstanding the sloops of war stationed there) at the Great Ferry,

¹ The Earls of Cromartie, vol. ii. pp. 205-209, 397.

the guard of which had not been committed to Lord Sutherland's militia, who were stationed more up the country upon the passes that the rebels were likelyest to attempt to force. For against sea attacks the earl thought they had been secured. However, it proved otherwise ; and on the 20th day of March 1746, some thousands of the rebels, headed by the Duke of Perth, entered that county near the town of Dornoch, six miles from Dunrobin, which caused Lord Loudoun's regiment, with some other troops, to retire to the hills. But the rebels chief scheme being to get the Earl of Sutherland's person in their possession, march'd in great haste to Dunrobin Castle, where his lordship then was preparing with a full resolution to defend himself against any force of small arms to the last extremity. But having received advice that the rebels had seizd four ships in the Ferryoons, with some cannon, and part of his lordship's militia being stationed at twenty miles distance, he thought it was adviseable to endeavour his escape by sea (his house not being proof against cannon) which, with great danger, by a special hand of providence he effected. Having before not only ordered his own, but all the boats on the Sutherland coast, to the Great Ferry, to facilitate, on any emergency, the transporting Lord Loudouu's troops ; but by chance there was an old fishing boat a mile distant from the house, in going to which he run a great risque of being taken by the rebels, being very little more if quite out of musquet shot when they appeared.

“ It being a very thick fog, his lordship was exposed not only to the danger of the sea, but the inclemency of the weather all that day, and could see no ship. About midnight he put into Cromerty for water to refresh him and his few attendants, where knowing he was amongst enemies, made all haste possible to get to sea again, which proved very lucky, it being afterwards discovered that on his arrival an express was sent to a party of the rebels who lay near the town to apprehend him. All that night, with most of the following day, was spent in search of a ship, when at last they discovered the Shark sloop of war, which his lordship went on board of, and was convey'd part of the way by sea, after which his lordship, with much difficulty, got over land to Aberdeen.”¹

A letter, written to the earl a few days later, gives an account of the proceedings of the rebels at Dunrobin :—

“ In less as half-an-houre after your lordship took boat, the rebels, 300 of them,

¹ MS. Narrative, in Sutherland Charter-chest.

came to Dunrobine that night ; some of them came to the place in less as half-an-hour where your lordship took boat, commanded by M'Donald of Clanronald. They were that night in your lordship's castle, and the tennents' houses thereabouts. I had 40 of them under command of two officers. My wife entertained them ; but my brother and I went to the hills. Nixt morning the rebels went back to Dornoch, they being alarm'd that Lord Loudoun was to attack them."

They were much disappointed at finding the earl had escaped, and professed to believe that he was still concealed about the castle. But the countess courageously refused the slightest information, and the domestics were equally faithful.

"One of their officers had a durk to my Lady Sutherland's brest, to get account where your lordship was, and arms, to which he gote noe satisfactory answer. Some other officer, seeing the durk drawn as above, with his hand pushed it by my lady's brest ; the edge touched her skin, as if done by a small pin ; not in the least the worst of it : and tho' her ladyship prepared all good intertainment for them, they made a stable of your dyning room, stole one of the silver snuffers, but took none more of the pleat away."

The writer proceeds to state that he and his brother by accident got a boat on Sunday, and were forced to land in Helmsdale. On Monday night they got on board Captain Fawckner's sloop of war. Next day the "Hound" sloop of war, Captain Dove, arrived with orders to Captain Fawckner to go to the Firth of Forth, and the writer went on board the "Hound," and when he writes she was lying at Invergordonness, in Cromarty Bay. All the gentlemen of Ross-shire were that day commanded to attend at Tain to pay £5 sterling out of every £100 Scots of valuation, besides cess, crown rent, and bishop rents, "This shyre and your lordship's country is ruined." He adds, that Lord Cromartie and Barisdale had gone last Monday to raise all Caithness.¹ The earl received letters containing similar information from

¹ 27th March 1746, vol. ii. of this work, pp. 95-97.

Captain Dove of the "Hound" and from Mr. Andrew Monro. The latter reported to the earl that he had seen Captain Gordon (of Carroll) and Clunes, and they told him they had orders from Lord Loudoun to march northward and take care of the king's arms. Every man of the militia was gone home, and he believed so were the Mackays; for as the rebels were in possession of all Sutherland they could not subsist for want of provisions. Lord Loudoun marched to the west with the companies he had with him, and had crossed the passes into Lord Seaforth's country, if not to the Isle of Skye. On Sunday the 23d Barrisdale came to Dunrobin with 500 men, and was to go to Caithness, where he expected to be joined by Sir James Stuart of Burray from Orkney, and others. Of the four ships taken at Ferryoons, in Captain Inglis's ship were a number of arms, which were taken out and sent in fifteen boats to Tain. The money in the ship was saved, for Captain Inglis escaped with it in a boat; only about £70 was left, and taken in three or four casks filled with halfpence. The writer was glad to learn that the earl had arrived safely at Aberdeen.¹

A second letter from Mr. Hugh Monro stated that the enemy had called in all the arms from the district, under threats of fire and sword, and that Lord Loudoun and President Forbes had gone to Argyllshire with 800 men.² Meanwhile, the Earl of Cromartie was left in command of the rebels in Sutherland, having with him his own regiment of Mackenzies and some other troops. He received orders from Prince Charles at Skelbo in the beginning of April, to go to Caithness himself, or to send Lord Macleod to raise the militia and take up the public revenues for his service. But he deemed it necessary for the prince's service that he should remain in Sutherland, "where the militia of the country were still in arms in the

¹ 29th March, vol. ii. of this work, pp. 97-99.

² 2d April 1746, *ibid.* p. 99.

mountains,"¹ while he sent Lord Macleod into Caithness with the earl's own regiment. On arriving at Wick, Lord Macleod sent out circular letters to all the gentlemen of the county, requiring them to meet him at Thurso on a day fixed, and to pay the public money. A day or two after he marched to Thurso, where he raised the prince's standard, but his further proceedings need not be detailed.

The character of the rebel occupation of Sutherland is indicated in the Earl of Sutherland's own Narrative, from which the following is adapted:— The rebels extended themselves all along the coast of Sutherland, took possession of the people's houses, their wives and children lying at their mercy, and daily plundered them of their best effects, by which means almost all intelligence was stopped that might have been carried to their friends in order to have relieved them in their great distress; except such as they sent now and then with express orders for them to deliver up their arms on pain of military execution. But these men, designed as spies by the rebels, proved faithful servants to their master by arranging a correspondence betwixt the militia and their friends at home, at the same time giving the rebels to understand there were hopes of their surrendering. This secret intelligence gave encouragement to the militia to draw nearer to the castle of Dunrobin, the then headquarters of the rebels, who during the time of their possession made it like a stable, by filling every room a yard deep, or more, with hay, where they lay. They stripped off all the furniture except the poles and wheels of the earl's coach, chariot and chaise, and even the earl's great chair, and others where there was any leather. They broke open every lock in the house, and carried away a number of charters and other papers of

¹ The earl of Sutherland reported of his militia, that being ordered to keep up with all their might his majesty's arms, they did this faithfully "by sheltering themselves

amongst the hills and rocks, determining to undergo, as indeed they did, inexpressible hardships for want of provisions, etc., rather than surrender."

great consequence.¹ They plundered the house of all the plate, part of which being afterwards found at Inverness and Tain was repurchased by the earl. They broke open the cellars and drank, or otherwise destroyed all the liquors. They plundered the stables, not only of all the saddle-horses, but of the coach and labouring horses likewise, with which the earl was very well provided. This unfortunately put a stop to his improvements of all kinds, deprived his servants and tenants of the common necessaries of life, and obliged him to buy barley in England at a great price, made still greater by expense of transport.² They destroyed so many cattle, sheep and poultry, that it would take a great many years to restore the numbers, and they plundered a large armoury newly stocked by the earl, which contained a great number of Lochaber axes, as he had but few fire-arms.

The occupation of Dunrobin Castle by the rebels did not continue long. They grew impatient at waiting for the surrender of arms, and burned the houses of two of the captains of the Earl of Sutherland's militia. This, however, only made the militia more resolute, and having been supplied with ammunition, conveyed to them by women under their hoop petticoats, they found an opportunity for retaliation when the rebels were suddenly ordered to march to Inverness. Barrisdale's regiment marched first, and Lord Cromartie's, which waited for some men from Caithness, was also on the move, when Ensign Mackay, who had kept a constant intelligence with Dunrobin Castle, flung himself with a party of twenty-six men between them and their officers, and by firing briskly on them found time to despatch

¹ The Rev. James Fraser, Alness, restored to the earl a parchment sasine of the earldom of Sutherland, dated 1573, that had been carried off by the rebels and recovered at Alness. [Vol. ii. of this work, pp. 261, 262.]

² The countess' pony and the gray horse she got from the Lyon, which were taken

from Dunrobin, are mentioned by Sir James Colquhoun, who took measures for their recovery, being in his neighbourhood, after the Marquis of Tullibardine surrendered to Mr. Buchanan of Drummiekill. [Vol. ii. of this work, pp. 259, 260.]

four or five messengers to the militia, with whose assistance almost the whole body were killed or taken prisoners.¹ The Earl of Cromartie and the other officers retreated to Dunrobin Castle, where they were afterwards taken. Many of the rebels ran to the Little Ferry and perished there. Besides this, the Sutherland militia retook the four ships formerly mentioned and delivered them to Captain Dove of the "Hound" sloop of war together with the prisoners. At the retaking of the ships the skirmish was very smart, and one man, though dangerously wounded, in the pursuit went boldly into the water, which caused his death.²

The Earl of Sutherland, after his escape from Dunrobin, attached himself to the Duke of Cumberland, and was present at the battle of Culloden, where the rebel army was completely routed. On the following day tidings came of the victory at Golspie, and the duke despatched the "Hound" sloop of war to bring Lord Cromartie and the other prisoners to Inverness. The earl went with the vessel to Dunrobin, whence on 19th April he wrote to the Duke of Cumberland, who directed him to go with his men to the head of Lord Lovat's and the Chisholm's country to endeavour to capture Lord Lovat, and also to punish the M'Kenzies. Next day the duke wrote that Lovat was reported to be lurking in the woods of Glenmoriston, and ordered a strict search to be made there. The earl accordingly marched south with a newly raised company of his militia, which was reviewed by the Duke of Cumberland at Beauuly. The earl was at Tarbat House on 24th April, and there signed an order for the protection of that place from marauders. From thence he returned to Inverness, and after some days, to Dunrobin, though his men

¹ This affair took place on 15th April 1746, the day before the battle of Culloden.

² The account of the Earl of Cromartie's capture is given at length in *The Earls of Cromartie*, vol. i. pp. ccxx, ccxxi.

continued on active service for some time longer. The earl was now desirous, on account of ill-health, to go to England, but he was requested by the Duke of Cumberland to delay his departure for a little while until matters were more settled in Scotland. At this time the earl presented a sum of 200 guineas to the duke's army, which was specially acknowledged in the general orders.¹

The earl left Dunrobin for London about the end of June. The first part of the journey was performed on horseback to Aberdeen, whence he took boat to Leith, and then proceeded by the stage-coach to London. He was well received by King George the Second, probably because he carried a recommendation of his services from the Duke of Cumberland. The earl was also summoned to sit in the house of lords for the trial, on 28th July, of the Earls of Kilmarnock and Cromartie, and Lord Balmerino. As is well known, Kilmarnock and Balmerino were executed, but Lord Cromartie, though condemned, was reprieved and pardoned. It is traditionally asserted that this result was owing to the influence of the Earl of Sutherland, who begged Cromartie's life from the king as a reward for his own services, but this story is not corroborated by contemporary evidence, which assigns the pardon to the exertions of the Prince of Wales. The earl, however, was a great friend of Lord Cromartie, and frequently visited him and his wife in the Tower. He continued to reside in London, and towards the end of 1746 went to Bath for the benefit of the waters, but his health did not greatly improve by the change; and the death of his countess, which took place, somewhat suddenly, at Dunrobin, in February 1747, together with the embarrassed condition of his estates, added to his grief and anxiety.

As this condition of his affairs was in a great measure owing to his services in the rebellion, the earl approached the government for compen-

¹ Vol. ii. of this work, pp. 104-106.

sation. He had already, apparently not long after his arrival in London, petitioned the treasury on behalf of his people, who had been prevented from cultivating their lands, and who suffered greatly from a scarcity of corn. He earnestly requested payment of the arrears of salary due to him as a lord of police, that he might be enabled to purchase grain and other necessaries to ward off the threatened famine.¹ Besides this, he presented various memorials to the king, the Prince of Wales, and the Duke of Cumberland, detailing his services and the embarrassment in which, in consequence, he had become involved, praying his majesty to appoint him to some office, the salary of which might repair his losses. The king desired him to lay his case and vouchers before the treasury, which he proceeded to do. The claim was a large one, amounting to £7878, 3s. sterling, and it was vouched by the various accounts and copies of letters from Lord Loudoun and Lord President Forbes. But after numerous applications to the government and constant disappointment, as on one pretext or another his claim was postponed or referred from one person to another, it was not until February 1750, three years after his first application, that a report upon his case was given by Mr. Henry Fox, secretary at war, the conclusion of which was somewhat ambiguous. "I am of opinion," he says, "that Lord Sutherland was not only ready but zealous to do everything in his power for his majesty's service, but what expences the exertion of that power put his lordship to is by no means ascertain'd." It was probably owing to this comparatively favourable report that the earl received the grant of a yearly pension of £800, which, however, he did not long enjoy.

This vexatious treatment by the treasury was probably owing to the earl's procedure in political matters. The king and ministry had indicated to him, in view of the elections, that Sir John Gordon of Embo was objectionable as

¹ Memorial, in Sutherland Charter-chest. Copy Report, *ibid.*

a parliamentary candidate for Sutherland, but the earl was not willing to withdraw from a promise he had made to Frederick, Prince of Wales, to support Sir John. This brought him into disfavour, which was increased by the triumphant return of the obnoxious candidate, and the earl's name was omitted from the government list of the sixteen peers to be elected on 1st August 1747, an omission which the earl attributed to the influence of Mr. Henry Pelham, then prime minister, and he ceased to be a representative peer. The same influence deprived him of his office as first lord of police in Scotland, which was bestowed on Hugh, Earl of Marchmont. Another matter which made the government look with disfavour upon the earl was his friendship with Captain John Walkinshaw Craufurd of Craufurdland. Captain Walkinshaw, as he was styled prior to his father's death, was a friend of Lord Kilmarnock, and attended that unfortunate nobleman upon the scaffold. For this he was punished by the loss of his promotion, and the Earl of Sutherland's intimacy with him was looked upon with suspicion.

Under the Act of 1747 abolishing heritable jurisdictions, the earl claimed for his rights of regality and sheriffship over Sutherland £8500 sterling. About the amount of this claim his law-agent writes: "I wish the lords (of session) may think they are worth it."¹ When the claims came before them for adjudication, the lords decided that the earl was only entitled to £1000, which was the amount fixed under the contract of 1630 with King Charles the First. The earl petitioned for an increase of compensation as otherwise than in that contract, his jurisdictions were valued at £3000, but it was in vain.

In the end of the same year, 1747, the earl left London and returned to Dunrobin, where he began to engage in various enterprises, some of which were of a speculative nature. He reopened the coalpits at Brora, which

¹ Letter, John Baillie, W.S., 19th November 1747, in Sutherland Charter-chest.

had suffered from flooding, but when that was overcome, and it was found that the coal was good, it was much in demand at Inverness and elsewhere in the neighbourhood. There were, however, very few men employed, and only about one and a half tons were raised daily.¹ Another project which did not turn out so well was an agreement which the earl, on a commission from John Sinclair of Scotscladder in Halkirk parish, entered into with William Deere of London, and Captain Walkinshaw, to give them a lease of all mines and minerals, lead, tin, copper, or even coals, to be discovered on the estate named, with all necessary privileges, for one-fifteenth part of any ore which might be obtained.² But Deere was a person of indifferent character, and the enterprise failed.

While resident at Dunrobin the earl greatly aided the authorities in calling in the arms which had been distributed to the loyal militia during the rebellion, and he received special thanks for his assistance from General Humphrey Bland.³ The earl returned to London in the end of 1748, and in the beginning of the following year went to Bath, whence he again returned to London in May 1749. His friends, and especially his mother, were anxious he should return to Scotland. To General St. Clair he wrote, "I designe to goe to Tunbridge next month, for Scotland I will not return to on any account."⁴ He was at Tunbridge in August where the waters agreed very well with him; but in November was back at Chelsea, where he had taken a lease of a house for nine years. Lady Strathnaver had frequently urged on her son to return to Scotland. He wrote her at considerable length explaining that he was aware her purpose in her late letters could proceed from no other motive but her affection, "but," he says, "it would be hard to force me to live in Scotland

¹ Letters, March 1749, in Sutherland Charter-chest.

² Memorandum, *ibid.*

³ Letter, 21st April 1748, *ibid.*

⁴ Letter, 18th May 1749, vol. ii. of this work, p. 273.

where I can never be happy, when I can live here at quiet upon a moderate expence near the court, upon which I have still some pretentions. I hope your ladyship will be so good not to insist on it." As, however, he could not manage his estate at that distance, he was willing to put it into his mother's hands, "that you may receive all my rents for the payment of my debts to your ladyship and my other creditors," she allowing him such an aliment as his grandfather had. He added, that if she would ask Lord Kilkerran to draw up a scheme to that effect he would endeavour to execute it. He had taken a house on lease to save expence, "for I know a cottage of ones own is cheaper and more comfortable than a pallace of anothers," and it would enable him to entertain her ladyship if she should visit him.¹

In the beginning of the year 1750 the earl returned to Bath for the sake of his health, which continued to grow worse. There he settled his affairs, committing the charge of his son to General St. Clair, and giving to his mother, Lady Strathnaver, a factory and commission for the management of his estates, reserving an annuity to himself. He also granted a bond of provision for his children, and nominated tutors to Lord Strathnaver and Lady Betty Sutherland. Captain William Gordon was sent to Edinburgh to conclude arrangements with Lady Strathnaver and the earl's other relations and friends. He wrote that Lord Kilkerran had promised that he would press Lady Strathnaver to do everything in her power to retrieve the earl's estate. . . . "Those who have seen the writing your lordship did me the honour to intrust me with, declare there was never a more honourable thing

¹ Draft letter in Sutherland Charter-chest. Captain Walkinshaw was in Edinburgh from December 1749 to February 1750, and writes frequently to the earl about his affairs, and a great match which he had heard the earl was to make. He does not appear to have

returned to London. Captain William Gordon of Ampthill succeeded in the earl's confidence, and was much more acceptable to his friends. [Archæological Collections of Ayr and Wigton, pp. 176-183.]

done at this time by divesting yourself of all your estate for the payment of your creditors."¹ The earl's health growing worse, he now made haste to go abroad.² "This afternoon the Earl of Sutherland sailed for France, and by this post are sent to Lady Strathnaver all the papers her ladyship desired, so that now I think every thing is done that is practicable to preserve the estate of Sutherland."³ The papers in the earl's house in Chelsea were put under the care of Captain Gordon.⁴

Much of the debt on the estates appears to have arisen from the earl's lack of business capacity, which, added to his infirm health, caused him to be largely taken advantage of. Mr. Mackenzie of Delvine, who was appointed manager of the estates after the earl's decease, says: "I am well aware that there are a variety of objections made to the debts to be confirmed. Some of them I have seen, and others I have heard from Robert Gray, and many of them are extremely frivolous and plainly aims at catching advantages of the late earl's weaknesses. . . . In short my notion is, that in very few transactions the poor earl met with tolerable fair play, but as he was not very accurate in business, he was either flattered or wearied out of his just right on very many occasions."⁵ Every effort, however, was now made on the part of the earl's friends to extricate his affairs. The factory to Lady Strathnaver, and heritable bonds and other writs, were sent to be signed by the earl, apparently after his arrival in France;⁶

¹ Letter, Edinburgh, 30th June 1750, in Sutherland Charter-chest.

² Letters, dated Edinburgh, 5th and 12th July 1750, *ibid.*

³ Letter, Captain Gordon, no address, but probably to General St. Clair, London, 11th August 1750, *ibid.*

⁴ Inventory of papers, *ibid.* An entry bears that after deducting wadsets, etc., the

free yearly rental of the estates amounted to about £640 sterling. A list of the debts of the earl drawn up in 1751 puts the whole at the sum of £15,797, 4s. 8d. sterling.

⁵ Letter to Dugald Gilchrist, 19th March 1752, *ibid.*

⁶ Letter by Robert Dalrymple, dated London, 23d August 1750, *ibid.*

and Captain Gordon wrote cheerfully to him of the prospects, hoping he would not be straitened for money, "for as long as I can command a shilling, halfe shall be at your lordship's service." He could not give a regular account till Christmas, but he expected that the earl would be sure of £180 sterling per quarter. Lady Strathnaver had desired Gordon to send her a list of all the earl's debts in England, which were found to be under £2000 sterling; and Captain Gordon hopes, though people had been frightened with the imagination of a vast debt on the estate, that by the earl's retiring on his quarter's salary of £180, he will see him in a few years a free man in his own castle.¹

The earl took up his residence at Montauban, but did not benefit by the change. The last letter the earl wrote his mother from its confused expression and feeble handwriting is pathetic evidence of his illness.² On receiving it she wrote: "I am much concerned anuent my dear son, who writs me he is indisposed. I trouly think it was but ill-judged to let him go without a friend allong with him. I am affraid sins I sied his last to me." In another letter she exclaims: "O what a merse it wod be to get him hom to this plase."³ The earl never did come home, but died at Montauban on the 7th December 1750. A letter addressed to Macleod of Cadboll says: "I have the pleasure of yours dated 10th ultimo wherof the contents throughout are literally true in relation to the late Earl of Sutherland's unfortunate case. I am persuaded no subject ever [was] more true to the causc of his king and country nor suffer'd so hard a fate. His being divested of his posts and place in the house of Lords, exclusive of being deny'd all manner of satisfaction for his expences after risquing his own

¹ Letter, dated London, 26th September 1750, in Sutherland Charter-chest.

² Letter, dated Montauban, 26th November 1750, vol. ii. of this work, p. 277.

³ Letter, dated 11th December 1750, in Sutherland Charter-chest.

life and fortune as well as all his countrymen against the pretender in the late rebellion, the world thinks too severe a punishment for promising his interest to the heir apparent to the crown, who ask'd it as a favour that he would give his interest to his royal highness friend." Everybody acknowledged his zeal, "but because all his accounts were not clear, which was no wonder having no military man to form them, he must have nothing," after solicitation of four or five years, living in London at great expense. "I had the honour of frequent conferences with him upon those subjects and did all I could to persuade him to goe home to Scotland." His objections were that he owed money to several that he could not pay, "that he promised preferment to several gentlemen who followed in 1745 and which now he had no interest to obtain," and that it would be the greatest mortification to hear the complaints of his countrymen who had been sufferers through their attachment to him. "At last his lordship I thought got over the rigour of these thoughts, but just as he was ready to set out for Dunrobin, he changed his mind and took an unalterable resolution to goe to France with only one servant and objected to all his old acquaintance. He died on the 25th last November, as I wrote before." The writer adds that he had not yet been able to recover the earl's effects from the officers of the king of France who claimed "a right to the personal estate found in that country, the property of all foreign protestants."¹

As already indicated, the Earl of Sutherland was predeceased by his countess, who died at Dunrobin in the end of February 1747. Her health had not been good for some time, but her death appears to have been sudden. When her husband left for London in the previous June she had much

¹ Draft, undated, indorsed "copy letter to Macleod of Cadboll" in Sutherland Charter-chest. The real date of the earl's death was 26th November, old style, and 7th December, new style.

desired to go and reside in Edinburgh, but the gentlemen of the clan remonstrated, and begged that she would remain at Dunrobin while the earl was absent. She was interred at Dornoch, her body being borne in a hearse, attended by thirty gentlemen and two hundred commons, and forty men of the parish of Golspie as a guard. Lord Duffus was principal mourner and next him Sinclair of Ulbster. Thus was interred, says Gordon of Carroll, "a lady endowed with all the qualifications that could adorn her sex," to the loss of everybody that had the honour of her acquaintance, and never enough to be regretted by every individual in the county.¹

William, sixteenth Earl of Sutherland, and Lady Elizabeth Wemyss had issue one son and one daughter—

1. William, seventeenth Earl of Sutherland, of whom a memoir follows.
2. Lady Elizabeth Sutherland, who, after her mother's death, was brought up in Edinburgh with her grandmother, Lady Strathnaver. She married, on 29th August 1757, at Dysart, her cousin, the Hon. James Wemyss of Wemyss, and survived her husband, dying at Edinburgh on 24th January 1803. She was buried in Holyrood Abbey on the 27th, beside her brother.²

¹ Letter, 2d April; vol. ii. of this work, p. 270. Besides his account, Dr. John Gordon, surgeon, got a suit of mournings for the countess's funeral. [Account in Sutherland Charter-chest.]

² Memorials of the family of Wemyss of Wemyss, vol. i. pp. 363, 374.



Sutherland

Lady Elizabeth

XX.—WILLIAM, SEVENTEENTH EARL OF SUTHERLAND.

MARY MAXWELL (OF PRESTON), HIS COUNTESS.

1750-1766.

WILLIAM, seventeenth Earl of Sutherland, the only son of William, the sixteenth earl, was born on 28th May 1735. His birth was notified to his grand-uncle, General the Honourable James St. Clair of Balblair, in a letter dated 31st May of that year. The general, who at the time was at Mahon, in Spain, at once sent very cordial congratulations to the earl and countess. His letter evinces all that warmth of interest in his young relative of which he subsequently gave such uniform proof.¹ When eight years of age Lord Strathnaver was in Edinburgh on a visit to Katherine, Lady Strathnaver, his grandmother, and a friend writes to the earl, "I had the honour and pleasure of having Lord Strathnaver in my house. He looks very well, and fully bent in the prosecution of his studies. His grandmother is captivate with him, and I'm very hopfull his visiting her ladyship will do more service than the strongest reasoning in the world."²

Lord Strathnaver showed an early predilection for the military profession, at least according to his own opinion, expressed in an interesting letter sent in his name to the earl, his father:—

"MY DEAR PAPA,—I write you before, and hoped for the honour of an answer. Mama may tell yow, I can exercise very well. So now I want a comision. I can read the newspapers. I am glad of Admirall Vernon's meeting with the Spaniards. (O papa, our Spanish horse is sick.) Papa, if I were big enough you may tell the king I will fight very well. Mama made a boy break my head at cudgell playing, but

¹ Vol. ii. of this work, pp. 236-7.

² Original letter, 31st December 1743, in Sutherland Charter-chest.





tho' it was sore, I did not cry. She has given me a new highland coat, and Jenny Dott's sewing very fine sarks to me. God bless you, papa. My service to James Andirson. Bettekins gives hers to you. I am, your affectionit son and obedient slave,
 STRATHNAVER."

The countess at the same time writes :—

"I doubt if his majesty has an officer in his new levys performs the exercise like your son. Your daughter is a sort of beauty. Both of them prays for papa morning and evening." ¹

The desire for a commission, which Lord Strathnaver expresses, was apparently soon gratified, notwithstanding his youth, as he received a commission as ensign in the First or Royal Scots Regiment of Foot, of which General St. Clair was at the time colonel.² General St. Clair soon afterwards travelled north and visited the Sutherland family, when Lord Strathnaver was placed under his charge with a view to his going to England to be educated there. Numerous letters from the general to the Earl of Sutherland record the arrangements made for his journey, and also his progress under his guardian's care, and from these the following particulars are stated. After leaving Sutherland, they travelled by Tain ³ and Kilravock to Darnaway Castle, one of the seats of the Earl of Moray. Lord Strathnaver, or Lordie, as he was familiarly called, was left with his aunt, Lady Margaret Wemyss, Countess of Moray, who was shortly to take him to Donibristle, where General St. Clair, who proceeded first to Edinburgh, was to meet him. On 10th November, General St. Clair was able to report his plans definitely to the Earl of Sutherland. He expected that the Earl and Countess of Moray would be travelling to London in the course of the winter, and that

¹ Letters, May 16th [1743 or 1744], in Sutherland Charter-chest.

² Letter, with a bill of lading for horse furniture and Strathnaver's regimentals from

General St. Clair to the Earl of Sutherland, dated June 4th [1744], *ibid.*

³ Letter, dated Edinburgh, 13th October, *ibid.*

they would take Lord Strathnaver with them. But this plan failed, and he now arranged that the boy should remain in Edinburgh with Lady Baird of Newbyth, attend school, and afterwards proceed to London with Sir John and Lady Baird, who purposed to go there in the following March.¹

Upon the morning after his arrival in Edinburgh from Donibristle, Lord Strathnaver was taken by General St. Clair to visit Katherine, Lady Strathnaver, to whom he delivered a letter from the Earl of Sutherland, referring to an obligation by her to the general to pay one-half of the cost of Lord Strathnaver's education. The general thus reports the result :

“She instantly fell upon me and asked me how I came to say to you that she had promised to pay the one-half of his education, to which I replied, because that she had given me directions so to do, and that I was much surprised to hear hir pretend to deny a thing that, if necessary to be proven, I wou'd take my oath on it before all the judges in the kingdom. In troth, she said, she wondered how she came to promise such a thing, or how I cou'd expect it considering that she was a poor helpless widow, who had enough to do to mantaine hir self. On this I told hir that I saw that she was mocking of me, and that I was a fooll to believe anything she said. To this she replied, with a simpering laugh, that she wou'd not pay the half, yet she was contented to give some thing.”

The rest of the visit was occupied by informing her of the arrangements which had been made for her grandson, subject to any change which she might suggest. Lady Strathnaver said she considered Lady Baird “a very good woman,” with whom Lord Strathnaver would be well taken care of. Regarding herself, “she realy was growne weak and sickly and dought not be fashed with anybody.” She had on this account written to her daughters forbidding them to come to her, although they wished to visit her. She would treat all alike in this respect. She then inquired on what principles he intended to educate his charge. General St. Clair's reply, and what passed

¹ Letter, 10th November [1744].

further on the subject, will be best given in his own words. He told her Lord Strathnaver would be trained in the principles

“of an honest man ; but, if she meant as to politicks, a Whig, and if as to religion (which I found was what she drove at) of that which was established by the law of the kingdom and country that he was to live in. She then told me that she had heard that I was to putt him into the goverment of a minister of the name of M’Kenzie who had been formerly in Earle of Wemyss family.¹ I told her I cou’d not prevent hir from hearing nonsense, but that it was cruell and unjust in hir to belive me cappable of so bad an accion. To this she said that, in troth, she cou’d not belive it. However, it had disturbed hir rest for three nights, for that it had been ministers that had told her of it, and bid her guard against it. I wanted much to learne the names of these godly lyers, but she wou’d not tell me.”

When parting from her grandson, Lady Strathnaver gave him “a little diamond ring with £6 or £7 and some carvey.” To show that the surmisings of the ministers regarding the religious upbringing of his charge were without foundation, General St. Clair arranged that his lordship should attend the Tron church every Sunday while he remained in Edinburgh. He was to sit in the pew occupied by Lord Minto, or in that used by Mr. Erskine’s sister, both of these persons having given their cordial sanction to his doing so.

In compliance with the wish of the Earl of Sutherland, Lord Strathnaver made certain other visits along with his guardian, of which the general writes to the earl. “I caryed Lordey to see Lady Maitland, Lady Northeske, Lady Balmerino, etc., who wer all vastly fond of him ; and, to do him justice, he has behaved, both while with his aunt Moray and since he came to town, much to my liking, and I make no manner of doubt of his doeing extreamly well.” In addition to these visits, Lord Strathnaver, accompanied by General St.

¹ The reference here is evidently to Dr. Alexander Mackenzie, who was tutor to David, Lord Elcho, about 1741.

Clair, also visited Newbyth in East Lothian, the seat of Sir John Baird, at whose house, in Edinburgh, he was to reside. Of this visit the general says, in a later letter written from London, "I had him at Newbyth before I left Scotland to make him acquainted with that family, and I do assure you that both Sir John and his lady wer as fond of him as they cou'd have been of one of their owne."¹ During his stay with them they found reason to commend him as "the most tractable child that ever they knew." By them he was sent to an English school in Niddry Wynd, which he attended every forenoon, and in the afternoons a young man read with him. He was also provided with a writing and a dancing master.

Under the care of Sir John and Lady Baird, Lord Strathnaver journeyed to London in April 1745, when it was decided to send him to a school at Winchester, where he could be boarded with one of the masters. This school was a high-class educational establishment, but had somewhat lost its reputation through lax discipline, "the too great indulgence of the masters, who had allowed the younge boys of quality there to keep horses and dogs." This, however, had now been remedied. Charles Clarke, one of the barons of exchequer, took the trouble, when on circuit at Winchester, to ascertain the existing condition of the school and its masters, and reported to the general "that everything about it is at present under exact rules and regulations, and that the second master, under whom Lordey is to be, is one of the best in England, and is maryed to a disscreet, carefull woman, who takes in boarders." The general sums up, "The masters being in high carracter, the woman where he is to board in great reputation as to her care and skill about childring, and the place itself the best and wholsomest air in Brittain,

¹ General St. Clair left for London on 11th November 1744. He was in 1745 appointed to the post of quartermaster-general of the British forces in Flanders: but his departure thither was delayed indefinitely.

are the reasons that have determined me to fix him there; besides, in case of smallpox, or any of the diseases that childring are lyable to, there are as good phistions and apothecarys in the town of Winchester (which is within a quarter of a mile of the colledge) as any in Brittain^e.”¹

While Lord Strathnaver was at Winchester, General St. Clair kept up communication with his “little man,” as he familiarly designates him, and received letters in return “of his owne writing and indyting.” He would have visited him at Winchester. “I longe so much to see him,” he says, but the unsettled state of the times kept him from applying for leave of absence.² Lord Strathnaver, however, spent his Christmas holidays with his grand-uncle in London, who was able to report that he was doing well at his books, and giving satisfaction in all other respects to his masters. In April 1746, on account of the expected departure abroad of General St. Clair,³ Lord Strathnaver went a tour through Wales with his tutor. With the prospect of being absent from England for a time, General St. Clair had made arrangements regarding his young charge, but the Earl of Sutherland arrived in London in July, and, till the close of the year, took the immediate oversight of his son. A week’s holidays which his lordship had at the end of August on account of “the college election” was apparently passed in London with the earl, who came to the conclusion that his son had not advanced in his education so much as he ought to have done.⁴ Mr. Samuel Speed, his teacher, had informed the earl that his son’s progress was equal “to his age,” and that “he attends to books very well for his age, and I have great

¹ Letter, 14th April [1745], in Sutherland Charter-chest.

² Letters, dated 16th November [1745], and 25th April [1746], *ibid.*

³ General St. Clair received a commission appointing him commander-in-chief of a force of 6000 men, to be sent to North America for

the purpose of taking Quebec. The destination of the expedition was afterwards changed on account of the lateness of the season. The forces after being considerably augmented, were sent to the coast of Brittain on 15th September 1746.

⁴ Vol. ii. of this work, p. 268.

hopes will very well answer all our wishes and endeavours for him.”¹ But the earl was still dissatisfied, and wrote to Scotland of his intention to place his son at another school. Lady Strathnaver, upon hearing this, deprecated the earl taking independent action, and counselled him to act along with General St. Clair, who had manifested such an interest in and affection for Lord Strathnaver. She says, “I advise you not to disoblidge the general by interfering, but to let the general and you concert what is most proper to be done anent lordie edec[a]tion when he comes to London.” About her grandson she adds: “Its a great confort to me that he hath no bad habits or inclination.”² Mrs. Sarah Butler, the housekeeper at Dunrobin, also, in a letter apparently addressed to another of the earl’s household, gives quaint expression to her sentiments about Lord Strathnaver, who, she is “sorey to hear, is not so well loucked after in his edichason as he ought to be. Great is that pity,” she proceeds to say, “that such a good compacity should not be taken care of. What is aney man without larning, and aspishely a gret man, and one that represents such a famely as Lord Strathanver does. A broken estate may be mad up, but lost edecashon can never be made up in t[i]me.”³

It was a matter of some difficulty to select a suitable school for Lord Strathnaver, but the earl eventually decided in favour of Harrow, where the scholarly Dr. Thomas Thackeray, great-grandfather of the famous novelist of that name, was head-master.⁴ Lord Strathnaver left Winchester in December 1746, and in the beginning of the following January entered Harrow, where he continued pursuing his education until 1750. He is

¹ Letters, 24th August 1746 and 27th November 1746, in Sutherland Charter-chest.

² Original letter, 21st October 1746, *ibid.*

³ Letter, 18th December 1746, *ibid.* Mrs. Butler had been housekeeper at Dunrobin

for upwards of sixteen years.

⁴ Several of Dr. Thackeray’s pupils became distinguished men, including the Rev. Dr. Parr, the celebrated scholar, Sir William Jones, and others.

at this time described as being "too delicate and tender, but withall sprightly and lively, of a fine growth and genius."¹ Dr. Thackeray pronounced his lordship to have "a very good genius, but that he was extremely heedless and unthinking," adding that the Earl of Moray's son, Lord Doune, was a better proficient than Lord Strathnaver. The friend to whom this opinion was delivered, and who repeated it to the Earl of Sutherland, suggested that the difference between Lord Strathnaver and Lord Doune might be due to the former having a tutor and the latter having none, and asks his lordship to consider the matter. This friend afterwards went to Lord Strathnaver himself and informed him of what Dr. Thackeray had said, and entreated him not to put it in his power to make such a report again, to which he replied that he would not.² The earl entertained the suggestion, and asked Dr. Thackeray's opinion on the subject, who replied, "A private tutor may be of great advantage to him for some time in order to assist him in learning such things as he is not sufficiently acquainted with, as to which I am sorry to say he has been much neglected."³

The Lord Doune referred to (afterwards eighth Earl of Moray) was an intimate school friend of Lord Strathnaver. The latter wrote to his father from Harrow, on 14th November, requesting to be allowed to comply with an invitation which he had received to spend his Christmas holidays along with Lord Doune at the London house of the Countess of Moray. The letter also states that when General St. Clair and the Earl of Moray arrived

¹ Letter, unsigned, to Lady Strathnaver, dated London, 3d January 1747, in Sutherland Charter-chest.

² Letter, from Adam Gordon, dated London, 16th January 1747, *ibid.*

³ Dr. Thackeray to the Earl of Sutherland, Harrow, 16th November 1747. No special tutor was engaged for Lord Strath-

naver, but Lord Doune's tutor seems to have directed his studies. On 15th May 1749, Mr. Adam Gordon wrote to the Earl of Sutherland, "I hope your lordship will not take it amiss, and I beg leave to remind you of making some small present to Lord Doune's tutor for his care of Lord Strathnaver." [Letters, *ibid.*]

in London, they sent for him and Lord Doune to come and see them.¹ In the year following he wrote to Captain John Walkinshaw, an intimate friend of his father, in terms suggestive of private school-boy treats :—

“DEAR SIR,—I beg pardon for not writing you before according to my promise. I beg you would tell me who to keep correspondence [with] about the tea and sugar. Pray send me the wax candle and the stockings, and send my combs. My duty to papa. Compliments to all friends, and pray excuse my writing, and I am your humble servant,
STRATHNAVER.”²

In the month of February, Prince George, afterwards King George the Third, expressed a wish to see Lord Strathnaver, but no interview took place on this occasion.³ In 1749 he had the smallpox, but the attack was a mild one.⁴ During his schooling he still continued to hold his commission as an ensign in the army, as in an account rendered to his father there is a charge made, on 9th December 1749, for “4 yards of scarlet cloth for Lord Strathnaver’s regimentles,” the scarlet coat being trimmed with cuffs and lapells of blue cloth, gold binding and gilt buttons.⁵

After the Christmas holidays of 1749, which he spent with his father, he returned to Harrow, but in June he was sent to a school at Enfield. The Earl of Sutherland, in withdrawing his son, acknowledges the great care and concern evinced by Dr. Thackeray in the education of Lord Strathnaver, and

¹ Original letter in Sutherland Charter-chest. The earl’s consent to this request did not arrive in time, but Lord Strathnaver accepted the invitation.

² Archæological and Historical Collections relating to Ayr and Wigton, vol. ii. p. 167.

³ Captain Walkinshaw to the Earl of Sutherland, London, 6th February 1748. The invitation to wait on the prince was anticipated. A confidential servant, on 26th December

1747, writes to the earl, “In case he is allow’d wait on Prince George, he is at no loss for cloaths, being I order’d a new suit for him, which was ready the day he came to town.” [Letters in the Sutherland Charter-chest.]

⁴ Original letter, Lady Strathnaver to the Earl of Sutherland, 1st June 1749, *ibid.*

⁵ Account, the Earl of Sutherland to James Ayton, tailor, 1748-1750, *ibid.*

states that, but for the necessity of teaching him some "academical exercises" not taught at Harrow, he would have continued him under his tuition.¹ Lord Strathnaver continued for two years at this school.

On the death of his father at Montauban, in France, on 7th December 1750, William, Lord Strathnaver, succeeded as seventeenth Earl of Sutherland. He was provided with "mournings" by General St. Clair, who also endeavoured to obtain for him the pension of £800 which had been enjoyed by his father,² but with what success is not known. Being only fifteen years of age, and consequently still in his minority, the earl, in terms of a nomination made by his father previous to his death, was placed under the tutelage of General St. Clair, who, however, did not immediately accept of the trust, as, upon inquiring into the affairs of the late earl, he found that these were left in "a mighty involved condition,"³ but in June 1751 he came from London to Scotland, with a view to act the part both of friend and curator to

¹ Letter, dated Chelsea, 18th June 1750. On the same date, Mr. Andrew Kinross, writing to the Earl of Sutherland, stated the terms of his school at Enfield: "My common price is £25 per annum with five guineas entrance, or if people do not choose to pay entrance-money, I charge at the rate of £30 per annum; in consideration of which I engage to teach Latin, Greek, French, writing, arithmetick, merchants' accounts, and mathematicks. My parlour boarders pay at the rate of £50 per annum, and are taught the above articles, and have a right not only to the publik hours of instruction, but likewise to all my private and leisure time, by which they generally profit as much, if not more, as they do by attending the school hours, and forget trifling with their school-fellows. Fencing is taught at 1 guinea per month; dancing at 15s. per quarter; drawing at half-a-guinea

per month, and the entrance to each is one guinea." [Letters in Sutherland Charterchest.]

² Letter, Lady Strathnaver to General St. Clair, dated 18th December 1750, *ibid.*

³ General St. Clair's kindness to his grand-nephew had all along been of the most disinterested kind, involving him in very considerable expense. He paid the costs of the journey from Dunrobin to Winchester, as well as his education and maintenance there. He also paid his last hills at Harrow. Then he had also expressed his willingness to be serviceable to his lordship in anything in which he was capable. Besides this, he had displayed the like kindness to the Sutherland family, having for sixteen years past, as he says in a letter written in 1750, neither spared his purse nor labour to support it when occasion required.

the young earl. Finding that Lady Strathnaver was the principal creditor on the estate, both on account of her annuity and also for loans of considerable sums, he came to an agreement with her ladyship by which, to remove an objection which he made arising from the burdens on the estate, she agreed to suspend the payment of her jointure of eight thousand merks yearly until the earl reached his majority, or, in case he should die before then, until his death. In return, however, she demanded a heritable bond of corroboration from the earl, also a similar bond for her jointure as it fell due, bearing annual rent, and that these should be punctually paid up.¹

After this was arranged, General St. Clair accepted office as curator, and immediately took steps to have his ward's titles made up in the usual forms.² Actual infeftment in the estates was given to the earl by the sheriff of Sutherland with the usual formality, in regard to which, Mr. Mackenzie, the cashier and agent of the Earl of Sutherland, gives instructions in a somewhat amusing strain to Mr. Hugh M'Donald, sheriff-clerk of Sutherland. "In case the gaudeamus, alias incidents, for the entertainment of the sheriff and witnesses, who ought always to be well liquidate, and chearfull, when they give such an infeftment, is too low stated in my note, you can amend that at transcribing, in case it has cost you more. For I don't know but drink is as necessary a symbol as earth and stone at an Earl of Sutherland's infeftment."³

After his title was fully completed, the earl appointed Mr. Dugald Gilchrist as factor over the whole estate at a salary of £55 sterling per annum, while Mr. John Mackenzie, already mentioned, was continued as cashier, writer and agent. The latter was specially recommended to

¹ Terms of agreement stated in letter from Lady Strathnaver, 12th June 1751, in Sutherland Charter-chest.

² Original writs, retour of special service,

18th November, and precept of sasine, 27th December 1751, with instrument thereon, 26th March 1752, *ibid.*

³ Copy letter, 24th February 1752, *ibid.*

make himself versant with the family affairs, to inquire after and collect the charters and papers which were dispersed and in different hands, as the late earl, within a few years before his death, had changed his agents several times without getting up the documents in their possession, and also to purchase a large chest of drawers in which to place all the writs.¹

On 1st October 1751, the town-council of Dornoch elected the earl as provost of the burgh in room of the deceased earl, his father. In the official intimation of this to his lordship the council state that they had no doubt he would use his good offices for the interests of their town as his father and ancestors had done since it became a royal burgh.²

It was now resolved by General St. Clair that the earl should be sent abroad for some time. The earl himself wished to be allowed to come to Scotland, to complete his studies at one of the universities there, and Lady Strathnaver, his grandmother, was also strongly disposed to this scheme, and urged it by several arguments upon the general, recommending Glasgow university for his consideration.³ Other friends likewise protested against his going abroad.⁴ General St. Clair, however, adhered to his decision, and sent

¹ Minute-book, etc. The result of Mr. Mackenzie's inquiries as reported by him to General St. Clair, was that some of the Sutherland writs were with Lady Strathnaver, who also had the keys of the charter-chests: others were with John Baillie, W.S., who succeeded in the care of the late earl's affairs to Alexander Gordon of Cairnfield; others were with Mr. Robert Gray, writer in Edinburgh, and with Walter Ferguson, clerk to Mr. James Ferguson of Pitfour, advocate.

² Letter, subscribed "Kenneth Sutherland, Hugh Macdonald, clerk," dated 1st October 1751, in Sutherland Charter-chest.

³ Letter, dated 14th January 1751, *ibid.* Her

ladyship says, "I can by no means approve of the scheme of sending the boy abroad. I should consider that to be roun to him and familie," etc. etc.

⁴ One friend wrote: "The young lord is to be sent abroad a year hence. I am of your opinion that foreign education can by no means be of use unless he proves a man of capacity, which is difficult so early to discover, and I think it would be of use to see his own country first before he goes abroad, especially as I find it is his own inclination." [Draft letter in the handwriting of Captain William Gordon, to Macleod of Cadboll, *ibid.*]

his ward to Hanover, where he enrolled himself as a student in the university of Göttingen.

Just before leaving this country, the earl executed a commission in favour of Sir David Dalrymple of Hailes, Mr. Alexander Boswell of Auchinleck, Mr. William Sinclair of Freswick, Captain John Sutherland of Forse, and John Mackenzie, W.S., his law-agent, who were to act with General St. Clair in the management of his affairs during his residence abroad.¹ The commissioners began their labours under considerable difficulty. The year 1751 had been one of great scarcity in Scotland. The harvest was so bad that the tenants upon the Sutherland estate were threatened with famine, and considerable quantities of grain had to be imported at enhanced prices. The tenants required to be supplied with grain for seed, and the utmost prudence of management was necessary on the part of Mr. Gilchrist, the earl's factor. Mr. Mackenzie, writing on 20th February 1752, wishes Mr. Gilchrist "may have the foresight of a Joseph, and thereby prevent our own poor people from absolute want." In the same letter, he thinks the victual to be sold to the people "ought to be a penny in the peck cheaper than what you would ask from strangers," but he refers the matter to the prudence and judgment of Mr. Gilchrist, stating that his meaning is "that the faces of the poor be not grinded." The tenants were also largely in arrear in their payments of rent. Those in the six parishes of Dornoch, Golspie, Loth, Kildonan, Rogart, and Clyne represented to the commissioners their calamitous condition, and that they with their families would be reduced to beggary and unable to continue

¹ The commission was subscribed by the earl and General St. Clair at London on 20th April, and registered in the books of council and session 29th June 1752. The commissioners met at intervals from 9th June 1752 to 19th October 1754, and under the former

date it is recorded that "the Earl of Sutherland was gone from Britain to the university of Gottingen, in Hanover, in prosecution of his studies and education." [Minute-book and Letter-book, 1751-1756, in Sutherland Charter-chest.]

in their possessions unless the commissioners "would deal gently with them," in which case they would pay up their arrears by degrees. The commissioners authorised the fixing of a lower price than the current rate for seed corn supplied to the tenants, and restricted the price of the victual arrear to nine marks, and in the more necessitous cases to eight marks per boll.¹

Owing to this state of affairs much difficulty was experienced by the commissioners in paying debts and meeting current expenses, and appeals were made to various creditors not to be exacting. Among those appealed to was Sir James Colquhoun of Luss, in relation to the patrimony due to Lady Helen, his wife, the grand-aunt of the Earl of Sutherland.² The earl's agent wrote to him, "You have too much humanity and friendship, even tho' it shou'd incommode you a little, to distress the earl at his first outsetting in the world." In reply, Sir James and Lady Colquhoun agreed to suspend the payment of the principal sum due them by the earl till the family affairs were brought into some better order, upon condition that their interest should be punctually paid as well as the arrears.³ This condition the commissioners were able to fulfil.

Little is known of the Earl of Sutherland while he was at Göttingen. Lady Sinclair writes to Lady Strathnaver on 25th June 1754, "I'm very happy to hear such good accounts of Lord Sutherland. I hope the estate will soon be clear of debt, and that how soon he is of age the government will do something handsome for him."⁴ In the following year he returned to England. In a letter to Mr. Gilchrist on 14th May 1755 Mr. Mackenzie

¹ The arrears for this year upon the part of the tenants was no less than 949 bolls, 3 pecks, 3½ lippies victual, and £2313, 3s. of money. This large arrear gave the commissioners some concern. The current price of seed corn was £8 to £9 Scots per boll, while

the commissioners charged £7. [Minute and Letter-book.]

² Copy letter, 10th December 1751, in Mr. Mackenzie's letter-book.

³ Letter-book, 27th December 1751.

⁴ Letter, in Sutherland Charter-chest.

writes, "I fancy your news of my Lord Sutherland's being to be in this country next month is wrote at random. At least when I saw General St. Clair the other day at his own house he seemed to know nothing of it, and he had letters of no old date. It is true if a French war break out, whereof there is at present some appearance, his lordship must necessarily come home to England, but I fancy he will not so soon think of leaving the gaiety of London for the retirement of Sutherland." On 3d July he again writes, "The General expects that the earl will be in London in a few weeks." On the 24th of the same month he gives more precise information, "By a letter from Generall St. Clair this post I find my Lord Sutherland is returned to London, but goes directly over to Ireland to join his regiment, and returns in winter to London." The earl did join his regiment, and was not expected in the north till the following summer; but Mr. Gilchrist was anxious to learn when the earl was likely to come to Dunrobin, that suitable preparations might be made there for his arrival. The earl came to Edinburgh in March 1756. He did not stay long there, but went with General St. Clair to Fife on the 30th to attend the funeral of the Earl of Wemyss, and during his stay in Fife he resided in General St. Clair's house there.¹ The opinion which Mr. Mackenzie formed of the earl at this time is given in a letter which he wrote to Mr. Gilchrist: "I like my lord's appearance very much, and think he seems to promise both a sweetness and stability of temper, accompanied with good sense and a modesty suitable to his years, sufficient to attract the regards of his friends."²

When the earl came to Scotland, it was partly to obtain recruits for his regiment. Before going to Dunrobin, and while he was in Edinburgh, he

¹ Mr. Mackenzie's letter-book, in Sutherland Charter-chest; Memorials of the Family of Wemyss of Wemyss, vol. i. p. 357.

² Letter, dated 31st March 1756, in Sutherland Charter-chest.

communicated his instructions to Mr. Gilchrist, his factor, to commence recruiting without delay. On 31st March 1756, Mr. Mackenzie wrote to Mr. Gilchrist, informing him that the Earl of Sutherland and General St. Clair purposed going north early in August, and adds, "I incline to think, if you please others in the quality of factor, as you seem to do my lord as a recruiting officer, you are in no hazard of suffering from any officious insinuations."¹ There is no information forthcoming of the Earl of Sutherland's visit to the north at this time, nor yet of what further progress was made with his recruiting.

One of the earl's first proceedings upon his return to Scotland, relating to his estates, was an act of grace and kindness in a case of distress brought under his notice, in which, taking a strict view of it, he might not have felt called upon to interpose. The story, as told in several letters which passed on the subject, is that an old man, John Sutherland, known as "Riarchar," over seventy-five years of age, who was a tenant on the estate of Skelbo, had fallen into arrear with his rent, and James Maclean of Capernoch, the factor on the estate, put him in prison. The Earl of Sutherland was a creditor on that estate, and his agent, Mr. Mackenzie, warmly espoused the cause of the old man, characterised the case as one of gross oppression, and was unsparing in his denunciations of the factor. He had several meetings with the agents of both parties, but failed to secure the liberation of Riarchar, as the factor refused the only security the tenant had it in his power to offer. Mr. Gilchrist, the earl's factor, however, did not agree with the strong views of Mr. Mackenzie, and warmly advocated the cause of Capernoch, in which he was joined by the laird of Forse. But the Earl of Sutherland on learning the facts came forward and paid the old man's arrears, and so obtained his liberation from prison. Of this generous

¹ Letter, dated 31st March 1756, in Sutherland Charter-chest.

conduct of the earl, Mr. Mackenzie expresses his approval. He says, "I am very glad that Lord Sutherland's first step of business in the country shou'd begin with an act of humanity and compassion."¹

The earl had now reached his majority, and from this time resided either in Scotland or England. In the summer of 1757, on 29th August, his sister, Lady Elizabeth Sutherland, was married to the Honourable James Wemyss of Wemyss at Dysart. Her dowry amounted to £4000 sterling, a fourth part of which was paid by the earl, and the remaining three-fourths by Lady Strathnaver.²

Two years later, during the war scare occasioned by the French and the troubled state of Europe, the earl received a commission³ from the king to raise a battalion of highlanders, of which he was to have the command, with the rank of lieutenant-colonel. The regiment was to consist of nine companies, each containing four serjeants, four corporals, two drummers, and one hundred private men, besides commissioned officers, with two pipers to the grenadier company. This brought up the strength of the battalion to a thousand men. The battalion was to consist of volunteers, being highlanders, from the counties of Sutherland and Caithness, and adjacent places. It was not to be sent out of Great Britain, and the men were to be entitled to their discharge in three years, or at the expiry of the war. On the 30th of August the earl was in Edinburgh, when he had a private audience of the Duke of Argyll, who had then the principal direction of the affairs of Scotland, and in his absence final instructions about recruiting were to be sent to Mr. Gilchrist without delay. The letter stating these things proceeds, "These levies may

¹ Letters, Mr. Mackenzie to Mr. Gilchrist, dated between 24th July 1755 and 5th February 1756, in Mr. Mackenzie's letter-book.

² Memorials of the family of Wemyss of

Wemyss, vol. i. p. 363.

³ The commission is dated at Kensington, 11th August 1759 [Official copy in Sutherland Charter-chest].

happen to be thought not the less necessary on this ill success which is supposed to have happened to the king of Prussia in a generall engagement with the Russians.”¹ The recruiting was prosecuted with much spirit. A regiment was being raised among the Campbells in the west as well as among the men of Sutherland, etc., in the north, and a spirit of rivalry appears to have existed between the two as to which should be completed first.² On 1st December Mr. Mackenzie writes, “I’m mighty glad my lord’s reports of his levies make so decent a figure.”³ In 1761 the earl offered to raise another regiment, but his offer was not accepted, and the one he had already embodied was disbanded in 1763.⁴ He had by this time been appointed aide-de-camp to king George the Third, with which appointment he received the rank of a colonel in the army.

The Earl of Sutherland was present at Holyrood at the general election of representative peers on 5th May 1761, when, besides voting, he protested against the calling of the Earl of Crawford before him. In the same year the election of a representative peer became necessary in place of the Earl of Home, who died at Gibraltar, which the Earl of Sutherland did not attend; but he gave a proxy to Thomas, seventh Earl of Haddington, to vote in favour of the Earl of Hyndford. The next election at Holyrood was held on 8th March 1763, when the earl was unanimously chosen a representative peer in place of the deceased John, Marquis of Tweeddale. This was the more gratifying to the earl, as he had felt disappointed at not being elected in 1761.⁵

¹ Letter, Mr. John Mackenzie to Mr. Gilchrist, 30th August 1759, in Sutherland Charter-chest.

² Letter, 6th November 1759, *ibid.*

³ Letter, 1st December 1759, *ibid.*

⁴ Letter, the Countess of Sutherland to Lady Elgin, London, 25th December 1761,

ibid.; Memorials of the family of Wemyss of Wemyss, vol. i. p. 381.

⁵ Robertson’s peerage proceedings, pp. 290, 292, 294, 313-315. Letter, Sir Harry Erskine to the Earl of Sutherland, dated 14th July 1761, in Sutherland Charter-chest.

On 14th April 1761 he married Mary Maxwell, the elder daughter and co-heiress of William Maxwell of Preston, in the stewartry of Kirkcudbright. The earl and his countess, for some months after their marriage, resided at Dunrobin, where they entertained many visitors. The countess was much pleased with her new home. In the beginning of August she wrote that she liked Dunrobin the longer the better, and she was happy to think she could live very comfortably in it as long as should ever be necessary. She adds:—"I have had great crowds of company, and no time to settle, which disappoints me a little, but hitherto I have had very little trouble. The great plenty we have of every kind of provision makes it easy to entertain, and the house and every thing is much more convenient than I expected."¹

The marriage and coronation of King George the Third took place in September 1761, and the earl and countess went to London to be present on the occasion. So early as July they received urgent solicitations to come to London and witness these events. The marriage of the king preceded the coronation, and they had not intended to be present at the former, especially as a little later the sister of the countess was to be married, and they were desirous to be in London then. The earl, however, was reminded that the countess would not again have an opportunity of seeing a royal marriage and a coronation, at any rate for a long time, and that to attend at both events was a mark of respect which no young peer ought to omit, and more especially if he had any expectations from the sovereign.² He was also warned that if he was to be there he would require two things, a house and a suit of clothes for himself, and that he would find both very difficult to get on his arrival, as

¹ Letter, Mary, Countess of Sutherland, to Lady Elgin, Dunrobin, 4th August 1761, in Sutherland Charter-chest.

² Letter, Sir Harry Erskine to the Earl of Sutherland, Kew, 14th July 1761, *ibid.*

every available house or apartment was being quickly engaged, and those which were taken late had to be paid for at exorbitant rates. The solicitations of their friends prevailed with the Earl and Countess of Sutherland, who consented to a house being taken for them, and also gave other commissions. Sir Harry and Lady Erskine acted for them in these matters. The former took upon him to order a coat for the earl. He writes: "You are to have a coat too. Silver and gold stuffs are to be on the occasion of the marriage the fashionable wear, tho' you come not to the marriage, you come after the king's and after your own. I shall venture to bespeak one if there be now a tolerable one to be had. I don't buy one for myself, because every one knows that I am poor. The robes shall be bespoke."¹ These robes were to be worn at the coronation. Lady Erskine urged the countess to be early in London to have her robes made and ready in time. She writes: "The ermine will scarce be got, every mortal is making up fine cloakes for the wedding, and the silks are already risen considerably in their price. I still remain attached to blue, and have accordingly bought a blue and silver."² A house was obtained in Albemarle Street at the rate of seven guineas a month, but it was only available till the 22d December.³ The earl and his countess arrived in London on the 1st of September, and two days after their arrival were presented to the king by Lady Bute. In a letter to Lady Elgin, the countess says: "Every body is busy preparing to make a splendid appearance at the king's marriage, at which only peers and peeresses are to be present."⁴ Neither the earl nor the countess furnish any description of the marriage, which took place on 8th September, although probably they were present at the ceremony. The coronation took place on

¹ Letter, Sir Harry Erskine to the Earl of Sutherland, 5th August 1761, in Sutherland Charter-chest.

² Vol. ii. of this work, p. 285.

³ Letter, Sir Harry Erskine to the Earl of Sutherland, dated 8th August 1761, in Sutherland Charter-chest.

⁴ Letter, 5th September 1761, *ibid.*

the 22d, and in a letter to Lady Elgin the countess writes: "The coronation is altogether past my description, it was so grand and magnificent, but the fatigues attending it were proportionably great. I assure you I have just got the better of it."

Four days subsequent to the coronation, on 26th September, Willielma Maxwell,¹ sister of the countess, was married to John, Lord Glenorchy, the only surviving son of John, third Earl of Breadalbane. The Earl and Countess of Sutherland were present, and the latter relates that the bride "behaved as her best friends could wish her, and has continued to do so ever since;" adding, "she is very well, never look'd better in her life, and by all that I can see or discover is now as easy and happy as any of us." On the 29th the earl and countess accompanied the bridal party to Richmond. Of this visit and of their own subsequent movements, she says:—

"On Monday my lord and I went with them to Richmond. Tuesday we spent in seeing the park and gardens there. On Wednesday, Lord Elgin breakfasted with us. That day, we went and saw Windsor Castle and the Duke's Lodge. On Thursday saw Hampton Court, and returned to Richmond. This morning we saw Kew Gardens; and after dinner my lord and I returned here."²

The Earl and Countess of Sutherland remained in London until the 18th of April, on which day they took their departure for Scotland. They travelled to Edinburgh, and thence to Dysart, where they were residing with General St. Clair on 20th June. They afterwards paid a visit to Dunkeld³ on the invitation of the Duchess of Athole,⁴ and from Dunkeld went to Taymouth,

¹ As is well known, Lady Glenorchy became famous for her piety and usefulness in the cause of religion.

² Letter to Lady Elgin, dated London, 2d October 1761, in Sutherland Charter-chest.

³ Letters, Mary, Countess of Sutherland

to Lady Elgin, 13th April 1762 and 20th June 1762, *ibid.*

⁴ Letter, Jean, Duchess of Athole to Mary, Countess of Sutherland, Dunkeld, 16th June 1762, *ibid.*

whence they journeyed home, reaching Dunrobin on the 10th of July.¹ A few weeks later she writes of her household as "a very sober happy little family who want only the addition of a friend or two to make us envy no situation, and who, without any hopes of that addition, are very contented and pleased with our solitary situation. . . . I let my lord go a shooting and walking with his gentlemen while I work, read and amuse myself at home—and we find everything go on so well with us that we have no thoughts of changing our abode for this winter." This pleasant little domestic picture may be taken as typical of the married life of the earl and his countess, which from the general tone of her letters seems to have been happy.

They continued at Dunrobin until March of the following year, 1763, when the earl was called away to fulfil his parliamentary duties, and left the countess at Edinburgh. She writes to him on 14th March: "I reckon you will get to London to-night, but I shall be impatient till I hear of your safe arrival, after which I hope I may soon hear that you are proposing to return."² During his absence, the countess wrote with almost unvarying regularity every two days, the most prominent particular in her letters being a lament at the absence of her lord, and urgent appeals to him to return. The letters of the earl to his countess are apparently not preserved.

Little more remains to be told about William, seventeenth Earl of Sutherland. The death of their eldest daughter, Lady Catherine Sutherland, which took place on 3d January 1766, had a deep effect upon the earl and countess, and especially told upon the health of the earl, as he had been much attached to his daughter. The friends of the family advised them to seek a change and the benefit of more society. In a letter to Lady Elgin on 31st January, after speaking of the "sudden and very severe" trial this

¹ Letter, Mary, Countess of Sutherland, to Lady Elgin, Dunrobin, 16th July 1762, in Sutherland Charter-chest.

² Letter, *ibid.*

death had been to her, the countess proceeds: "I have since had much to suffer on my lord's account, who, tho' very resign'd to the will of God, has found this sudden check very severe upon his delicate constitution. The gout, from not fixing, gave me a very great alarm, and indeed he himself was under very great apprehension for some days, and the dread of the greatest of all misfortunes has almost reconciled me to what was my duty, tho' a difficult one to submit without repining." The earl resolved to go to Bath as soon as he was able, and accomplished this in the course of the spring. On 22d April he wrote to Mr. Wemyss of Wemyss that he was very well, with no signs of gout. He purposed to remain a few weeks, and then proceed to London, but before he could carry out this arrangement he had taken fever. On 10th May the countess wrote to Mr. Wemyss of favourable symptoms in the earl's condition, and that she indulged hope, "but this with caution." She says they had the best physicians in Bath, and they had sent to London for Dr. Fordyce. The attentions of the countess to her husband were most assiduous,¹ and in consequence of the severe strain which her devotion to her husband entailed upon her, she herself caught the same fever, of which she died on 1st June. The painful circumstances in which her death took place evoked a strong feeling throughout the country. Lord George Sackville, writing to General Irwin on 10th June, says: "Poor Lady Sutherland is dead, and I fear my lord will not live many days. A more melancholy event never happened. She died worn out with her attendance upon him, and with her anxiety about him. I know not whether to wish his life or his death. He does not yet know that the poor woman is dead, probably never will."²

Lady Betty and Mr. Wemyss arrived at Bath the day after the countess

¹ Vol. ii. of this work, pp. 298-300.

² Ninth report to the Historical Ms. Commission, part III. p. 24.

died.¹ The earl survived his countess until the 16th of the month, when he also succumbed to the fever. On 21st June, Mr. Alexander Mackenzie intimates his death to Mr. Gilchrist: "From the accounts you had by last post you won't now be surprised to learn the melancholy fate of the worthy earl whom it pleased God to call from this world on Monday last."² The earl was only thirty-two years of age at his death. It had been arranged that the countess should be buried in the family aisle in the church at Dornoch, and instructions had been issued as to all the details of the funeral. Besides the relatives, county gentlemen, and other friends of the family, four hundred of the tenants were to be called to walk before the hearse. The body was to lie at Cyderhall for some days, and the room there chosen for the purpose was to be hung with black cloth. A scheme for the funeral "entertainment" at Edinburgh, on the way to Dunrobin, included seventy-five dishes. Another entertainment was also to be provided at Cyderhall. The magistrates' seat and the pulpit in Dornoch church were to be covered with black cloth, and the family seat and pulpit in Golspie church were to be similarly treated. The doors of these churches were to be painted black, while eight or a dozen flambeaus were to be used in the church of Dornoch and at the tomb at the time of the interment. But when the earl died, other arrangements were made. The two bodies were conveyed to Edinburgh by Berwick, and after lying in state at Holyrood house for some days, were interred on 9th August in one grave in the abbey of Holyrood.³ The monument erected in Dornoch church over the family burying place to their memory, bears the lines: "They were lovely and pleasant in their lives, and in their death they were

¹ Draft letter, without signature, to Captain Ross, dated 14th June 1766, in Sutherland Charter-chest.

² Letter, *ibid.*

VOL. I.

³ Entry in the accounts stated in the minute-book of the curators of the Countess of Sutherland, 1766, *ibid.*

not divided.”¹ The Earl of Sutherland was extremely amiable in his disposition, as was also his countess; both of them were universally beloved, and their death much lamented. They were known to be an affectionate couple, which increased the interest in their almost tragic death.

There is a full-length portrait of the earl preserved at Dunrobin castle, where it hangs on the wall of the great staircase. It is from the brush of Allan Ramsay, the son of the poet of the same name. The earl is attired in full highland costume, with feathers in his glengarry cap. The dress as worn by the earl consists of a scarlet jacket and Sutherland tartan kilt, and has been adopted as the uniform of the Sutherland Rifle Volunteers. There is also a portrait of the countess.

William, seventeenth Earl of Sutherland, and his countess, had issue two daughters:—

1. Lady Catherine Sutherland, who was born at London, 24th May 1764, and died at Dunrobin, 3d January 1766.
2. Lady Elizabeth Sutherland, known as Duchess-Countess of Sutherland, of whom a memoir follows.

¹ The erection of this monument has misled Lord Ronald Gower, who, in his “Reminiscences” states that the earl and his countess were buried in the old cathedral at Dornoch. [Ed. 1883, vol. i. p. 60.]

Strathnaver *Sutherland*

McSutherland





XXI.—ELIZABETH, DUCHESS COUNTESS OF SUTHERLAND.

GEORGE GRANVILLE LEVESON-GOWER, MARQUESS OF STAFFORD
AND FIRST DUKE OF SUTHERLAND.

1766—1839.

ELIZABETH, Countess of Sutherland, the only surviving child of William, seventeenth Earl of Sutherland, was born at Leven Lodge, Bruntsfield, Edinburgh, on 24th May 1765. She was only one year and a few weeks old when, upon the death of her father on 16th June 1766, she succeeded to the titles and estates of Sutherland. The failure of male heirs of the body of the seventeenth earl, and the succession of the countess to the peerages and representation of the Sutherland family, with the subsequent creation of her husband as Duke of Sutherland, were held to fulfil the traditional prediction of a *sagart ruadh*, or red friar, at Durness, regarding the house of Sutherland,—

When after John comes George, and after him comes John,
And after William comes William, after him comes none.

Being an infant at the time of her succession, the countess was placed under tutors and curators, who had been nominated and appointed to that trust by the late earl, her father, about a year and a half before his death.¹ Following upon a procuratory granted for that purpose, the countess was retoured as nearest and lawful heir of her father, with the usual formalities,

¹ The tutors were the Duke of Athole, the Earl of Elgin, Mr. Thomas Miller, Lord Justice-Clerk, Sir Adam Fergusson of Kilkerran, Mr. James Wemyss of Wemyss, Sir David

Dalrymple of Hailes, Mr. Alexander Boswell of Auchinleck, and Mr. John Mackenzie of Delvine. The nomination is dated 15th January 1765, and registered 10th July 1766.

which a number of the public, including persons of distinction, were present to witness.¹ Her extreme youth, high rank, ancient lineage, vast possessions and orphan condition all told upon the public mind, and evoked much interest and sympathy, especially as it was expected that her service would be opposed by Sir Robert Gordon of Gordonston and others. No objections, however, were raised, and Mr. Alexander Mackenzie, law-agent for the countess, reported this and the result of the proceedings to Captain James Sutherland, superintendent of her estates, adding:—"There was a vast crowd present, and many other respectable persons attended, who, tho' they were not jurymen, will share in the countess's claret at Mrs. Walker's, whither I'm just now going." He asks Captain Sutherland to notify the service to the Duke of Athole and Mr. Wemyss, while Lady Alva, the grandmother of the countess, sent an anxious inquiry as to the event.²

The infant countess was placed under the care of Lady Alva, her maternal grandmother, who had resided with her almost from the day of her birth, and of whom the curators record that they were satisfied of the care, affection and fitness of Lady Alva for so delicate a task beyond all others.³ The young countess and her grandmother resided at Drumsheugh, then a suburb of Edinburgh, where Lady Alva had a house and grounds. She was allowed £420 yearly for the proper maintenance of her young charge, medical attendance and extraordinaries being separately provided for. Silver-plate was brought from Dunrobin for the use of the countess.

Shortly after the death of William, seventeenth Earl of Sutherland, Sir

¹ Procuratory dated 24th January ; retour of special service, 23d February ; precept, 19th March ; and instrument of sasine dated 9th April, all in the year 1767. Among the jurymen were the Earls of Glencairn, Galloway, Leven and Northesk, three lords of

session, and a number of gentlemen.

² Letter, dated 23d February 1767, in the Sutherland charter-chest.

³ Minute-book of the curators of the Countess Elizabeth, 1766-1782.



Robert Gordon of Gordonston, and Mr. George Sutherland of Forse, both laid claim to the Sutherland peerage. As soon as Sir Robert gave indications of his intention, those acting for the countess took immediate steps to defend her interests, and Sir Adam Fergusson, Messrs. Burnet, Wight, Boswell of Auchinleck, Crosby, William Mackenzie, and Alexander Gordon were retained as her counsel.¹ The lord justice clerk and Lord Auchinleck thought it prudent not to act for her, as her case might come before them for adjudication. Lord Hailes, however, did not permit this probability to interfere with his becoming one of her counsel.² Mr. Burnet, afterwards Lord Monboddo,³ made exhaustive searches in the charter-room at Dunrobin on behalf of the countess, and collected and arranged the evidence there obtained.⁴ He also wrote memorials regarding her right, and engaged to make other inquiries for her, but for these services he declined to receive any professional fee. His valuable assistance was, however, acknowledged by the present of a silver bread-basket, still preserved at Monboddo.⁵

As already stated, Sir Robert Gordon did not make any opposition to the service of the countess as heir to her father, and on 20th March 1767 the tutors and counsel for the countess agreed not to stir in the case until her right was attacked.⁶ But soon afterwards he presented a petition to the king claiming the Sutherland peerage as the heir-male of the Gordon Earls of Sutherland by his descent from Sir Robert Gordon, son of the eleventh earl. Similar petitions were immediately presented on behalf of the Countess of

¹ Vol. ii. of this work, pp. 304, 305.

² 5th December 1766; *ibid.* p. 306.

³ Mr. Burnet was elevated to the bench, as Lord Monboddo, on 12th February 1767.

⁴ Vol. ii. of this work, pp. 306, 307.

⁵ The following entry occurs in the minute-book of the curators:—"1769, April 29.—By cash paid for a silver bread-basket, as a

present to Mr. Burnet, advocate, now Lord Monboddo, for some material inquiries to be made and memorialls he drew about the countesses right to the titles of Sutherland, for which he refuses fees, per discharged account, £20, 14s. 6d." See also vol. ii. of this work, p. 308.

⁶ *Ibid.* p. 307.

Sutherland, and by Mr. George Sutherland of Forse. The countess claimed the titles and honours of Sutherland as heir to her father, on the ground that the destination of the titles was to heirs, and not limited to heirs-male. Mr. Sutherland of Forse founded his claim to the peerage upon his being the heir-male of the earlier or Sutherland Earls of Sutherland by descent from Kenneth, the younger son of William, fifth Earl of Sutherland.

The petitions of the different claimants were referred by the king to the house of lords, and came before the committee of privileges of that house, but it is unnecessary to follow the protracted proceedings before this committee. In March 1769 the cases were presented, that for the countess being written by Lord Monboddoo, and revised by Lord Hailes, Lord Auchinleck and Sir Adam Fergusson. For the labours of Lord Auchinleck on behalf of the countess at this time, her tutors presented him with a gift of silver-plate.¹ About the close of 1769, new cases were presented by Sir Robert Gordon and Mr. Sutherland of Forse, and the case for the former especially engaged the attention of those acting for the countess. The result was the famous Additional Case for the Countess of Sutherland, so well known in the legal profession, and also to antiquaries and historians, which was finished by Lord Hailes about the close of October 1770.² His lordship bestowed great pains upon the case, which cost him six months' constant and assiduous labour, and it was carefully revised by Sir Adam Fergusson and Mr. Solicitor Gordon. When it was published it received great praise, and the current opinion of the profession is given in the statement: "All the lawyers and others who have read the case are convinced and delighted with it as a most valuable treatise on the subject."³ The law lords, however, in the

¹ "1768, December 21. By cash paid William Dempster, jeweler, for a present of silver plate given Lord Auchinleck by order of the tutors, per discharged account, £70,

11s. 6d." [Minute-book of the curators.]

² Vol. ii. of this work, pp. 309-312.

³ *Ibid.* p. 312.

house of lords did not treat it so favourably, disagreeing with several of the propositions maintained by the learned author.

After prolonged debates on the case, the house of lords, on 21st March 1771, gave their decision in favour of the Countess of Sutherland, adjudging to her the title, honour and dignity of the earldom of Sutherland, as heir of the body of William, who was Earl of Sutherland in 1275, on the ground that the honours and dignity of that earldom descended to Elizabeth, the wife of Adam Gordon, upon the death of her brother John, ninth Earl of Sutherland, as heir of the body of the said Earl William, and from her to the heirs-male, who were also heirs of her body; her husband, Adam Gordon, having only assumed the title in right of his wife.¹ This judgment of the house of lords also fixed the ranking of the peerage as prior to the year 1275, and thereby made it the premier earldom of Scotland.

The news of the decision gave general satisfaction, and was made the occasion for popular demonstrations of joy in different parts of Scotland. On the Wemyss estates huge bonfires- illumined the sky at night.² But the shire of Sutherland having most interest in the triumph of the orphan countess, there the expressions of joy were "beyond all bounds." Five hundred of her tenants who met at Golspie celebrated the event with the firing of muskets, and with feasting.³ Lord Auchinleck writes: "Everybody rejoices in the young lady's success, and, I may say, further, in the knight's

¹ Judgment of the house of lords.

² Memorials of the family of Wemyss of Wemyss, by Sir William Fraser, K.C.B., vol. i. p. 370.

³ 11th July 1771. "Captain Sutherland transmitted a bill of £21, 13s. 2d. sterling due to Margaret Beatty at Golspy, for whiskey and other drink, bread and cheese, powder and shot, consumed by above 500 of the

countesses tenants who had met at Golspy to rejoice in her carrying the peerage, and Captain Sutherland hopes the tutors will be pleased to order payment of this bill, as the expense was unavoidable, the joy of the poor people on that occasion being beyond all bounds. The tutors were pleased to authorise the factor to pay the bill and take credit for it in his accounts." [Minute-book of the curators.]

disappointment." He himself had not been without fears, seeing that "different men have different sentiments in matters of law." At the same time he always thought his young pupil's title "was quite clear," and the ascertaining it to be so by the highest tribunal of the land gave him "very great joy." He adds, "It wou'd, have been a shocking thing had the honours been separated from the estate, and that part of the estate which was purchased by my good friend, Lady Strathnaver, in the event of the young lady's death without children, go away to a stranger."¹ A poem entitled "The Caledonian Heroine," celebrating the victory of the countess, was dedicated to her tutors, and published by Mr. Robert Colvil. He applied to them to be reimbursed for the expense of its publication, and received a donation of ten guineas.²

Lady Sutherland showed her sense of the zeal and ability displayed by Lord Hailes in support of her successful claim to the peerage by presenting his lordship, in 1787, two years after her marriage, with a piece of plate costing £227.³ Lord Hailes had scruples about accepting the presentation, but allowed himself to be overruled. On 16th July 1787, he writes to Lord Gower, "I am honoured with your lordship's letter. By it I see that, in your lordship's opinion, I may, without any impropriety, accept the plate. I will not oppose my own scruples to that opinion, and this the rather because I should not wish to seem to reject a present while I only meant to have declined it. It shall remain with me as a pleasing and very flattering testimony that my zeal for the interests of Lady Sutherland and her family has been approved of, although in a more public manner than I looked for, or should have chosen."⁴

¹ 21st May 1771, vol. ii. of this work, p. 314.

² Minute-book of the curators.

³ Memorials of the family of Wemyss of

Wemyss, by Sir William Fraser, K.C.B., vol. i. p. 370.

⁴ Letter in Sutherland Charter-chest.

When the young countess was thus secured in her possession of the honours and dignities of the most ancient earldom in Scotland she was scarcely six years of age, and it was highly important that she should receive an education appropriate to her high rank and station. Little information is forthcoming to show what was actually done in this respect; but her subsequent history abundantly attests the fact that she received every advantage which her position and resources could command. A governess and additional attendants were now provided for her, and this increased establishment rendered it necessary to have larger accommodation.¹ Repeated and urgent representations were made by Lady Alva to the countess's tutors upon the subject. At first it was proposed that the house at Drumsheugh should be enlarged, but negotiations for its purchase having failed, a house in George Square was bought, in which the countess took up her residence in the beginning of 1773.² For the English language she was placed under the tuition of Professor Robertson. In 1776 she had as her English teacher Mr. S. J. Courteney Pratt, who then went under the assumed name of Mr. Melmoth.³ He says that when he went to her he found the countess almost able to instruct him in English reading and literature, and that she "recited Milton and the Spectator with a skill that required little aid from tutorage." He also states that she was "extremely fond" of literature.⁴

¹ The first governess of the countess was Miss Jackson, who was brought from London and arrived in Edinburgh on 11th December 1771. [Memorandum in Sutherland Charter-chest.]

² The price paid was £2250. Minute-book of the curators.

³ Mr. Pratt assumed the name of Courtney Melmoth, as he explains, partly for literary and partly for family reasons. He was the author of "Emma Corhett," and of some

poetry, etc. He was an acquaintance of Lord Kames and Mr. David Hume, and at their request gave public lectures on the English language in Edinburgh. It was while Mr. Pratt was on a visit to Lord Kames that Lady Alva invited him to instruct the Countess of Sutherland in the art of reading. [Letter from Mr. Pratt to the countess, dated London, July 23d, 1785.]

⁴ Letter from Mr. Pratt, in Sutherland Charter-chest.

There is little further to record about the Countess of Sutherland during these early years, or until she was of an age to take some interest in her estates. One pleasing trait of her character at this time was the sympathy she showed in noticing and relieving the wants of the poor. She wrote to her tutors on 13th December 1774 representing "that her finances were very low, and her demands daily increasing with the wants of the poor this rigorous season. She flattered herself that in requesting a supply for pocket expenses, they would not think her unreasonable." Her ladyship's request was at once granted by the tutors, who directed the agent "to signify to the countess the great pleasure her letter gave them, and to pay her ladyship at the rate of a guinea per month for pocket-money, recommending to her to keep an account of the application thereof." In 1778, four years later, the countess, finding her wants increasing with her age, solicited a larger allowance for pocket-money, and twenty guineas a year was accorded to her to commence from 1st January of that year.¹

At this period the Countess of Sutherland sometimes resided at Barnton House, situated in the parish of Cramond, and enjoyed both driving and riding exercise. A memorandum, written at a later period, by a person who described himself as an intimate acquaintance of Sir Walter Scott, and whose son drew up, engrossed, and witnessed the signature of Sir Walter in his last will, refers to this. He says: "Many changes have taken place in the vicinity of Barnton since the happy days when it was honoured with the residence of the Ban Mhoir Fhear Chattaibh. Often have I had the pleasure of seeing her ladyship delightfully cantering along followed by the carriage of the good old Lady Alva, anxiously looking after her precious charge."²

The first occasion on which the countess adhibited her signature to formal legal documents appears to have been on 9th July 1779, when she

¹ Minute-book of the curators.

² Memorandum, undated, in Sutherland Charter-chest.

signed a charter of confirmation at Edinburgh in favour of Lieutenant Hugh Sutherland of Evelix of the town and lands of Over and Nether Evelix, and also subscribed several contracts, etc.¹

In the autumn of this year the countess travelled with Lady Alva to London, where she made a prolonged stay.² The completion of the education of the countess and acquaintance with London society were probably the objects aimed at by this change of residence. Of the impressions and experience of London life which she had at this time nothing is known. We learn, however, that in 1782 she sat for her portrait, the earliest taken of her so far as is known. The artist is described as "Mr. Chalmers," and was probably Sir George Chalmers of Cults. He was a pupil of Allan Ramsay, became an eminent painter, and died in London in 1791.³ The countess returned to Scotland about July 1782.

Towards the close of the year she visited Dunrobin, accompanied by Lady Alva, General Grant of Ballindalloch, and Mr. Alexander Mackenzie. With them she inspected the house, and proposed certain repairs for her better accommodation when she should come to live there, ordering a sketch of the intended repairs, with an estimate of their expense, to be made and sent her. Her curators consented to have the repairs executed. She also inspected the Mains of Dunrobin, which embraced, besides arable land, the five parks called

¹ Minute-book of the curators, etc.

² She set out upon her journey to London on 5th October. The same horses, including a pair of chaise horses and saddle horses, hired in Edinburgh, accompanied her all the way to London. These on arrival at that place were sent back to Edinburgh, which they reached on 4th November, having been away altogether thirty-one days. [Memorandum, in Sutherland Charter-chest.]

³ Lord Ronald Gower, in his "Reminiscences," says, "I know of no portrait of her (the duchess countess) in her childhood. The earliest, I believe, is that lovely head of hers painted by Romney, now at Trentham (there is a tolerable copy in the dining-room at Dunrobin), for which I imagine she sat at the time of her marriage." Ed. 1885, vol. i. p. 61.

Golspie park, the Cockstoun park, Quarry park, Dove-cote park, and Sommerhouse park. The Mains had been let as a grass farm to Captain Sutherland, the factor, in December 1767, upon condition of keeping only so much ground under crop and the remainder in pasture, but he had been careless on this point, and was informed by the curators that the stipulations must be observed, as the countess had in view to take the Mains into her own hands.¹

From this date the countess took an active interest in her estates, and from time to time made representations to her tutors regarding them. As she was accessible and of a kindly disposition, representations were now made to her for her influence by those in want of any favour from her curators. One instance of this kind may be adverted to. The minister of Dornoch, then Mr., afterwards Dr. John Bethune, set before the countess the "incompetency" of the cathedral church of Dornoch for public worship, "being so vastly spacious, lofty, and irregular, as greatly to exceed the utmost exertion of any human voice," besides which the old unpleasant practice of burying in the church was still continued by many people of the better sort whereby the church was necessarily "nauseous and unhealthful." Mr. Bethune, after indicating what he desired to be done, concluded his representation with the hope that it might not be considered unworthy of the countess to take the lead in a matter of such public utility and concern to her country and the burgh of Dornoch. The Countess of Sutherland laid this representation before her curators, who replied that they could not comprehend how a church that had been used for preaching since the reformation should all of a sudden have become useless to the hearers; and that the regular way for the minister to proceed in this matter was by an application to the presbytery, which might

¹ Minute-book of the curators, etc. "November 1.—By paid the countess's travelling expenses to and from Sutherland, including carriages, horses, etc., £191, 12s. 2d. By cash laid out by her ladyship during her journey, £25, 12s. 6d."

be followed by a meeting of heritors, at which they should also consider the propriety of enclosing the churchyard.¹

During the next two years the countess resided alternately in Edinburgh and London, chiefly in the latter city. We learn from the accounts that, in January 1783, she gave a subscription of sixty guineas towards the New Assembly rooms in Edinburgh. She also became a member of the Highland Society.²

On 4th September 1785 she married the right honourable George Granville Leveson Gower, Viscount Trentham, eldest son of Granville, Earl Gower. By this union the large estates of the wealthy family of the Gowers were ultimately added to those of the family of Sutherland. Among others who wrote their congratulations to the countess were Lord Hailes and Sir Adam Fergusson. The former wrote immediately upon her ladyship announcing her engagement:—

“MADAM,—I am just now honoured with your letter on the most important of all subjects, and I sincerely hope and trust that what you mention will be happy in its consequences. The family is unexceptionable, and has produced many worthy and eminent persons. Its connexions and alliances are numerous and honourable. Of Lord Trentham’s character, as you justly suppose, I can know little. But what I have heard is very favourable, and it is a presumption, at least, to his advantage, that you, madam, seem to approve of his addresses. It gives me much pleasure to see from your letter that you think well of my zeal in your service. My intentions have been ever good, and I may say that I have had the affections of a parent towards you. God bless you, and make you happy.”³

¹ Minute-book of the curators, etc.

² *Ibid.*

³ Letter, 8th July 1785, in Sutherland Charter-chest. It would appear that both Lord Hailes and the Lord Advocate advised the countess as to the marriage settlements at this time, and that on Lord Trentham’s behalf, besides English counsel, Mr., afterwards Sir Archibald Macdonald, brother-in-

law of Lord Trentham, prepared the contract. This gave Lord Hailes much satisfaction, as he had warned the countess that English conveyancers would never understand her title-deeds or Scotch law, and that they would only draft a settlement unintelligible and absurd, while Mr. Macdonald, having knowledge of both countries, would make everything easy.

Sir Adam Fergusson wrote to the countess after her marriage:—

“MADAM,—The notice I have had in the public papers of your marriage being now over, calls upon me to express what, I trust, you would not doubt, though I did not express it, my sincere good wishes for your happiness in the state into which you are now entered. It is paying you no compliment to say what I really think, that your own temper, dispositions and understanding give you a fair prospect of enjoying happiness. And I sincerely hope that you will find in the husband whom you have chosen dispositions and sentiments similar to your own. Fortune and situation I put but in the second place. Of these you have enough. They are most desirable advantages, if rightly used, and I trust in those qualities which will secure you against the dangers with which they are too often accompanied. Upon looking over this letter I find I have been falling into a style a little unusual in corresponding with a young lady. But I hope it may be pardoned in me, both on account of my time of life and the relation I have had the honour to hold towards you as your guardian. I am sure you will receive congratulations from no person who more sincerely wishes everything that is good to attend you,” etc.¹

From 1785, the year of their marriage, to 1791 inclusive, Dunrobin castle was fitted up at considerable expense as a residence for the countess and her husband. During these five years, besides painting and furnishing, building operations were also executed.² In the course of these operations the rampart wall round the house gave way, and it was feared that the foundations of the house were thereby rendered insecure. In a letter to the countess from General James Grant of Ballindalloch, on 12th September

¹ Letter, 17th September 1785, in Sutherland Charter-chest.

² In 1785-6 furnishings amounting to £1400 sterling, along with workmen to place the furniture, were sent from Edinburgh to Dunrobin, so also were £46 worth of oil paints, and painting was carried on until August and September 1787, when the pic-

tures were hung and mirrors set up. In 1788, 22,800 slates were sent to Dunrobin, and in the year following, 186 boat-loads of freestone were conveyed thither by Golspie fishermen. In 1790 a cargo of timber was also delivered at Dunrobin from Inverness. In 1789-90 large sums were paid to Mr. M'Laren and his men, for building, etc., going on at Dunrobin. [Memoranda in Sutherland Charter-chest.]

1786, the general reports to her ladyship on this subject, and with reference to the progress of the work going on at Dunrobin. He writes that Mr. Anderson, the mason employed at the work, considered the foundation of the house to be perfectly safe, and stronger than ever, as he had underbuilt different parts of the foundation, but the rampart wall giving way had no connection with the foundation of the house. "The bank was never touched, and the rampart was intended to make the space wide enough to go round the house with a carriage."¹ General Grant adds, "Anderson's account of the house pleases me. He says the stair is convenient, the rooms well plastered; in short, convenient lodging for all the company you are likely to have there, without any pomposity about an antiquated castle, which is all that was proposed." On a question of good taste and judgment in laying out the grounds and locating the offices, the countess and General Grant were not at one. The latter states, in the letter just quoted, that—

"Mr. Rose does not approve of repairing the offices, as you will probably remove them to a greater distance. You had that idea, which I took the liberty to object to, as I considered elegance and regularity in that country to be totally out of the question. Offices at a distance—a kitchen-garden out of sight, and fine open lawns, do not apply to our country. An attempt of that kind is in the style of Mr. Erskine of Dun, who fronted his house to the north, because they did so in Italy."

Another mishap, besides the one to the rampart wall, took place before the building work carried on was completed. In 1790, owing to some careless neglect on the part of the carpenters, the stables at Dunrobin were burned down. General Grant, in another letter to the countess, referring to this conflagration, cautions her ladyship about the safety of the castle of Dunrobin, and urges her to have it properly insured. He says:—

"MacCulloch and Fraser have told me since they came to town, that they do not think the castle safe under the care of the housekeeper, as she is apt in her present

¹ Letter in Sutherland Charter-chest.

solitude to take a cup of comfort too freely, but they wish not to be mentioned in this business ; and I should think there would be no great harm in insuring the castle and furniture. The expense I am told is inconsiderable, but I do not know the amount, as I have never insured my own house, tho' I have often talked of it. Uppat is insured for six hundred pound. What value Lord Gower and you will think proper to put upon the castle I know not. I should think at least as many thousands."¹

After the birth of her eldest son, George, at London, on 8th August 1786, the Countess of Sutherland appears to have gone abroad, as General Grant, in writing to her on 12th September, congratulating her on the birth of her son, says he is happy to hear she is "in good health, perfectly recovered, and preparing to set out upon an agreeable journey to pass a winter pleasantly in a delightful country."² She was in Paris in June of the following year, 1787.³

It was probably on the occasion of that tour, or possibly soon after her marriage two years previously, that Lady Trentham and her husband visited Rome. She happened to wait on the English ambassador there at a time when he had made an appointment to receive Prince Charles Edward. The ambassador arranged that Lady Trentham, during the interview, should repair to another apartment, from the window of which she would have an opportunity of seeing the prince, but she was requested not to look at him, as he had a great dislike to be stared at. Her ladyship, however, disobeyed that injunction. Her curiosity induced her to inspect the prince as narrowly as she could, and she saw in him an old, infirm, broken-down man.⁴ He died in January 1788.

¹ Letter, dated 8th December 1790, in Sutherland Charter-chest.

² Letter, *ibid.*

³ The countess writes on 19th June 1787, that she saw a person whom she names, in

Paris "last week." [Memorandum in Sutherland Charter-chest.]

⁴ Information from the late George Dempster, Esq. of Skibo, who was long on intimate terms with the Sutherland family.

On the 25th of July the countess arrived, with Earl Gower, her husband, at Dunrobin, where they remained until 15th October,¹ but they were in London the next spring. She does not appear to have been in favour with the Prince of Wales at this time. Lord Robert Seymour in his diary records on 20th March 1788 that "the Prince of Wales has taken such a violent antipathy to the amiable Lady Sutherland that he takes every opportunity of affronting her, which he did so effectually last week, after supper, at Cumberland House, that she fainted in her chair." He adds, that "the duchess (of Cumberland) had the effrontery to laugh at what he said."²

Earl Gower was sent as British ambassador to the court of Louis the Sixteenth, and arrived in Paris in January 1790, when France was in the throes of the revolution. Notwithstanding the state of that capital, the Countess of Sutherland, her children, and Lady Alva accompanied the earl. Lord Hailes wrote to Lady Sutherland, and congratulated her on "the appointment of Lord Gower to an embassy so honourable and important." He flatters himself "that the French will see that we mean to live in amity with them, since we trust Lady Sutherland with them as a pledge of friendship," and he expresses the wish, "Wherever you are may you be as happy as I can wish you." In the same letter Lord Hailes enlists Lord Gower's interest for obtaining the papers of Bishop Atterbury and Lord Mar, which, he says, "remain in their original packages with the Scots Benedictins at Paris." He adds that the papers would be an agreeable accession to

¹ Golspie fishermen were employed to go with a boat to the Meikle ferry to assist in taking across the baggage of the Countess of Sutherland and her husband when proceeding to Sutherland. Also, on 26th July, passage-money is charged for one of the countess's

men servants and of the maids, from London to Cromarty, and freight of boxes and packages at the same time for Dunrobin. [Memorandum in Sutherland Charter-chest.]

² Letters of Two Centuries, by Charles Fraser Mackintosh, p. 198.

the king's library, and he believes that his majesty would wish to be possessed of them.¹ Whether Earl Gower was able to gratify Lord Hailes in this matter does not transpire.

The Countess of Sutherland and her husband a few months later requested Lord Hailes to assist them with the "accounts and balances" of the Sutherland estates, but he was unable to undertake this service, as he was occupied with "a heavy load of causes;" and he would not take in charge what he could not perform deliberately and well. He, however, made certain suggestions, and recommends several persons who might be intrusted with the work. From the terms of his letter just quoted, it is ascertained that Lady Alva, before leaving Scotland, intimated to Lord Hailes her apprehensions of not finding Christian burial in France. He endeavoured "to make her easy on that head by representing to her the liberal notions of the present times." In his letter he hopes "that she has not given up thoughts of returning to Britain all alive." Another remark he makes may be quoted. In reference to a printed account of French affairs, which Earl Gower communicated to him, he says, "Having long been a reader of history, I am not very easy of belief in historical matters."²

With one notable event of the French revolution the Countess of Sutherland's name must always be associated. King Louis, who found it very unpalatable to carry out the new constitution brought into existence by the revolution, and whose situation became increasingly disagreeable and dangerous, suddenly resolved to leave France. He believed that if he could do so, large numbers of his subjects would flock to his standard, and that he would receive otherwise such assistance as would enable him to recover his

¹ Letter, dated Newhailes, 30th May 1790, in Sutherland Charter-chest.

² Letter to the Countess of Sutherland, dated Newhailes, 11th October 1790, *ibid.*

authority as king. On the night of June 20, 1791, the royal family secretly left the Tuilleries in disguise in a hackney carriage, the king assuming the character of a page. The Countess of Sutherland aided them by supplying raiment to the unfortunate queen, while the dauphin was dressed in clothes belonging to Lord Trentham, her eldest son. By the arrangement of the Marquis of Bouillé, detachments of troops were stationed at the chief towns on the way on the plea that money was being conveyed to the troops, but really to favour the king's flight; but notwithstanding all these precautions, the attempted flight of the king ended in failure. While a change of horses was being obtained at one of the stopping places on the way, the king, needlessly exposing himself, was recognised by a Jacobin named Drouet, who, crossing the fields, raised an alarm at the next post before the arrival of the party, and they were seized and brought back to Paris.¹

The sympathy and assistance afforded so seasonably by the Countess of Sutherland was never forgotten by them. The Duchesse d'Angouleme, the daughter of Louis the Sixteenth, and the only one of the family who survived the Revolution, sixteen years after, at Mittau in Russia, expressed to Lord Trentham, then Lord Gower, her grateful remembrance of the fact that his clothes had been made serviceable to her brother, Louis the

¹ Sir Walter Scott, writing to Lady Sutherland on 5th November 1825, asks information about the revolution in general, and this incident in particular, for his then projected *History of the French Revolution*. He says, "Another favour I have to ask of your ladyship, if it were not the trouble which it may give you. I am busied with something like a view of the French revolution, and I wish much to do justice to my distinguished countrywoman, Lady Sutherland's, gallant efforts in

favour of Marie Antoinette. Can your recollection, my dear lady, supply me with any notes of that period, and the events connected with it, which may be useful to such a sketch as I meditate. I do not mean to involve myself in an actual historical work, but merely to give some general, and, if I can, striking views of a course of events which, I think, we have almost lost sight of." [Vol. ii. of this work, pp. 329, 330.]

Seventeenth, on that eventful occasion, and she desired him to intimate to the countess the regard she entertained for her.¹

The Countess of Sutherland, during her residence in Paris, communicated the course of events to her friends in Britain.² Two days after the king left Paris she wrote General Grant of Ballindalloch of the incident of the flight, but she had not then become aware of the discovery and detention of the king. In his reply to the countess the general states that the day the word of it arrived he had heard and talked of nothing but the escape of the king and queen. There had also been a great deal of conversation about it "at a male dinner at Whitehall" on the 26th. As Mons and Luxembourg were not above 150 miles from Paris, and seeing the countess had not heard of the party being stopped two days after their departure, he had hoped they had reached one or other of these places. He observes: "The plan was well laid. The idea of an escort for money which was to be carried to the troops was well imagined. But the people intrusted with the execution failed in not having the hussars round the carriage when they drew near the frontier, then there could have been no suspicion, and the St. Menoud postmaster could not have collected a mob at Vanert to capture them." He adds: "I wish with all my heart that the innkeeper

¹ In a letter to his mother, dated Mittau, September 2, 1807, Lord Gower states that the Duc d'Avray informed him "that the Duchesse d'Angouleme would be very glad to see me directly, on which we went to the Duchesse de Serent, and with her to the duchesse, who began directly to talk about you—that I was like you—how grateful they all are to you for your attention, and about your lending my clothes to her brother, and she all but cried; I believe she had before I came into the room, as the Duc d'Avray

said that his mentioning me had affected her much. . . . She desired me to send her compliments to you, and express her regard for you, which you see I lose no time in doing." [Stafford House letters, edited by Lord Ronald Gower, letter xxxii. pp. 60, 61].

² Lord Ronald Gower, in his *Reminiscences*, (Ed. 1883, vol. i. p. 77), remarks that "unluckily the letters she wrote during the period of her husband's embassy are few and short."

and the officious surgeon who knew the king's remarkable countenance had been upon the top of Benrinnas, or in the middle of the Muckle Ferry." He refers with some concern to the hazard of the Countess of Sutherland and her husband remaining longer in Paris :—

"Le vin est tiré, il faut le boire ; Tho' Lord Gower cannot leave that distracted country, one cannot help being uneasy about your situation, and tho' I am convinced you are quite safe, happen what may in the country, yet I should be better pleased to have you at Dunrobin. . . . You are never at a loss, and could dispense with the agreeable conversation of the gentlemen of the National Assembly, and the protestations of the mob breaking in upon them and shewing their zeal by exclaiming *Je jure*. Nothing makes a soldier but real actual service, and I think you have seen more in the course of this interesting French campaign, and have had more experience from repeated alarms, military preparations, frequent attacks and retreats, than many of our generals who never saw or heard a shot fired ; and I believe both has happened to you, the last certainly."¹

Three months later, General Grant was assured by her ladyship that she was living in peace and quiet.²

In August of the following year, however, the revolution culminated when the king and his family were made prisoners. It was probably about this time that it was found necessary to chalk upon the doors of the embassy the words "*Ambassade d'Angleterre*" to protect the place from the mob. The British government now recalled their ambassador, but Lady Sutherland and her husband with difficulty got out of France. While making a hurried journey they were arrested and brought before the revolutionary tribunal at Abbeville, where they experienced some trouble, though they were eventually permitted to leave for England. Her ladyship is said to have kept a diary of her stay in Paris ; but it is surmised that it was destroyed by her on this

¹ Letter, dated Sackville Street, 27th June 1791, in Sutherland Charter-chest.

² Letter from General Grant to the Countess of Sutherland, dated Ballindalloch, 20th September 1791, *ibid.*

occasion. In the passport with which she was furnished the countess is thus described : "Lady Elizabeth, Countess of Sutherland, spouse of Monsieur the Ambassador of England, of the age of twenty-seven years, five feet in height, hair and eye-brows light chestnut, eyes dark chestnut, nose well formed, mouth small, chin round, forehead low, face somewhat long."¹

On returning to England the Countess of Sutherland took up residence at a villa in the neighbourhood of London.² A few months later Louis the Sixteenth was guillotined, and the French convention declared war against Great Britain. The Countess of Sutherland and her husband immediately showed their loyalty by raising a fencible regiment in Sutherland. This step had been suggested to them shortly before by General Grant, whose letter to the countess on the subject, written on 5th December 1792, not only shows the necessity there was for raising forces, but also reflects the state of the country and the alarm which prevailed. Referring to the distracted state of France the general says :—

"'Tis to be hoped the frenzy to its full extent will never reach this fortunate island. But it will require great care and good management to keep clear of the infection. And by an unlucky, tho' an unavoidable reduction last year, there are certainly too few troops in the country to keep riotous, mischievous, rebellious, levelling republican spirits in order. And things have gone so far that magistrates and officers of the peace cannot, indeed, dare not, show their faces without military assistance. The 42d is the only regiment in this country, which is certainly not sufficient to protect innocent quiet people, and preserve good order in the country at large, when one may see disaffection and discord increasing by the hour in every quarter. An augmentation must take place, and soon, or government may repent it when too late. The best and quickest that could be thought of for Scotland would be fencible regiments. One for Sutherland might be raised in a month, and would effectually

¹ Reminiscences, by Lord Ronald Gower, edition 1883, vol. i. p. 78. The original passport is in French.

² Letter, General Grant to the Countess of Sutherland, dated Ballindalloch, 1st October 1792, in Sutherland Charter-chest.

keep the north in order. I need not tell Lord Gower and you that the officers to be appointed to the companies to be raised in Sutherland must all belong to that country, tho', as formerly, it may be thought expedient to call in to your assistance Mackenzies and Ross's or any other name that can produce a company. I throw out this hint that Lord Gower and you may turn it in your mind, and if this idea should meet your approbation you can talk it over with Mr. Dundas."¹

Shortly before the actual declaration of war, Lady Sutherland wrote to Mr. John Fraser, her factor, of the projected regiment, that as war with France now seemed very near breaking out, Lord Gower would probably raise a fencible regiment, and she instructs him to make this known in the country, to prevent young men, disposed to enlist, from joining other independent companies then recruiting. She also asks him to send a list of the officers of the late Sutherland Fencibles to Lord Gower.²

This was not the first fencible regiment raised under the authority of the countess. After the declaration of independence by the United States, and towards the end of the year 1777, when she was only twelve years of age, Mr. Wemyss of Wemyss wrote her upon the subject of embodying a regiment. Her answer was creditable to her. "I have no objection to raising a Sutherland regiment, am only sorry I cannot command it myself." The regiment was embodied at Fort George in February 1779, and mustered 1000 strong. It was commanded by Mr. Wemyss, younger of Wemyss. An interesting reference to the regiment and its chieftainess occurs in the journal of Sir Walter Scott, who says, "I recollect her (the countess) ever since she stood at her aunt Lady Glenorchy's window in George Square, reviewing her regiment of Sutherland giants." The regiment was disbanded in 1783 at Dundee and Fort George.³

¹ Letter, dated from Ballindalloch, in Sutherland Charter-chest.

² Letter, dated from Wimbledon, *ibid.*

³ Memorials of the family of Wemyss of Wemyss, vol. i. pp. 381, 383. Journal of Sir Walter Scott, 1890, vol. ii. p. 180.

The Sutherland Fencibles were now again raised in 1793. The countess came to Dunrobin in the summer of that year, immediately after the regiment had been raised, and took the opportunity of showing her warm interest in the regiment and in her clan, from which the regiment was chiefly drawn, by entertaining both the officers and men. Her friend and correspondent, General Grant, commended her ladyship for giving this entertainment. "Dinner and supper to the fencible officers, with beef, porter, and the colours to the men, was a good measure, and I hope you will repeat it. Those feasts will make a noise, and have a good effect in the country, and 'tis surely pleasing people at a small expence."¹ The regiment was placed under the same command as formerly, and was afterwards embodied in the regular army as the 93d Sutherland Highlanders.

The alterations and improvements which had been made during her absence, both in Dunrobin castle and over the estate of Sutherland generally, greatly interested the countess. She recognised the improvement, and found delight in observing the progress in the growth of trees which had been planted by her directions. Lord Gower also employed himself about country business.² They, however, spent most of their time in England, yet did not permit their extensive and valuable estates in the south to monopolise their attention. They visited their Scotch possessions generally once a year in the

¹ Letter, dated Newcastle-upon-Tyne, 29th August 1793, in Sutherland Charter-chest.

² Letter, General Grant to the Countess of Sutherland, 29th August 1793, *ibid.* The general writes, "I am happy to find that you was pleased upon your arrival with the alterations which had been made in the antiquated castle, which is now as good a house as you could wish in that part of the world for the reception of the natives, and the few foreign-

ers who find their way into that terrestrial paradise. I am very glad you think the place much improved. In your absence the trees had nothing to do but to grow, and in a southern climate vegetation is quick, tho' I am afraid Bennywragie is not yet covered with oaks from the acorns which Lady Alva was so anxious about planting the first time I had the honour of attending you into Sutherland," etc. etc.

summer season. While they were in England, the countess corresponded with Mr. John Fraser, their factor at Dunrobin, on all business matters affecting the estates in Scotland, but she also permitted her tenants on these estates to communicate directly with herself.

On both the Sutherland and Gower estates, which included immense tracts of land in England and Scotland, similar improvements were carried out simultaneously. In both cases, owing to leases stretching to three lives, the lands for a prolonged period had not been under the direct control of the respective families of Gower and Sutherland to which they belonged, and, having been neither drained nor properly cultivated, were greatly worn out. These conditions of occupancy had become obsolete in other parts of the country, and as the leases were beginning to expire about this time, the opportunity was seized by Lady Sutherland and Lord Gower to inaugurate considerable improvements. It is, however, with the Sutherland estates that we are here concerned.

According to Mr. Loch, who wrote on the subject, the condition of the people of Sutherland, long anterior to the time of the countess, was one of chronic famine. The tacksmen, who held the lands under the chiefs, paid their rent mostly in military service; not only giving personal service, but furnishing so many men, for whom they became responsible, who usually formed the regiment raised by the chiefs either for their own defence or the service of government. The men thus provided were sub-tenants who paid their rents not to the proprietor but to the tacksmen from whom they had their holdings. The system was a bad one in various respects, one of its evils being that it led to the encouragement of over-population to promote the ease of the tacksmen and the influence of the chief. The scanty produce of the land did not yield sufficient for the subsistence of those dependent upon it, as the soil was poor, and though suitable

for pasture, was not fit for the agriculture to which it was devoted. The sub-tenants were thus, for the most part, in such miserable circumstances that every bad season brought them to the verge of starvation.

In the time of the Countess of Sutherland the relations which had subsisted between the proprietor, tacksmen, and sub-tenants underwent a change. The fencible regiments raised by the large proprietors were now incorporated into the regular army, and the chiefs no longer held the command, nor did they appoint the officers, who had formerly been selected from the tacksmen or their families. In the train of events which followed this change the tacksmen, as a class, were abolished as their leases expired, and the land was everywhere laid out in such a way as might be most productive and beneficial alike to the owner and tenant.

But even before this change the improvements mentioned had begun to be carried out. William, seventeenth Earl of Sutherland, during his short life, inaugurated several important works for the benefit of his estates and those upon them; and the tutors of the Countess of Sutherland acted in the same spirit, so far as they deemed it competent to them as tutors. As their experience, which was not an uncommon one on the Sutherland estates, illustrates the need there was for the radical changes afterwards made by the countess upon the estate, it is of the more importance to state it.

The winter of 1771 and the spring following it were of unusual severity in Sutherland, and occasioned much suffering to the tenants. Their cattle were lost for want of provender. The tenants themselves were destitute of provisions, which had to be imported from Caithness, Moray, and Peterhead. Such was their condition that they proposed to renounce their leases, this being especially the case among the tenants in Assynt. The tutors, while holding them to their leases, indulged them with time to recover from their misfortunes, and pay their rents, and assisted them to do so by

employing them to build stone dykes, and make other necessary works. But most of the tenants on the estate of Rogart abandoned their holdings. With others rents got into arrear, victuals supplied for supporting them remained unpaid, and more were urgently required, while many of the tenants emigrated to Canada. Such was the distress in Sutherland and in other parts of the north of Scotland at this time, and so great the complaints against landlords, that the government instituted inquiries into the state of matters.

It was to prevent the recurrence of so much distress that the Countess of Sutherland introduced the changes she projected, which involved a thinning process by substituting, as leases expired, large farms for small occupations. The population affected by these measures she proposed to settle in villages or towns to be formed on a sea-coast abounding with fish, where they could establish fishing industries.

The estate arrangements thus indicated were not devised for the aggrandisement of the Sutherland family. They were specially designed to benefit those who were immediately affected by them, and to produce a happy and prosperous tenantry. Similar schemes had already been put into execution all over the north of Scotland previous to the plan of the countess being carried out.

It appears to have been in the year 1799 that Lady Sutherland first made known her intentions, and then only in confidence, to those who would have the principal hand in giving effect to them. From a letter, a portion of which only is preserved, written in that year apparently by her agent in Edinburgh to the factor on the estates, we learn the earliest conception of the intended improvements. The writer says :—

“ I have now to refer you to an extract (which I enclose in confidence) of a letter I have received from Lady S[utherland], which you must not communicate to General W[emyss] or any one else. I wrote to her ladyship adopting her views, and promising

my best exertions in the attainment of them. I added, 'In the year 1807 the whole estate (with very few exceptions) will be out of lease, and open for a new arrangement. And so far as in the meantime measures can be adopted for preparing matters, and in partial instances putting your plan in execution, I shall use my endeavours that the opportunity may not be lost.' I have told her ladyship of my intention (if possible) next autumn to go over the estate with you, and of my promise to send you a copy of the Lewis articles of regulation for your remarks, which I shall do soon. All this will require some consideration from us both, but all that I have immediately in view is to put you on your guard, and to turn your attention to the idea of arranging so that any removals that may take place under the break may be so arranged that some one or more larger farms, commodious and lying together, may be made out in consequence. If anything of this kind is likely in Strathnaver it should be soon considered, and the circumstances explicitly laid before Lord Gower. There is one idea on which I wish to have your sentiments : when a considerable thinning comes to take place, may not many of the people be preserved, and with advantage, by making a village on the coast of Assynt. I would propose to appropriate one farm thus—Give a lease of 99 years of a space of one or two . . . ”¹

Here the portion of the letter preserved unfortunately ends.

From the time of this first announcement of her intentions the Countess of Sutherland continued to show the liveliest interest in the improvement of her northern possessions. In 1808, when, on the expiry of the leases, her projects could be put into execution, she writes to her friend and correspondent, Mr. Charles Kirkpatrick Sharpe, on the occasion of a visit to Sutherland :—“ We have had a most delightful expedition altogether, and have been much occupied with plans for improvement.” She adds a description of the inhabitants, and the superstition which lingered among them, which may not inappropriately be given here, apart from its own historical interest :—

“ This country,” she proceeds, “ is an object of curiosity at present, from being quite a wild corner inhabited by an infinite multitude roaming at large in the old way, despising all barriers and all regulations, and firmly believing in witchcraft, so much

¹ Letter, dated from Edinburgh, 16th October 1799, in Sutherland Charter-chest.

so that the porter durst not send away two old women who were plaguing us one day, believing them to be witches. You know that the last witch burned in Scotland suffered in Dornoch, to our everlasting shame, in 1722. Her daughter, a fishwife in a village about eight miles from hence, happened to have burned her hands when a child, which contracted her fingers, and the common people ascribed that misfortune to her mother's witchcraft, and imagined that this creature could turn herself into a poney, and that being shod by the devil occasioned this blemish. Lord Stafford to-day, in walking near their village, met a man (a beggar) with his hands in that form, the son of this fishwife and grandson of the witch ; and the descendants of that family are still feared in the neighbourhood from that old *liaison*." ¹

The Sutherland improvements are fully described by Mr. James Loch in his work on the subject.² They extended practically to the whole shire of Sutherland, as Lord Gower purchased the western portion of the shire. Thriving fishing stations were established on the east, north-east, and west coasts. Farms ranging from six to twelve acres upon Dornoch moor were offered to those for whom the coast-side holdings were too small. The people thus settled had various encouragements given them. Premiums amounting to five pounds sterling were given to the farmers just mentioned for every acre they brought under cultivation. Premiums of various amounts were granted for the neatest cottages erected by those resident on the coast. Sums of money were also given annually to the most successful boats. The improvements effected were most extensive as well as thorough. Turf huts were replaced by stone or brick cottages. Four hundred and fifty miles of substantial road were made over a country where not a single road had existed. One hundred and thirty-four bridges were built over the Sutherland rivers, there having, previous to the improvements, been

¹ C. K. Sharpe's Correspondence, vol. i. pp. 346, 347.

² "An account of the improvements on the

estates of the Marquess of Stafford in the counties of Stafford and Salop, and on the estate of Sutherland, with remarks." 1820.

only one bridge in the shire.¹ Such a vast scheme could not be carried out unless at a great outlay of money. Mr. Loch has stated that from 1811 to 1833 not a sixpence of rent was received from the estates in Sutherland, and that during that period the large sum of sixty thousand pounds was expended by Lady Sutherland and her husband for the benefit and improvement of the people. While these estate reforms were in progress, the necessity for urging them on received painful illustration in the years 1813 and 1817. In both of these years, owing to the failure of the crops, great distress prevailed over the north of Scotland. At the last of the dates named this was particularly so. Many of the Sutherland people had to resort to extreme expedients in order to subsist. Those who had cattle bled them, and mixed the blood with oatmeal. This they fried and ate. The misery of the people was very great. Lady Sutherland distributed sums of money to every parish on her estate, in addition to £9000 worth of oatmeal which was supplied, and an advance of money amounting to over £3000.² On this occasion it was discovered that there were four hundred and eight families, consisting of from fifteen hundred to two thousand individuals, who were squatters on the estate, paying rent to no one, and who had settled themselves there without any permission. These also were relieved.³ The scarcity of food which prevailed elsewhere was hardly felt by those who

¹ This was the "Little Bridge" over Golspie burn, at the end of which the clan were wont to muster. Hence their slogan or war-cry: "To the little bridge." This bridge has been replaced by one a little further up the water. On the centre of one of its parapets a small obelisk has been placed, on which, surmounted by an earl's coronet, is the following Gaelic inscription: "Morfhear Chatt do cheann na droichaithe big gairm

Chlann Chattigh nam buadh," thus translated, "The great man of the Catts to the head of the Little Bridge calls the Clan Cattaich of the victories."

² "An account of the improvements," etc., by Mr. James Loch, pp. 76, 77.

³ *Ibid.*, pp. 81, 82; also report by Mr. Loch, June 26th, 1819. See Correspondence of C. K. Sharpe, vol. ii. pp. 206-209.

had been settled at the coast.¹ The scheme of removals was afterwards pushed forward, to prevent, so far as possible, the recurrence of so much misery and suffering.

Wherever the improvements were carried out, increased wealth and prosperity among the people were the result.² But notwithstanding the benefit accruing to the people by the scheme of improvements of the countess, they gave it their most strenuous opposition, and recourse to the disagreeable expedient of evicting them from their holdings became necessary. In connection with these evictions, popularly described as the Sutherland clearances, it has been attempted to charge the countess with cruel and arbitrary proceedings. These charges, often repeated, and obtaining ready credence, could not but be disagreeable to her. In letters to Mr. Kirkpatrick Sharpe she expresses her feelings on the subject. She writes in one of these: "At present I am uneasy about a sort of mutiny that has broke out in one part of Sutherland, in consequence of our new plans having made it necessary to transplant some of the inhabitants to the sea-coast from the more inland parts. The same plan has succeeded in other parts of the estate, but the people in one parish resist it, which I fear has rendered it necessary for the sheriff who went to quiet them to send for the assistance of the military. I trust their appearance may be sufficient, but it is necessary not to give way to the disposition they showed to acts of violence, as, if that

¹ An account of the improvements, etc., p. 78.

² Mr. Loch, in his report of 26th June 1819, writes, "The most evident change has taken place in the increased comforts of the inhabitants wherever these arrangements have been carried into effect, while the progress in the codling and herring fisheries in Assynt on

the north coast, and at Brora and Helmsdale, has been such as to exceed the most sanguine expectations. The number of barrels of herrings already cured at Helmsdale have been in 1816, 4000; 1817, 7300; 1818, 19,390. In 1817 there were employed there 17 coopers, 130 women, 200 men, 50 boats. In 1818, 70 coopers, 520 women, 700 men, 140 boats," etc. etc.

were not repressed, not only our property, but that of various neighbouring proprietors, would be in danger of similar disturbance. The people who are refractory on this occasion are a part of the *clan Gun* so often mentioned by Sir Robert Gordon, who live by distilling whisky, and are unwilling to quit that occupation for a life of industry of a different sort which was proposed to them.”¹

In another letter to the same correspondent, her ladyship, in sending Mr. Sharpe a copy of Mr. Loch's report on the estate improvements, writes: “We have lately been much attacked in the newspapers by a few malicious writers who have long assailed us on every occasion. What is stated is most perfectly unjust and unfounded, as I am convinced from the facts I am acquainted with; and I venture to trouble you with the enclosed note, as a sort of statement of our proceedings, though with some scruple in plaguing you with what to you must be a bore—only if you meet with discussions on the subject in society, I shall be glad if you will show this statement to any one who may interest him or herself on the subject.”²

Enough has been said for the present regarding the improvements effected on the Sutherland estates by Lady Sutherland and her husband. It will be found later that the tenantry on the estate expressed their high appreciation of these improvements, and the sense of gratitude which they entertained for the benefits which had thereby been conferred upon them.

In 1799 the Countess of Sutherland tried the experiment of having moor game sent to her by mail coach from Dunrobin to London. On 14th August of that year she wrote instructions to her factor to send her two or three brace in a deal box.³ This was not the first occasion on which provisions

¹ Letter, dated Cleveland House, March 22, 1813. Correspondence of C. K. Sharpe, vol. ii. pp. 76, 77.

² Correspondence of C. K. Sharpe, vol. ii. p. 206.

³ Letter in Sutherland Charter-chest.

had been sent to London from Dunrobin; in 1781 and 1783 we find reference to barrels of red herrings sent from Assynt. The countess, at a later date, desired butter and eggs to be transmitted to her from the north. In a letter without date, but evidently written in 1810, Lady Sutherland writes to her factor: "The dearness of butter in the south is so great, and it is so material an article, that I think it would be a good thing for you to send a kit once every month for the use of our house in Arlington Street when we go there. I will consult with Lilly about the quantity, and let you know more particularly. Also the best part of the eggs we buy in London come from Scotland and Ireland. I think if the best way of packing them were known, which you may inquire, you might as well try a barrel of eggs, by way of experiment, the first packet that sails."¹

The Right Honourable Granville Leveson Gower, first Marquis of Stafford, the father-in-law of the countess, died after a short illness on 26th October 1803. The countess, in a letter without address, refers to the event, stating that the marquis had been ill for a week. She and Earl Gower set out for Trentham as soon as the express brought them word of his illness, but death had intervened before their arrival.² By the death of his father Earl Gower became second Marquis of Stafford. He had previously, on 25th February 1799, been called up by writ to the house of lords as Baron Gower of Stittenham, in Yorkshire, with precedence from 16th March 1703, the date of the patent of creation of the first Baron Gower; so that he was thus in the peculiar position of being at the same time Earl Gower by courtesy, and Baron Gower by writ.

In the year following, 1804, Lady Sutherland made her first acquaintance with Mr. Charles Kirkpatrick Sharpe, with whom, from this period, she continued to correspond to the close of her life. Mr. Sharpe applied to her

¹ Letter, in Sutherland Charter-chest.

² Vol. ii. of this work, p. 316.

through Earl Gower, her son, about some old papers at Dunrobin. In reply she informed him that a steward, during her minority, had burned a vast number of papers, telling her they were trash, and not fit for her to see, and she jocularly regretted the present weakness of the feudal system which prevented her from hanging him on the spot for his pains. She, however, invited Mr. Sharpe to visit her. Disappointed in not obtaining the desired papers, Mr. Sharpe petulantly characterises the letter as "an affectation of wit,"¹ but about two years later, Lady Sutherland, by her kind attentions to him, earned not only his gratitude, but also his praise. He says, "The Staffords heaped kindnesses upon me. I dined frequently at Cleveland House with dukes and lords innumerable. Lady Stafford (who is a most captivating person) gave me a print of herself, a general invitation, and desired me to correspond with her."² From this time they were fast friends.

Lady Sutherland left Cleveland House, her London mansion, for Trentham in the middle of July 1806, where she remained for the summer. Later she travelled north to Scotland, where she visited Dunrobin and several other places, until the beginning of October, when she returned to Trentham. Of the journey she writes: "We were confined for two days, by the magic of finding we had missed our horses (coming to Nairn to meet them by water), in Cawdor Castle. From thence we travelled in wind and snow through the highlands, and met Lord Stafford in Edinburgh, where he had come by the coast road, without difficulties, and highly pleased with his journey, and the improvements he saw in every part of Scotland, for he is seized as much as I am with the rage of improvement, and we both turn our attention with the greatest energy to turnips, but cannot settle whether they ought to be broadcast or drilled." She remained at Castle Howard for fully a week, resting herself after the fatigue she had undergone, and was

¹ Charles Kirkpatrick Sharpe's Correspondence, vol. i. p. 202.

² *Ibid.* p. 263.

particularly delighted with this beautiful residence and all she saw there. In the letter just quoted, she expresses this in strong terms of admiration. "We came here to a very different scene, the most magnificent and charming place in the world, with a very pleasant society, the house full of everything that can please the eye and divert the imagination, beautiful and picturesque architecture, painting in its highest perfection, antient and modern statues, interesting portraits, drawings by a contemporary of Holbein of all the court of Henry the 2d and the Valois, besides several of the time of Charles the 1st (if the catalogue will go in a letter I will send it you with this). In short, *en fait* of living, ease, etc. etc., nothing can be more perfect. Delightful music. It reminds me of—

‘Such the gay triumphs, the luxurious state
Of caliphs old, who on the Tygris shore
In lofty Bagdad, populous and great,
Kept their gay court where was of ladies store,
And art, wit, musick, still the garland bore.’

This is really a place worth seeing, independent of the society, as I think it a perfect model of beauty, as well in the house itself as in the grounds belonging to it; and as the French people said, who were here last year, ‘*Le plus bel habitation de particulier qui existe.*’ We quit this on Monday to go to Bishopthorpe to brush off anything too Calvinistic that we may have imbibed from the preaching at Golspy, and hope to be at Trentham on Thursday.”¹

It was while on the visit to Scotland just referred to that Lady Sutherland placed in the hands of Mr. Constable the manuscript copy of Sir Robert Gordon’s History of the Sutherland Family in her possession.² Mr. Constable

¹ Charles Kirkpatrick Sharpe’s Correspondence, vol. i. pp. 281, 282.

² The manuscript had been for some years

in the hands of George Chalmers, the author of “Caledonia,” who borrowed it in connection with his own great work.

was to have it copied, and a hundred copies printed for presentation to friends of the family. Lady Sutherland, writing to Mr. Sharpe, makes the following remarks about the book, and her intentions regarding a preface to it:—"We think, as the work speaks for itself, it may come into the world naked and unadorned, except by a few introductory words, explaining whence it came, and what it is. . . . The history begins at about 1100 and ends in 1650. It contains a variety of matter, besides the account of our *avi* and *nostro cappo vecchio*; histories of families in the north—that of Lennox, the Douglass; digressions respecting popes, etc. etc. In short, it promises to be entertaining and curious, and will form a thick quarto volume, and will be finished in about six months." She also complains of a dearth of information about Sir Robert Gordon, and asks Mr. Sharpe if he could get her some particulars of his life. She adds, "I believe he is well known to many Scottish antiquaries: but though he is of our family, I never could meet with many particulars respecting him, and those I do know are only that his grandson practised physick, and wrote a great deal (of nonsense, I suppose), on that subject, particularly *di dolore cass*—a subject better let alone, except when one has the headache, to enforce an emetic."¹ Mr. George Chalmers, author of "Caledonia," is mentioned in a letter of the countess as having given Mr. Constable "some hints relative to the publication of Sir Robert Gordon's History."² The sheets of this work were also, by the instructions of the countess, sent to him as printed.³ It was not, however, till 1811, that the History was printed and ready for distribution. On August 28th of that year Lady Sutherland writes to Mr. Sharpe, "I am quite disappointed in finding Constable so slow, as from what I have seen from the beginning of

¹ Charles Kirkpatrick Sharpe's Correspondence, vol. i. pp. 281-283.

² Letter, the Countess of Sutherland to

George Chalmers, Cleveland House, June 9, 1809, in the Sutherland Charter-chest.

³ *Ibid.*, February 5, 1810.

the book, it promises to be worth reading. Sir Robert Gordon lived much with the Lennox family both in England and France, and I should suppose there might be curious memoirs relating to them. As I suppose this book will soon appear, pray tell me where Constable shall send the copy I intend for you with a large margin."¹ A copy of the book was presented to Sir Walter Scott. In his letter of acknowledgment Sir Walter writes, that "the book contains, for an old antiquary like me, many parts of great interest and curiosity," adding, "Sir Robert Gordon, no doubt, did not particularly study the picturesque, but he often gives hints which may be useful to those who do. We gather so much of the manners of old times from those genuine sources that we should not complain of a little labour in getting at them, and we are greatly indebted to those who, like your ladyship, have had the kindness and liberality to render them publicly accessible."²

The Countess of Sutherland had more than ordinary talent and skill as an artist. She excelled especially in water-colour landscapes, and delighted to reproduce in this form the scenery of her native country. A large number of her paintings and etchings were engraved and published, or privately issued. They represent scenes in Orkney and on the north-east coast of Scotland, and also include twenty-two views on the northern and western coast of Sutherland, extending from Farr in Strathnaver, in the north, to Gairloch point in Ross-shire on the west coast, with distant views of the islands of Lewis, Skye and Harris, etc. This coast line is rocky, bold and picturesque, and includes many headlands, such as Store Point, Cape Wrath, etc. The whole series embraces mountain and loch scenery, various sea views, and interiors of ancient churches. The Countess of Sutherland did not, however, restrict herself to Scotland. She sketched and etched places in Paris, such as the Hotel

¹ Charles Kirkpatrick Sharpe's Correspondence, vol. i. p. 456.

² Vol. ii. of this work, pp. 323, 324.

de Carnavalet there and the Castle of Les Rochers, associated with Madame de Sévigné, and also the houses and haunts of Marie de Rabutin.¹ In anticipation of sending a copy of the views in Orkney and the north-eastern coast of Scotland, taken by her ladyship in 1805, to Mr. Sharpe, her ladyship writes :—

“ I shall feel in some degree affronted, my dear sir, if you are not out of humour with me, or at least surprised at a letter I received some weeks ago from you having till now remained unanswered, but the real cause of my obstinate silence is that I hoped to have been able to send the laborious and learned work in question with my letter long before this time. We went soon after out of town, and during three weeks my labours were suspended in consequence of our journey; then the hot weather made me idle; and now you are leaving Oxford, and I must be told when it is finished (which I trust it will be in a fortnight) where to send it. I trust you will find it an *innocent* performance. It will contain nothing contrary to the principles of the established church, and though there is a view of what was once a popish cathedral, and one which has heard mass celebrated, if it be true that walls have ears (as it is universally supposed is the case), yet I do not mean to set up my cathedral as an opponent to the present establishment. I think it right to clear myself of all suspicion on this head, when I am writing to an inhabitant of Oxford. You will see that my work has another merit, that of having proved that the Orkney islands are after all the true *Atlantides*, which have puzzled so many curious antiquarians; and, I think, I have some reason to be vain of having done what Mr. Baillie, and so many others, could not achieve, in being able to fix where that island, or continent, or neither, lay. In short, you may prepare yourself for something very elaborate, and very new.”²

On 31st July she again writes to Mr. Sharpe that she believes “the little book is forwarded to him.”³

Lady Sutherland continued to derive much pleasure in taking sketches for many years after this. In 1824 she entertained hopes of being able to

¹ Reminiscences by Lord Ronald Gower, Sharpe's Correspondence, vol. i. pp. 318, ed. 1883, vol. i. p. 79. 319.

² 7th July 1807, Charles Kirkpatrick ³ *Ibid.*, p. 320.

add to the number of her drawings of scenes in the north of Scotland. The illness of her husband prevented her going there and indulging in this pastime during the summer of that year, but the prospect of being able to do so at no distant date, to use her own expression, "revives me much." Meanwhile she had sent a sketch of Strathbogie Castle to Mr. Sharpe, which she desired him not to think of returning.¹

During the month of July 1807 the Countess of Sutherland paid a visit to the Marchioness of Salisbury at Hatfield. The place, from its historical associations, had many attractions for her. She remarks of it—"The whole house has the perfume of James the First, and the stables are a valuable relict of Queen Elizabeth. I like those old things that bring one back to where indeed one never was, but which give an idea of old times."²

Lady Sutherland was introduced to Lord Byron in 1813, who records of her in his journal: "She is handsome, and must have been beautiful, and her manners are princessly."³ On the occasion of the state visit to Scotland in 1822 of King George the Fourth, it was claimed by the countess, and decided by his majesty, that the right to carry the sceptre on state occasions belonged to the premier earl of Scotland, and that the Marchioness of Stafford, as Countess of Sutherland in her own right, represented the premier earl, in accordance with the order of the house of lords on 21st March 1771. The countess petitioned the king to permit this right to bear the sceptre to be exercised by deputy, and his majesty therefore allowed Lord Francis Leveson Gower, the second son of the countess, to act as deputy for his mother.

The part taken by Lord Francis is thus described by him:—"I attended

¹ Charles Kirkpatrick Sharpe's Correspondence, vol. ii. p. 294.

² *Ibid.*, vol. i. p. 320.

³ "My Reminiscences," ed. 1883, vol. i.

p. 78. Lord Ronald Gower says of his grandmother: "She snuffed! and it was considered a great favour to have a pinch of rappee out of her grace the Duchess Countess of Sutherland's box."

at the palace of Holyrood on Thursday, the 15th day of August 1822, at the head of the Sutherland highlanders, and afterwards received by his majesty's command the sceptre of Scotland, and bore it in his royal presence upon his receiving the address from the city of Edinburgh. I again bore it before his majesty on Monday the 15th [19th] day of August, when the king received the addresses from the church of Scotland and the universities." Lord Francis was also appointed to attend his majesty from Holyrood to the castle, but was prevented from doing so by setting out to attend his father, who was taken ill at Dunrobin castle, when his place was supplied by the Honourable John Stewart, second son to the Earl of Moray, the Earl of Errol acting as high constable, and the Earl of Morton having the sword of state.

Lord Francis, in his narrative just quoted, speaks of being at the head of the Sutherland highlanders. These were the retainers, or, as they were commonly called, the "tail" of his lordship. There were especially two such "tails" or bands of highland retainers in attendance at the ceremonies, those of Lady Sutherland and the Earl of Breadalbane. Her ladyship's "tail" was described as "really magnificent, consisting of about one hundred of the finest men of her clan."¹ When Lord Francis left for Dunrobin, his highland retainers remained behind, and attracted much admiration from the spectators. By the king's permission Lord Francis sailed for Dunrobin in one of his majesty's steam vessels, but the illness of the Marquis of Stafford happily did not long give occasion for alarm, as he soon recovered.

One of Lady Sutherland's most prominent personal friends and correspondents, between the years 1809 and 1826, was Sir Walter Scott. In one of his letters he acknowledges acorns sent him by her ladyship. He excuses himself for not planting them in a nursery, as Abbotsford was at the time only partially in his possession, and says, "the royal ceremony of

¹ The Staffordshire Advertiser, August 24, 1822.



GENEALOGY OF THE FAMILY OF SUTHERLAND, EARLS AND DUKES OF SUTHERLAND.

I. FRESKIN, BARON OF STRATHBROCK in West Lothian, and of DUFFUS in Moray, under King David the First, 1124-1153. He died before 1171, leaving issue three sons.

<p>II. HUGH FRESKIN, who witnessed charters in the reign of King William the Lion between 1194 and 1211. He obtained the lands of Sutherland, and granted the lands of Skelbo to Gilbert de Moravia, archdeacon of Moray, afterwards bishop of Caithness. He died about 1214, and was succeeded by his son,</p>	<p>WILLIAM FRESKIN, ancestor of the families of Moray of Duffus, Petty, Bothwell, and others. He received from King William the Lion a charter of the lands of "Strabrock, Duffus, Rosile, Inchikel, Machar, and Kintrai, which his father Freskin possessed in the time of King David, grandfather of the granter," 1168-1171.</p>	<p>ANDREW FRESKIN, witness to a charter by his brother Hugh, 1203-1214.</p>
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III. WILLIAM, LORD AND FIRST EARL OF SUTHERLAND. He confirmed the grant by his father of the lands of Skelbo, was created Earl of Sutherland, by King Alexander the Second, *circa* 1235, and, dying in 1248, was buried in Dornoch Cathedral. He was succeeded by his son,

IV. WILLIAM, SECOND EARL OF SUTHERLAND. On 22d September 1275 he made an agreement with Archibald, bishop of Caithness, in which reference is made to controversies between Bishop Gilbert and his father. He was present among the nobles at Scone in 1284, when the question of the succession to the Crown was settled, and also took part in the convention at Birgham, in 1290, where the marriage of Margaret, the Maid of Norway, and Edward, Prince of Wales, was arranged. He took the oaths of allegiance to Edward the First in 1296, and died about 1307. He was succeeded by his eldest son,

<p>V.-1. WILLIAM, THIRD EARL OF SUTHERLAND, who joined Bruce and fought at Bannockburn in 1314. He adhibited his seal to the letter of independence sent to the Pope in 1320, and dying in or about 1327 was buried at Dornoch. He was succeeded by his brother.</p>	<p>V.-2. KENNETH, FOURTH EARL OF SUTHERLAND. He married Lady Mary Mar, daughter of Donald, tenth Earl of Mar, and was killed at the battle of Halidon Hill on 20th July 1333. He had issue two sons and a daughter.</p>
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<p>VI. WILLIAM, FIFTH EARL OF SUTHERLAND. He took part in the war with England in 1340. In 1343 he married the Princess Margaret, eldest daughter of King Robert the Bruce by his second wife, Elizabeth de Burgo, and so became brother-in-law of King David the Second, who erected the earldom of Sutherland into a regality in favour of the spouses on 10th November 1345. He was much engaged in the negotiations for the ransom of King David, and his eldest son was one of the hostages. During this period the earl was detained for several years in England. He received several grants of lands from his royal brother-in-law. The Princess Margaret having died before 1352, he married, secondly, Joanna Menteith, Countess of Strathern. He died in 1370. He had three sons.</p>	<p>NICHOLAS SUTHERLAND, ancestor of the family of Sutherland of Duffus. <i>See separate Genealogy.</i></p>	<p>EUSTACHIA, who married Gilbert, eldest son of Reginald Moray of Culbin, and had issue.</p>
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<p>JOHN, who was a hostage for his uncle, King David the Second, and died of the pestilence at Lincoln in the end of 1361, without issue.</p>	<p>VII. ROBERT, SIXTH EARL OF SUTHERLAND. In 1389, in his own county of Sutherland he had much fighting with the Mackays. He took the place of the eldest son of the Earl of March in 1427 as a hostage for King James the First. He married Lady Margaret Stewart, daughter of Alexander, Earl of Buchan, and had three sons. He died at Dunrobin in 1442, and was buried in the church of Dornoch.</p>	<p>KENNETH SUTHERLAND, ancestor of the family of Sutherland of Forse.</p>
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<p>HON. JOHN, who died in infancy.</p>	<p>XIII. ALEXANDER, ELEVENTH EARL OF SUTHERLAND. He was born at Darnaway in 1552. He succeeded his father in 1567, while yet a minor. His ward and marriage were given to George, Earl of Caithness, who married him to his daughter, Lady Barbara Sinclair; but he obtained a divorce when he came of age. He was served heir to his father and infeft in the earldom of Sutherland in July 1573, and in 1580 he resigned it for a regrant in favour of his eldest son. He married, on 13th December 1573, at Strathbogie, Lady Jane Gordon, daughter of George, fourth Earl of Huntly, and the divorced wife of James, Earl of Bothwell. By her the Earl had issue five sons and two daughters, and died at Dunrobin on 6th December 1594, survived by his countess, who married Alexander Ogilvie of Boyne, and lived till 1629.</p>	<p>LADY MARGARET, who died unmarried.</p> <p>LADY JANET, who married, first, Alexander Innes of Innes, without issue. He died in 1576, and she afterwards married Thomas Gordon, son of George, Earl of Huntly. She died in January 1584.</p> <p>LADY ELEANOR, who was contracted to Robert Monro of Foulis, but died the day before that fixed for her marriage, 1579.</p>
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<p>XIV. JOHN, TWELFTH EARL OF SUTHERLAND, born 20th July 1576. He received a charter of the earldom of Sutherland in 1580, and succeeded his father in 1594. In 1601 he obtained a new erection of the earldom in which recently acquired lands were added, and the whole entailed to a series of heirs. On 30th September he had a charter of Gauldwell and other lands, with the office of baillie of the bishopric of Caithness. He married, in February 1600, Agnes (or Anne), eldest daughter of Alexander, fourth Lord Elphinstone, who survived him until 18th September 1617. He died at Dornoch on 11th September 1615. He had issue.</p>	<p>HON. ALEXANDER GORDON, who died young.</p> <p>HON. ADAM GORDON, who died young.</p> <p>HON. SIR ROBERT GORDON of Gordonston, ancestor of the family of Gordonston. See separate Genealogy.</p> <p>HON. SIR ALEXANDER GORDON of Navidale. For his issue, see pp. 207, 208.</p>	<p>LADY JEAN, born 1st October 1574. She married, in December 1589, Hugh Mackay of Farr, and died on 20th February 1615, leaving issue.</p> <p>LADY MARY, born 14th August 1582. She married David Ross of Balmagowan, and died in 1605, without issue.</p>
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<p>HON. PATRICK, Master of Sutherland,</p> <p>HON. ALEXANDER,</p> <p>HON. ROBERT, —who all died young.</p>	<p>XV. JOHN, THIRTEENTH EARL OF SUTHERLAND, born on 4th March 1609. He was returned heir to his father on 2d June 1616, received a regrant of the earldom of Sutherland on 4th September 1631, and had the sheriffship of Sutherland confirmed to him by Parliament in 1633. He took part with the Covenanters in 1638. In 1649 he was appointed keeper of the privy seal. In 1662 he resigned the earldom for a regrant to his eldest son. He married, first, on 14th February 1632, Lady Jean Drummond, only daughter of James, first Earl of Perth, who died at Edinburgh on 29th December 1637; and, secondly, on 24th January 1639, Anne, eldest daughter of Hugh, eighth Lord Lovat. He died in 1679, having had issue by his first wife only, three sons and a daughter.</p>	<p>HON. ADAM GORDON, born 1613. He was a lieutenant-colonel in the Swedish army, and was killed at Nordlingeu in 1634.</p> <p>HON. GEORGE GORDON, born 1616. He was a lieutenant-colonel in the Scots army in Ireland, where he married Lady Rose Macdonnell, daughter of Randal, first Earl of Antrim, and had a son, George.</p>	<p>LADY JANE, who died in infancy.</p> <p>LADY ELIZABETH, who married, in 1619, James Crichton of Frendraught, and had issue.</p> <p>LADY ANNE, who married, in 1623, Sir Gilbert Menzies of Pitfoddels, and had issue.</p> <p>LADY MARY, who died in infancy.</p>
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<p>JOHN, LORD STRATHNAVER, born 21st November 1632, and died at Dornoch of smallpox on 14th October 1637.</p>	<p>XVI. GEORGE, FOURTEENTH EARL OF SUTHERLAND, born at Dornoch 2d November 1633. He was infeft in the earldom of Sutherland on 28th April 1662, but made resignation of it in 1681 for a regrant to his eldest son and other heirs of entail. He married at Edinburgh, on 11th August 1659, Lady Jean Wemyss, eldest daughter of David, second Earl of Wemyss, and relict of Archibald, Earl of Angus. He died on 4th March 1703, and was buried in Holyrood Abbey. He had issue.</p>	<p>HON. ROBERT GORDON, born on 31st December 1635. He married Jean Mackay, eldest daughter of John, Lord Reay, but died s.p.</p> <p>LADY JEAN, who married, in 1657, Captain Robert Stewart of Ethay, and had issue.</p>
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XVII. JOHN, FIFTEENTH EARL OF SUTHERLAND. He succeeded his father in 1703. He was one of the Scottish commissioners for the treaty of union, and on its consummation was chosen one of the sixteen representative peers for Scotland. In the rebellion of 1715 he took a prominent part on behalf of the Government, and in recognition of his services was invested by King George the First with the Order of the Thistle and received a pension. He married, first, Helen, second daughter of William, Lord Cochrane, eldest son of William, first Earl of Dundonald; secondly, Lady Catherine Talmash, second daughter of Elizabeth, Duchess of Lauderdale and Countess of Dysart, by her husband Sir Lionel Talmash, and widow of James, Lord Doune; and thirdly, Dame Frances Travel, widow of Sir John Travel. Of his first marriage only was there issue. He died in 1733.

LADY ANNE, who married on 3d May 1683, Robert, third Viscount of Arbutnott, and had issue.

LADY JEAN, born on 24th April 1665, and died before 1680.

XVIII. WILLIAM, LORD STRATHNAVER. He was infeft in the Sutherland estates on his father's resignation in 1706, and in 1708 was elected M.P. for Dornoch, etc., but the election was annulled. He assisted his father in the suppression of the rebellion of 1715. He married, contract dated 9th October 1705, Katherine, daughter of William Morison of Prestongrange, and had issue eight sons and two daughters. He predeceased his father on 13th July 1720, survived by his wife, who died on 21st March 1765.

LADY JEAN, who married, contract dated 31st August 1702, James, Lord Maitland, eldest son of John, fifth Earl of Lauderdale, and had issue.

LADY HELEN, who died unmarried on 19th September 1749.

A daughter, who died young.

HON. JOHN SUTHERLAND, who, on the death of his father in 1720, became Lord Strathnaver, but he died the same year.

XIX. WILLIAM, SIXTEENTH EARL OF SUTHERLAND. He was born on 2d October 1703, became Lord Strathnaver in 1720, was chosen M.P. for Sutherland in 1727, succeeded his grandfather in 1733, and in the following year was elected one of the representative peers for Scotland. He aided the Government in the suppression of the rebellion of 1745, by raising troops and otherwise. He married, on 2d April 1734, Lady Elizabeth Wemyss, eldest daughter of David, third Earl of Wemyss, and died on 7th December 1750. By his wife, who predeceased him on 20th February 1747, he had issue.

HON. GEORGE SUTHERLAND, who died young.

HON. ALEXANDER SUTHERLAND, who also died young.

HON. CHARLES SUTHERLAND, who died in August 1732, *s.p.*

HON. GEORGE SUTHERLAND, who died at Edinburgh on 13th March 1736.

HON. ROBERT SUTHERLAND.

HON. FREDERICK SUTHERLAND, who both died in infancy.

HON. HELEN, who married, on 12th April 1740, Sir James Colquhoun of Lass, and dying 7th January 1791, left issue.

HON. JANET, who married, on 24th October 1740, George Sinclair of Ulbster, and died 9th June 1795. She had issue.

XX. WILLIAM, SEVENTEENTH EARL OF SUTHERLAND, born 28th May 1735. He had an ensign's commission in the first (royal) regiment of foot, when only in his eleventh year. He succeeded his father in 1750. In 1759 he raised a regiment of foot, of which he was appointed lieutenant-colonel, and in 1763 was commissioned as aide-de-camp to the king, with a colonel's rank in the army. He was elected a representative peer for Scotland in 1763. He married, on 14th April 1761, Mary, eldest daughter and co-heiress of William Maxwell of Preston, in Kirkcudbrightshire. In 1766 he went to Bath, where he contracted a fever, of which he died on 16th June 1766. His countess predeceased him there on the 1st of the same month. Their bodies were brought to Scotland and interred in the abbey of Holyrood on 9th August 1766. They had issue only two daughters.

LADY ELIZABETH, who married at Dysart on 29th December 1757, her cousin, the Hon. James Wemyss of Wemyss, M.P. She died on 24th January 1803, leaving issue.

LADY CATHERINE, born at London 24th May 1764. She died at Dunrobin, 3d January 1766.

XXI. ELIZABETH, COUNTESS, AFTERWARDS DUCHESS OF SUTHERLAND, who succeeded on the death of her father in 1766, but being an infant, was placed under tutors, and was brought up by her maternal grandmother, Lady Alva. Her earldom was claimed by Sir Robert Gordon of Gordonston, and George Sutherland of Forse, but the House of Lords decided in favour of the countess on 21st March 1771. She married at London, on 4th September 1735, the Right Hon. George Granville Leveson-Gower, Viscount Trentham, eldest son of Granville, Earl Gower, who on the death of his father in 1803, became second Marquis of Stafford. He was created DUKE OF SUTHERLAND on 28th January 1833, but died on 19th July the same year, survived by the duchess, who died on 29th January 1839. They had issue.

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XXII. SIR GEORGE GRANVILLE, SECOND DUKE OF SUTHERLAND, K.G. He was born on 8th August 1786, elected M.P. for St. Maves in 1808, and was summoned to Parliament by writ, 29th November 1826, as Barou Gower. He was lord-lieutenant and custos rotulorum of Salop. By royal licence, dated 12th May 1841, he assumed the additional surname of Sutherland. He married, on 27th May 1823, Lady Harriet Elizabeth Georgiana Howard, third daughter of George, sixth Earl of Carlisle, mistress of the robes to Her Majesty Queen Victoria, and a member of the royal order of Victoria and Albert, second class. He died on 22d February 1861, survived by his duchess, who died on 27th October 1868. They had issue.

FRANCIS, EARL OF ELLESMERE, K.G., See separate Genealogy.

LADY CHARLOTTE SOPHIA, who married, on 27th December 1814, Henry Charles, Duke of Norfolk, K.G., who died in 1856. She died 7th July 1870, leaving issue.

LADY ELIZABETH MARY, born 8th November 1797, married, in 1819, Richard, second Marquis of Westminster, K.G., and died 11th November 1891, leaving issue.

XXIII. SIR GEORGE GRANVILLE WILLIAM SUTHERLAND LEVE-SON GOWER, K.G., THIRD DUKE OF SUTHERLAND, etc., born on 19th December 1828, succeeded his father on 22d February 1861. He was lord-lieutenant of the counties of Sutherland and Cromartie, honorary colonel of the 20th Middlesex Volunteers, and lieutenant-colonel of the 1st Sutherland Rifle Volunteers. He married, on 27th June 1849, Anne, only child of John Hay Mackenzie of Newhall and Cromartie, created Countess of Cromartie, Viscountess Tarbat, etc., in her own right, late mistress of the robes to Her Majesty Queen Victoria, and member of the royal order of Victoria and Albert. She died on 25th November 1888. His Grace married, secondly, in 1889, Mary Caroline, daughter of the late Rev. Richard Michell, D.D., Oxford, and widow of Arthur Kindersley Blair. His Grace died at Duurobin Castle on the 22d, and was buried at Treutham on 29th September 1892. By his first duchess he had issue.

LORD FREDERICK GEORGE, born on 11th November 1832. He held a commission in the Rifle Brigade, and died of fever off Sebastopol in October 1854.

LORD ALBERT, born on 21st November 1843, was a captain in the 2d Life Guards. He married, on 19th March 1872, Grace, only daughter of Sir Thomas Abdy, Baronet, and died on 23d December 1874. He has issue a son.

LORD RONALD CHARLES, born on 2d August 1845, was M.P. for the county of Sutherland, 1867-1874. He is a trustee of the National Portrait Gallery.

LADY ELIZABETH GEORGIANA, who married, on 31st July 1844, George, Duke of Argyll. She died on 25th May 1878, leaving issue.

LADY CAROLINE, who married, on 30th September 1847, Charles William, Duke of Leinster, and died 3d May 1887, leaving issue.

LADY EVELYN, who married, on 4th October 1843, Charles, Lord Blantyre. She died on 24th November 1869, leaving issue.

LADY CONSTANCE GERTRUDE, who married, on 28th April 1852, Hugh Lupus, Duke of Westminster, K.G. She died on 19th December 1880, leaving issue.

LADY BLANCHE JULIA, who died in infancy.

LADY VICTORIA, who died in 1839.

LADY ALEXANDRINA, who died in 1849.

GEORGE GRANVILLE, EARL GOWER, born 27th July 1850, died on 5th July 1858.

XXIV. CROMARTIE, FOURTH DUKE OF SUTHERLAND, born 20th July 1851. He succeeded on 22d September 1892. He was lieutenant in the 2d Life Guards, and M.P. for Sutherland 1874-1886, and was appointed lord-lieutenant of Sutherland in November 1892. He married, on 20th October 1884, Lady Millicent Fanny St. Clair Erskine, daughter of Francis Robert, fourth Earl of Rosslyn, and has issue.

FRANCIS, EARL OF CROMARTIE, VISCOUNT TARBAT, born 3d August 1852, succeeded his mother in 1888. He is deputy-lieutenant for Ross. He married, on 2d August 1876, the Hon. Lillian Janet, daughter of Godfrey, fourth Lord Macdonald, and has issue.

LADY FLORENCE, who married, on 15th November 1876, Henry Chaplin, M.P., of Blaukney Hall, county Lincoln. She died 10th October 1881, leaving issue.

HON. FREDERICK NEVILLE, born on 31st May 1874.

LADY ALEXANDRA, died in 1891.

XXV. GEORGE GRANVILLE SUTHERLAND, EARL GOWER, born 29th August 1888.

LORD ALISTAIR-ST. CLAIR, born 24th January 1890.

LADY VICTORIA ELIZABETH, born 5th August 1885, died 28th January 1888.

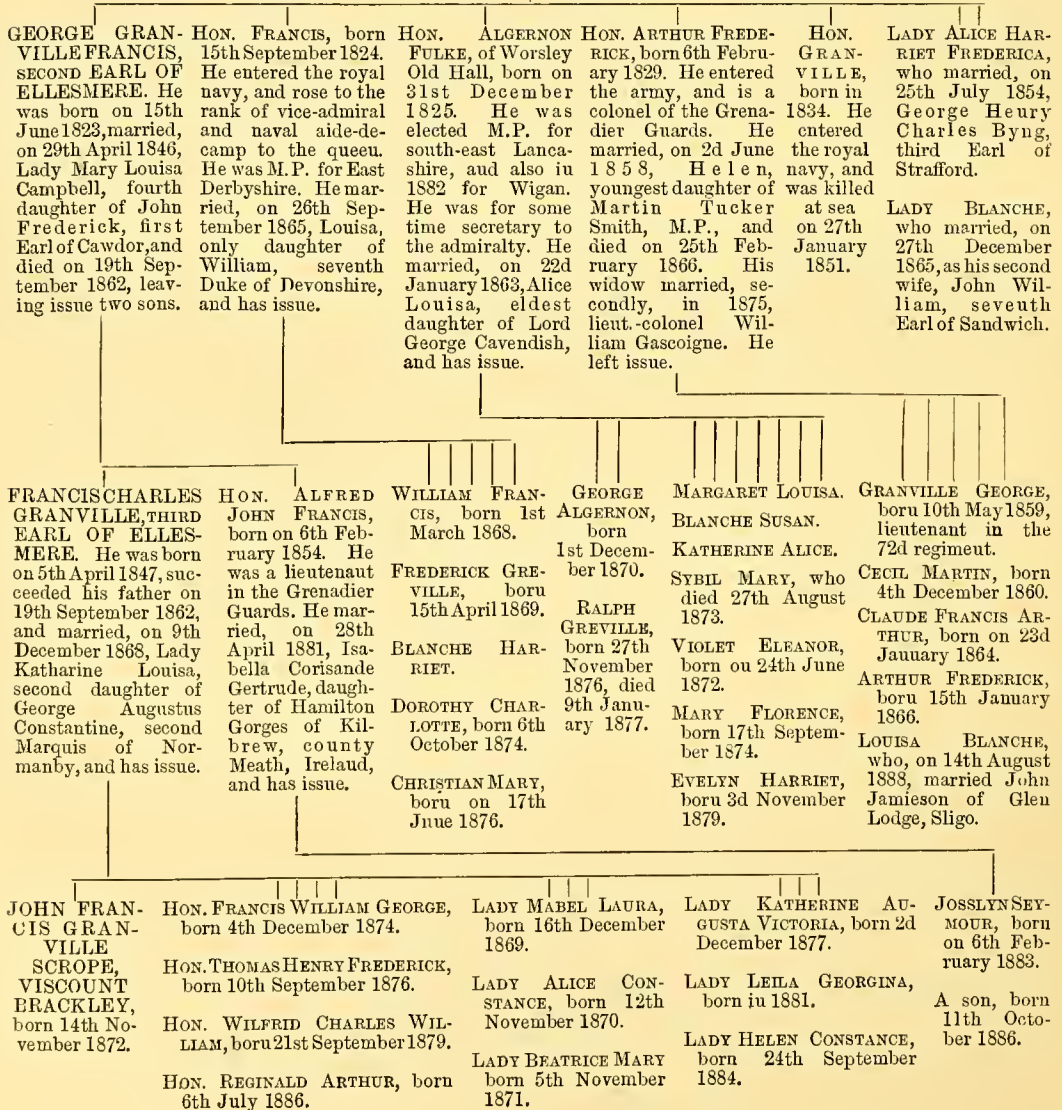
LADY SIBELL LILIAN, born 14th August 1878.

LADY CONSTANCE, born 1882.

BRANCHES OF THE SUTHERLAND FAMILY.

THE EARLS OF ELLESMERE.

HON. FRANCIS LEVESON-GOWER, SECOND SON OF GEORGE GRANVILLE, FIRST DUKE OF SUTHERLAND, was born on 1st January 1800. He succeeded to the property of Francis, third Duke of Bridgewater, and in 1833 assumed the surname and arms of EGERTON. He was raised to the peerage as EARL OF ELLESMERE, etc., on 6th July 1846. He married, on 18th June 1822, Harriet Catherine, eldest daughter of Charles Greville, Esq., and grand-daughter of William Henry, third Duke of Portland. He received the honours of K.G. and D.C.L., and died on 18th February 1857, survived by his countess, who died on 17th April 1866. They had issue.



GENEALOGY OF THE FAMILY OF GORDON OF GORDONSTON.

SIR ROBERT GORDON OF GORDONSTON, FIRST BARONET, fourth but second surviving son of Alexander, eleventh Earl of Sutherland, was born 14th May 1580. He was one of the gentlemen of the privy chamber of King James the Sixth, and was for fifteen years tutor of Sutherland, during the minority of his nephew, John, the thirteenth earl. He was knighted by King James the Sixth, and was the first baronet of Nova Scotia created by King Charles the First. He was author of the Genealogy of the Earls of Sutherland. He acquired several estates in Moray, and had them erected into the barony of Gordonston. He married, at London, on 16th February 1613, Lonisa, only daughter and heiress of John Gordon, lord of Longormes in France, and dean of Salisbury in England, and by her, who died at Gordonston in September 1680, had issue five sons and four daughters. He died at Gordonston in March 1656. *Vide* Memoir of Sir Robert, pp. 192-205 hereof.

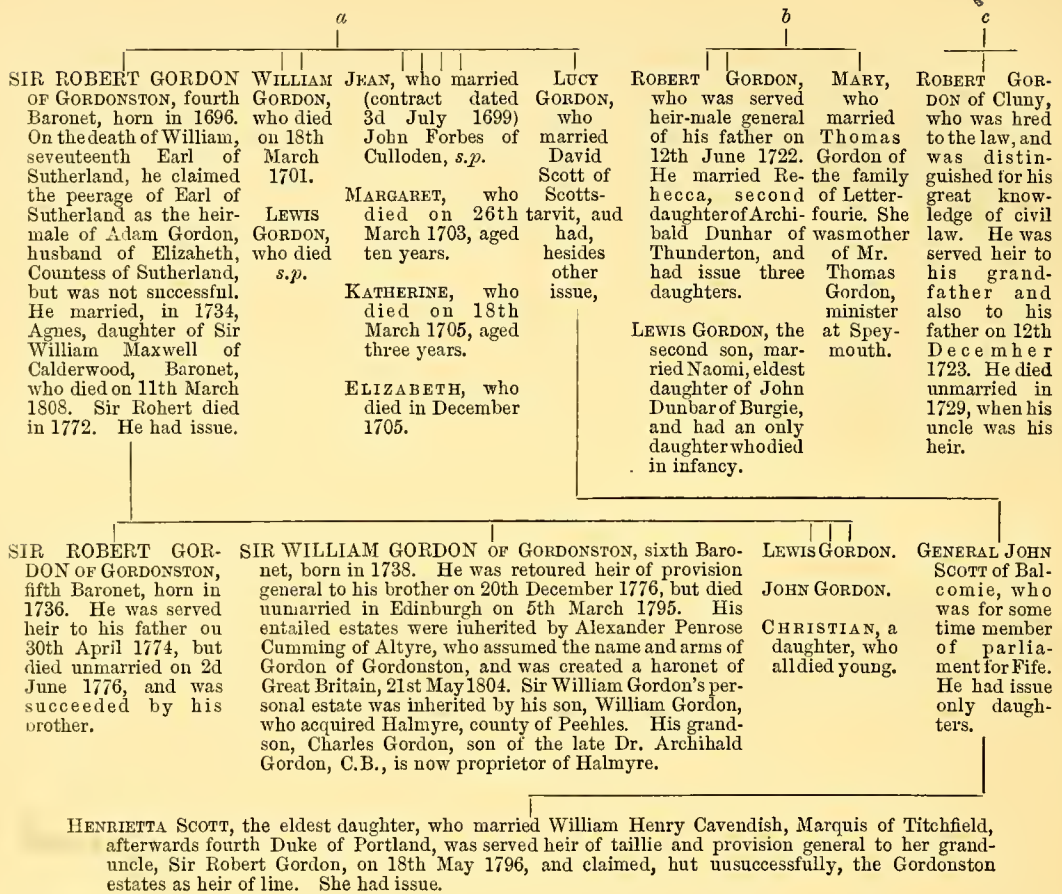
JOHN GORDON, born on 22d January 1615, and died in infancy.	SIR LUDOVICK GORDON OF GORDONSTON, second Baronet, born 15th October 1624, and named after the Duke of Lennox and Richmond, married, first, on 2d January 1644, Elizabeth, daughter of Sir Robert Farquhar of Menie, who died in November 1661; and secondly (contract dated 6th March 1669), Jean, daughter of John Stewart of Ladywell, and had issue by both. He died in December 1688.	GEORGE GORDON, born 12th July 1627, died of fever on 16th October 1650, unmarried.	ROBERT GORDON of Cluny, fourth son, born 15th October 1628. He was on the scaffold at the execution of Montrose, and reported his dying speech. He was educated at King's College, Aberdeen (1643-1647), for the law, and imbibing republican principles, became a favourite with Cromwell, by whom he was appointed clerk of the pipe in Scotland. He married, first, on 10th February 1654, Eleaour, daughter of Alexander Morrison of Prestongrange, who died on 15th June 1660. Proceeding to London in that year, he married there, secondly, on 17th July 1666, Katherine, daughter of George Damsell, of Henley-upon-Thames, who died on 27th September 1670. He afterwards returned to Scotland and purchased the lands of Cluny, in Aberdeenshire. He married, as his third wife, Margaret, daughter of Sir Kenneth Mackenzie of Coul. He had issue.	CHARLES GORDON, born 4th September 1632. He married, in 1674, Katherine, eldest daughter of Sir Robert Dunbar of Grangehill, but is said to have been killed in a duel the same year, <i>s.p.</i> He was buried in Ogston church. His brother Robert, on 5th December of that year, was served his heir.	ELIZABETH, born 15th January 1617, died 7th October 1634, unmarried. KATHERINE, born 11th January 1621, married, on 26th January 1648, Major David Barclay of Ury, and was mother of Robert Barclay, the apologist for the Quakers. She died in March 1663. LOUISA, born on 23d February 1626, and died on 13th May 1649, unmarried. JEAN, born on 3d January 1636, and married (contract dated 10th December 1663), Kenneth, son and heir of Alexander Mackenzie of Coul. She died in 1676.
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SIR ROBERT GORDON OF GORDONSTON, third Baronet, born 7th March 1647. He succeeded his father in 1688. He married (1.), in 1675, Margaret, eldest daughter of William, eleventh Lord Forbes, and relict of Alexander, first Lord Duffus, by whom he had one daughter; (2.) in 1691, Elizabeth, only daughter of Sir William Dnnbar of Hemprigs, by whom also he had issue. He died in September 1704.	LUDOVICK GORDON, who married Jean, eldest daughter of William Mackintosh of Borlum, and had two sons and a daughter. He died in October 1696.	SIR JOHN GORDON, advocate in Ediuburgh. He was made a knight, and died unmarried. GEORGE GORDON, who died on 29th January 1686, <i>s.p.</i> CHARLES GORDON, who died <i>s.p.</i> ALEXANDER GORDON, who died unmarried. BENJAMIN GORDON, who died <i>s.p.</i> in 1662.	LUCY, who married (1.), contract dated 27th April 1666, Robert Cumming of Altyre; (2.) Alexander Dunbar of Kinloss, and had issue to both. Her descendant, Alexander Penrose Cumming, succeeded in 1795, as heir of entail, to the Gordouston estates, and assumed the surname of Gordon. KATHERINE, who married (contract dated 11th October 1666) Thomas Dunbar of Grange, and had issue. ELIZABETH, who married (contract dated 21st October 1671) Robert Dunbar of Westfield, sheriff of Moray, and had issue. ANNA, who died unmarried.	ROBERT GORDON of Cluny, born at Edinburgh, 24th December 1658. He married Catherine, eldest daughter of Robert, second Viscount Arbutnot, and had issue.	AUGUSTINE GORDON, born in London on 22d October 1669. He married, and had two sons, in infancy. MR. KENNETH GORDON of Cluny, who was served heir to his father in 1699, and also in special to his nephew, Robert, in 1729, in the lands of Cluny at Henley and others, in Aberdeenshire. He married Elizabeth Malloch, and had an only child, Robert.	ELEANOR, born 10th May 1655, and died in infancy. LUCY, born on 27th February 1656, and died on 11th February 1664. KATHERINE, born on 13th July 1667.
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THE SUTHERLANDS, LORDS DUFFUS.

NICHOLAS SUTHERLAND, second son of Kenneth, fourth Earl of Sutherland, received from his brother William, fifth Earl of Sutherland, on 13th September 1360, a charter of the lands of Torboll, in Sutherland, which was confirmed to him by King David the Second on 17th October 1362. He married Mary, daughter and co-heiress of Reginald le Cheyne and Mary, Lady of Duffus, his wife (who was the elder daughter and co-heiress of Freskin de Moravia, the great-grandson of William, son of Freskin, Lord of Strabrock and Duffus). With her he received her portion of the lordship of Duffus, and was styled Lord of the Castle of Duffus. He had two sons.

JOHN SUTHERLAND, his son and heir in 1408, when he ratified a grant of Torboll by his father to his brother Henry. He appears to have died *s.p.*

HENRY SUTHERLAND, who, in 1408, received from his father a charter of the lands of Torboll, which were confirmed to him by Robert, sixth Earl of Sutherland, upon his father's resignation. He was succeeded by his son.

ALEXANDER SUTHERLAND, LORD OF TORBOLL AND DUFFUS, who was confirmed in the lands of Torboll by John, seventh Earl of Sutherland, at Pontefract in England, on 12th July 1444. He married Muriel, daughter and heiress of Chisholm of Chisholm, and obtained with her the lands of Quarrelwood and others in Elginshire. He died before 1487. He had issue.

ALEXANDER SUTHERLAND, who inherited the lands of Duffus and Strabrock. He died in his father's lifetime before 1451, and left a daughter.

WILLIAM SUTHERLAND, who, in 1451, is styled "of Berydale," and son and heir of Alexander Sutherland of Duffus. Before 1455 he and his father and mother had resigned their lands into the hands of the Earl of Moray, and the Master of Huntly is taken bound in his marriage contract with Elizabeth, Countess of Moray, to defeud the lands. He is afterwards designated of Quarrelwood; and dying before 1507 was succeeded by his son.

ANGUS OF SUTHERLAND of Torboll. He obtained the lands of Torboll, and marrying a lady whose Christian name was Christina, left three sons.

ISABELLA, who married Alexander Dunbar of Westfield, and had as her dowry the lands of Conze and others.

MURIEL (?), who married Alexander Seton of Meldrum.

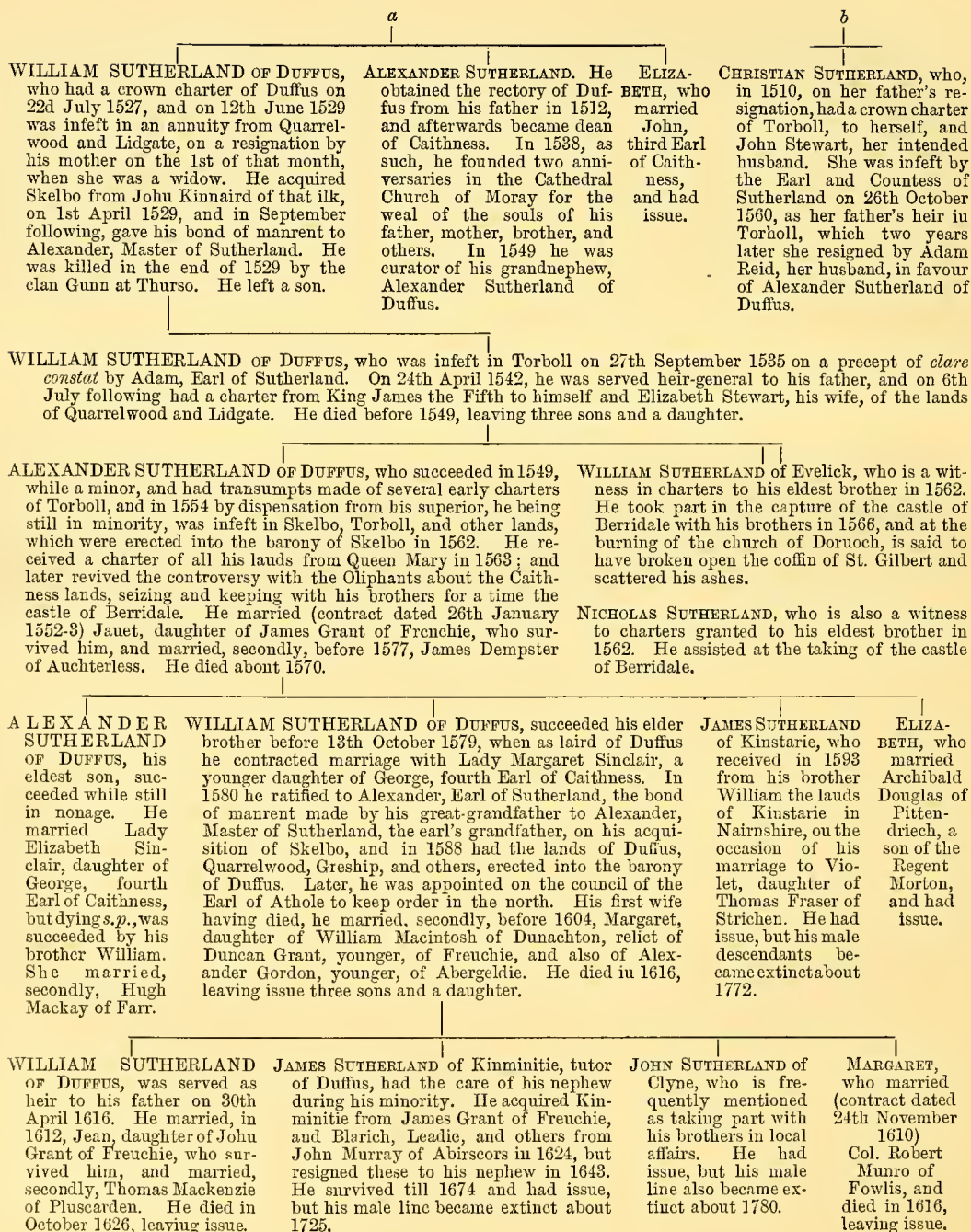
CHRISTIAN, who married William Oliphant, second son of the first Lord Oliphant. Her succession to her father's estates was contested by her uncle and cousin, who alleged she was of illegitimate birth, and the process was not only pursued judicially in the Scottish courts and at Rome, but also with bloodshed among the litigants. By a decret-arbital in 1507, the lands were divided, and the lands in Caithness and others given to Christian Sutherland. She had issue, and died before 1541.

WILLIAM SUTHERLAND OF QUARRELWOOD AND DUFFUS. In terms of the decret-arbital between him and his cousin Christian, he obtained a charter from King James the Fourth, on 18th June 1507, of the lands of Duffus, upon her resignation. He resigned his lands of Duffus, Quarrelwood, etc., in 1527, in favour of his eldest son, and died shortly afterwards. He married Janet, daughter of Alexander Innes of Innes, and had issue two sons and a daughter. He was succeeded by his eldest son.

NICHOLAS SUTHERLAND, called son and apparent heir in 1472, when on the resignation of his father he received a charter of the lands of Torboll, Pronsy, and others, from John, Earl of Sutherland. He died *s.p.*, so also did

DONALD SUTHERLAND, who is mentioned in the charter of his brother Hugh.

HUGH SUTHERLAND of Pronsy and Torboll, who, on 29th March 1492, was infeft in Torboll by John, Earl of Sutherland, as heir of his father, Angus, and brothers, Nicholas and Donald. He died before 1525 without male issue, when the lands of Torboll and others were granted by Adam and Elizabeth, Earl and Countess of Sutherland, to William Sutherland of Duffus, as next heir-male. Hugh Sutherland, however, left issue a daughter.



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SIR ALEXANDER SUTHERLAND OF DUFFUS, FIRST LORD DUFFUS. He was only about five years of age when he succeeded, and was served heir to his father on 11th January 1627, his uncle James being served as his tutor on the same day. He was infeft in his lands in 1643. He married Lady Jean Mackenzie, daughter and co-heir of Colin, first Earl of Seaforth, and widow of John, Master of Berridale, by whom he had four sons. After her death in 1648 he went abroad, but returned to Scotland with King Charles the Second in 1650, and was by him created a peer, with the title of Lord Duffus, in the following year. He was then intrusted with the defence of Perth against the troops of the commonwealth, but was obliged to surrender to Cromwell. He was thrice afterwards married, his second wife being the fifth daughter of Sir Robert Innes of Innes; his third, Lady Margaret Stewart, second daughter of James, fifth Earl of Moray; and his fourth, Margaret, eldest daughter of William, eleventh Lord Forbes, who afterwards married Sir Robert Gordon of Gordonston. Alexander, Lord Duffus, died on 31st August 1674.

WILLIAM SUTHERLAND, who is mentioned in the testament of his brother in 1674. He held the lands of Inverhassie in 1694, and had issue. His great-grandson, Lieutenant Hugh Sutherland of Evelix was, on a precept of *clare constat* by Elizabeth, Countess of Sutherland, infeft in Dalnamain, in 1785, and was still alive in 1819.

JOHN SUTHERLAND, called brother of the laird of Duffus in 1649, when he was appointed on the commission of supply for the county of Elgin. He was a lieutenant-colonel. He married (contract dated 7th and 10th March 1656) Isabella, eldest daughter of David Ross of Balnagown but died *s.p.*, his widow marrying James Innes of Lichuet.

JAMES, SECOND LORD DUFFUS, who succeeded his father in 1674. He became a privy councillor in 1686, adhered to the cause of King William the Third at the Revolution, and took the oath of allegiance. For killing Ross of Kindeace he had to take refuge in England for a time, until his peace was arranged. From various causes his estates becoming embarrassed, he sold them to his second son, James, who having acquired the money in loan from Dunbar of Thunderton, and not being able to repay it, was obliged to sell them to Dunbar. James, Lord Duffus, married (contract dated 5th September 1674) Lady Margaret Mackenzie, eldest daughter of Kenneth, third Earl of Seaforth, and had issue. He died on 24th September 1705.

THE HON. MARGARET, who is mentioned in her father's will in 1674 with her sister.

THE HON. HENRIETTA, who married George, fourth Earl of Linlithgow, without issue.

KENNETH, THIRD LORD DUFFUS, the eldest son, succeeded his father in 1705, and took the oaths and his seat in parliament in 1706. He was a captain in Queen Anne's navy, and was absent in the West Indies when his father died, on which account the period for his entering heir to his father was extended. With his own ship only he on one occasion engaged eight French men-of-war, and was taken prisoner by them after receiving five bullets in his body. He voted for the Union, but took part in the Rebellion of 1715, and was forfeited. When abroad he learned that he was being sought for, and surrendered himself, and was sent from Hamburg to the Tower of London, but was liberated in 1717. He then entered the Russian naval service, and became flag officer. He died about 1734. He married Charlotte Christian, daughter of Eric Sioblade, governor of Gottenburgh, and had issue.

THE HON. JAMES SUTHERLAND, advocate, the second son, was bred to the law. He acquired the Duffus estates by bond from his father, and in 1712 obtained a decret of adjudication thereof against his elder brother, but disposed them to Dunbar of Thunderton. He married Elizabeth, only surviving child and heiress of Sir William Dunbar of Hemprigs, and relict of Sir Robert Gordon of Gordonston, who died in 1756, and assuming the surname of Dunbar, was created a baronet on 10th December 1706. He died before 1739, and had issue.

THE HON. WILLIAM SUTHERLAND of Rosecommon. He married (contract dated 20th and 22d October 1702) Helen, eldest daughter of William Duff of Dipple, and sister of the first Earl of Fife. He took part in the Rebellion of 1715, after which he went abroad. He died *s.p.*

THE HON. JOHN SUTHERLAND.

THE HON. ALEXANDER SUTHERLAND.

THE HON. ELIZABETH SUTHERLAND.

THE HON. FRANCES SUTHERLAND.

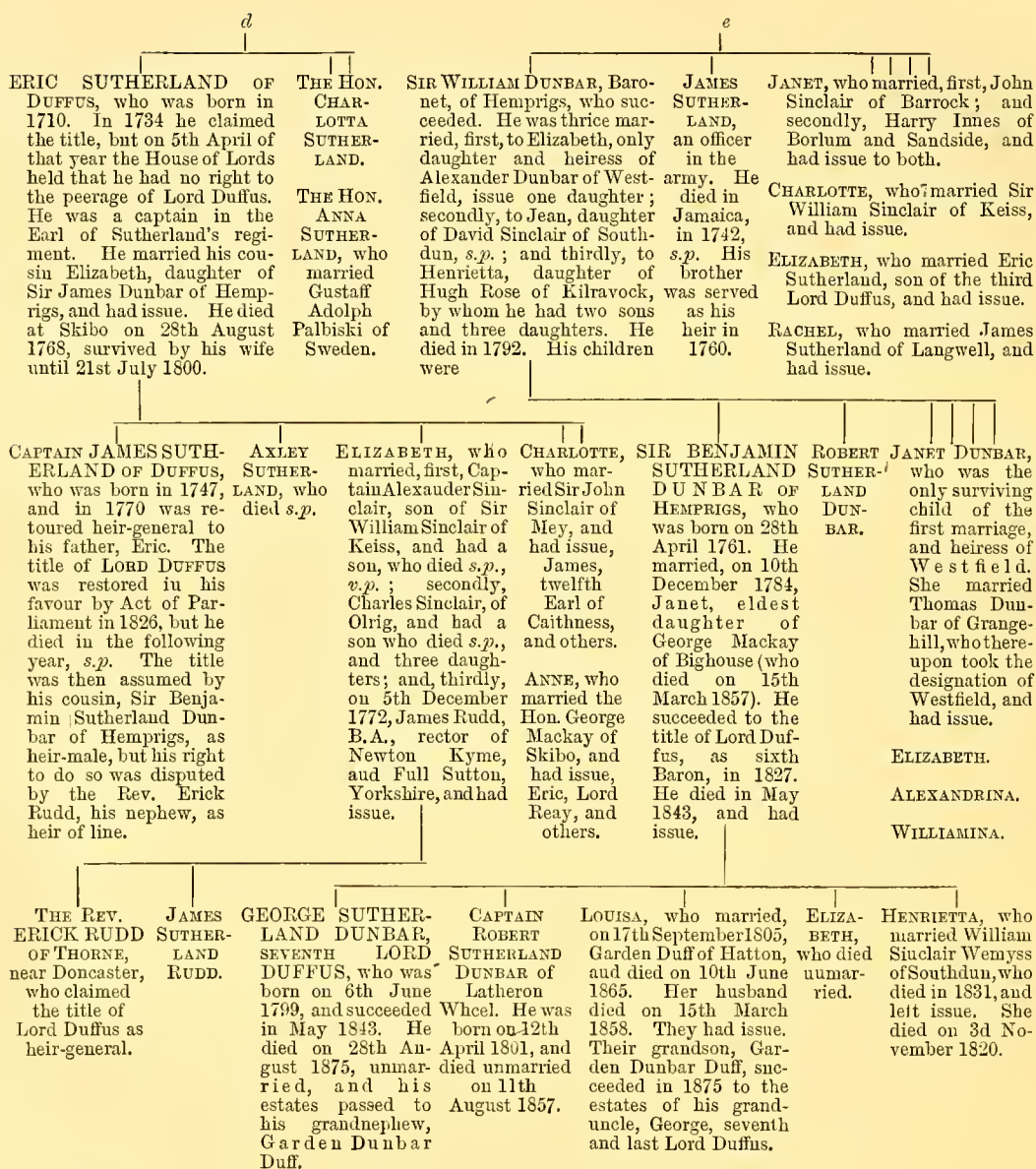
THE HON. HENRIETTA SUTHERLAND, born 21st February 1684.

THE HON. MARY SUTHERLAND, who married James Sinclair of Mey, and was great-grandmother of James, twelfth Earl of Caithness.

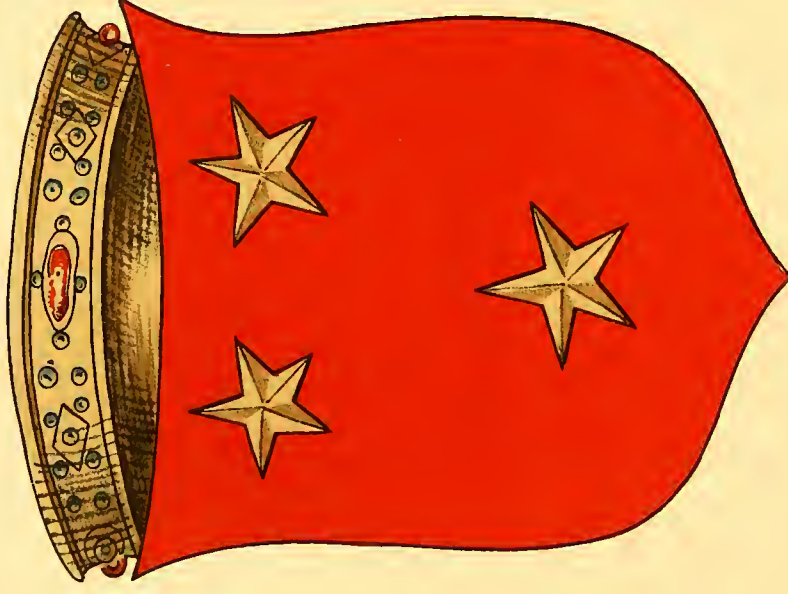
THE HON. KATHARINE SUTHERLAND, who married John Cuthbert, town-Clerk of Inverness, and had issue.

d

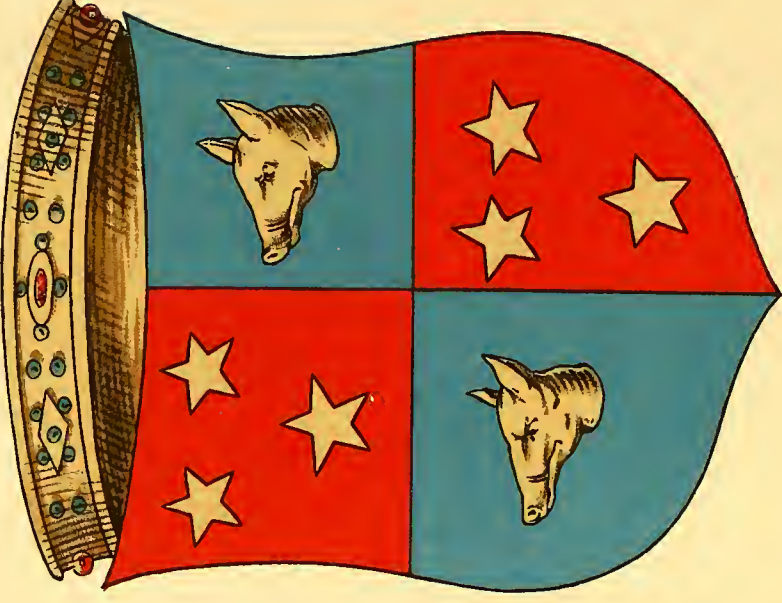
e



Sutherland Earle of Sutherland



Godom erle Sutherland



ARMORIAL BEARINGS OF THE EARLS OF SUTHERLAND.

THE Sutherland family, although higher in rank, do not appear to have been great in heraldry like the Douglasses and Lindsays, whose earldoms were junior to those of Sutherland. The oldest armorial seal in this collection is that of William, fifth Earl of Sutherland, whose first countess was the Princess Margaret Bruce. His armorial seal is still preserved, and an engraving of it is given in the present work.¹ On referring to the engraving, it will be seen that it is a small seal, similar to the armorial seals of the Stewarts and other families of distinction at the time.² The shield bears three stars or mullets, without supporters or crest, but with beautiful tracery around the shield, and the circumscription of William, Earl of Sutherland. The seal is too small to admit of the tinctures being indicated, either in the field or on the mullets. But it may be fairly inferred that they were the same as have been used by the Sutherland family ever since, that is, gules, three mullets or, being the colours blazoned by Sir David Lindsay in 1542.

Although the seal of William, fifth Earl of Sutherland, in 1357, is the oldest which has been discovered as now existing, there is evidence of an earlier seal being used by his uncle, William, the third Earl, and appended, with the seals of other Scottish magnates, to the letter sent to Philip, King of France, in favour of King Robert the Bruce, dated from St. Andrews, 16th March 1308. Sir Robert Gordon states that the Earls of Sutherland, Lennox, and Ross, and divers others of the nobility of Scotland, directed that letter to the French king. Sir Robert adds, "which write, yit extant among the publick registers of this kingdom, wes dated at Sanct Andrewes, and sealed with the seales of all the nobles ther present; wher the Earlc of Southerlands armes are thrie starres or mulettes."³

The letter to the French king is still preserved in Her Majesty's General Register House, Edinburgh. It bears that the Earl of Sutherland was one of the parties to the letter, but his seal of arms is not now appended. The lapse of time since Sir Robert Gordon wrote in 1630 appears to have been prejudicial to the document, as there are

¹ Vol. i. of this work, p. 37.

dolph, Earl of Moray, in 1314. [Laing's Seals,

² The seal, in size and in ornamental tracery, is similar to that of Thomas Ran-

vol. i. p. 115.]

³ Sir Robert Gordon's History, p. 37.

now more blank tags, without seals, than there are seals remaining, these being only four, as represented in the engraving of the letter in the Acts of Parliament.¹ There can be no doubt, however, that the seal of William, third Earl of Sutherland, had been attached to the letter when it was inspected by Sir Robert Gordon, as he could not have described it without actual inspection as "thrie starres or mulettes." There are no tinctures mentioned by Sir Robert.

These armorial bearings, as shown by these two early seals, in 1308 and 1357, were probably inherited from the earliest owners of Sutherland, Hugh Freskin, and also from his father, Freskin the First. No armorial bearings have been discovered as borne by these two Sutherland ancestors.

The next armorial seal in point of date is that of John, eighth Earl of Sutherland, which is appended to a precept of sasine by him in favour of Hugh, son of Angus Sutherland of Torboll, dated 29th March 1492. The shield bears three mullets of more points than usual on Sutherland seals, and there is also above the helmet a stag's head for crest, as will be seen from the engravings of the seal.² This crest is the earliest that has been found used by any Earl of Sutherland. It was probably adopted as appropriate owing to the popular belief that deer of all kinds attained to a greater size in Sutherland than in any other northern county. The stag's head was more appropriate for crest than the punning or canting cat crest, introduced for the first time by Sir Robert Gordon for the Earls of Sutherland, and also for his own family of Gordonston. Sir Robert's reason for adopting this cat crest is unknown, but he certainly represents in his history that these animals in Sutherland were very strong and wild. He may have added the motto, "Sans peur," to mark their ferocity, or he may have meant the crest to represent the district of the Catti.

Up to the time of the eighth Earl of Sutherland, who survived till the year 1508, all the evidence attainable shows that the armorial bearings of the Earls of Sutherland were three mullets with a stag's head for crest. That earl was the father of Lady Elizabeth Sutherland, who succeeded her brother in the earldom. Her marriage with Adam Gordon of Aboyne, son of the Earl of Huntly, led to remarkable changes in the armorial bearings of their descendants, as well as to the introduction of the surname of Gordon in place of Sutherland. The seals used by the countess and her husband have not been ascertained. But in the year 1529 their son, Alexander Gordon, Master

¹ Acts of the Parliaments of Scotland, vol. i., engraving facing p. 459.

² Vol. i. of this work, p. 69; vol. iii. p. 37.

of Sutherland, used a seal charged with three mullets on a chief and a boar's head, for Gordon, in base.¹

His son John, tenth Earl of Sutherland, had no fewer than four different armorial seals. We learn from Sir David Lindsay's Heraldic Manuscript of 1542, before referred to, that the tinctures of the earl's armorial bearings were gules, three mullets or, which are duly blazoned by Sir David, who also blazons the arms of Gordon, Earl of Sutherland. These two blazons are reproduced in the annexed facsimiles. Another heraldic work of a somewhat later date, known as James Workman's ms., 1565-66, gives the same tinctures, adding: "Crest, a stag's head proper; motto, 'Bnt Siccar'; supporters, a greyhound, collared gules, and a horse."² One of the earl's seals, shown on p. 130 of this volume, answers to this description, in some respects, as regards the supporters, but the crest is illegible, and the motto is absent. This seal is also peculiar, as it really blazons the quarterings of the Seton-Gordons, Earls of Huntly, and *one* mullet on an inescutcheon over all represents the Sutherland arms. The other seals of the tenth Earl bear (1) a boar's head between three mullets; (2) three mullets on an escutcheon between three boars' heads, and (3) quarterly, 1st and 4th, three mullets; 2d and 3d, a boar's head for Gordon.³

The same bearings appear in the seal of the twelfth Earl, with the difference that three boars' heads are blazoned in the 2d and 3d quarters. Sir Robert Gordon in his Genealogy blazons the Huntly arms, quarterly in the 1st and 4th quarters of the shield with the three mullets of Sutherland in the 2d and 3d quarters. He also shows crest, a cat sejant, proper; motto "Without feare." Supporters, two savage men, wreathed about their heads and waists with laurel, each with a baton over his exterior shoulder, proper. Another arrangement of the arms, however, is represented on the seal of his nephew and ward, the thirteenth Earl of Sutherland, which bears quarterly the arms of Huntly, the three mullets of Sutherland being placed on an inescutcheon over all. After this time, however, the Earls of Sutherland ceased to blazon the Huntly arms with their own, and their later seals show only the three mullets. They also resumed the original surname of Sutherland as well as the arms. In 1718 a warrant was granted by King George the First to John, fifteenth Earl of Sutherland, to add to his arms the royal "double tressure circonfleure-de-lizé."

The armorial seals and signatures of the Earls of Sutherland are engraved at the end of their respective Memoirs in the first volume of this work. The seals and signatures are also collected for convenience of reference at the end of the second volume.

¹Vol. i. of this work, p. 98.

²Scottish Arms, vol. ii. p. 99.

³Vol. i. of this work, p. 130.

Since the foregoing pages on the armorial bearings were set in type, there has been discovered another heraldic manuscript containing a description of the armorial bearings of the "Erle of Sudderland Gordon." As that description differs in some particulars from the arms borne by the Sutherland family after the marriage of the Countess Elizabeth Sutherland with Adam Gordon, an accurate note of it is appended. It occurs in the following terms :—

"Erle of Sudderland Gordon caries qua[r]terly, 1st, azure, three boare heads erased, ore by his nam; 2dly, ore, three lyons heads erased, gules; 3dly, ore, thre cressent within a double tressure counterflowred, gules; 4tly, azure, three cinquefoiles argent, on ane inscocheon gules, three mollets ore; supporters a hound and a horse argent; crest a hart head cupd ore; moto, Bolt sicker."

The above blazon, it will be observed, differs in several particulars from the arms given in the manuscript of Workman, and also from the four seals used by John, tenth Earl of Sutherland. It supplies a solution of the unmeaning motto of "But siccar," as written in Workman's manuscript, but rendered in the manuscript now discovered, "Bolt sicker." This has a significance in connection with the supporters of the tenth Earl's arms being respectively a horse and a hound, while a hart's head is the crest. The reference is primarily to the hunting field. The Scottish word "Bolt," pronounced "Bowt," would come to be written "Bo't" or "Bot." It means to leap or to make a bold forward dash, and the whole motto probably suggests not only the duty of a hunter but also that of the leader in any dangerous or difficult enterprise. He who "leaps" or "gives head" to his horse in the chase should be "sure of his seat," and so a leader, making a determined dash for success in any project, should not neglect reasonable precautions for securing it. The manuscript referred to is part of the Marchmont muniments preserved at Marchmont House. It is a quarto volume unbound, which had belonged to Sir Patrick Hume, Baronet, of Polwarth, afterwards first Earl of Marchmont. He was learned in heraldry, and transcribed his descriptions of arms from older heraldic manuscripts.

WILLIAM FRASER.

