

TRUE RELATION
OF WM. EARLE
OF MONTEITH'S
AFFAIR

NP., ND

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A TRUE RELATION of WILLIAM Earle of MONTEATH'S affair concerning the Earldome and title of STRAITHERNE, acted be Sir JOHN SCOT of *Scotstarvet*, in the reigne of King CHARLES THE FIRST, vindicating Sir JOHN from the aspersion laid upon him by Mr. SANDERSON, in his History of the Life of the said KING.

HIS MAJESTIE having made Sir William Alexander Secretary for the Scots affairs, and he having a desire to bring in some of his confident friends to be Councelors, thereby to strengthen himself at home, named the Earle of Montearth; but finding the King averse therefra, by his letter he entreated Sir John Scot to assist him in that purpose, who having written in a postscript to the said Secretary, That he thought it was the fittest way to curb the Grandur of the present rulers, to add to that number some of the Old Nobility and make them Councelors, thereby to make ane equi-

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librum in the state, nameing Monteath as a fitt person for that charge; which Letter being shewn to his Majestie, he gave Order to write to his Council in Scotland to assume him in that number, which accordingly was done Secretarys he desired Sir John for his letter of his Majestie, by whose advice he was diverse moneths governed, and advised to go up to Court himself to give his Ma^{tie} thanks for his favour. Which having done, and having gotten Sir John's recommendatory letter to his friend Mr. Maxwell, he was by Mr. Maxwell brought in such credit with the Duke of Buckingham, that in a few years he attained to great honour and chief places, when they altered or when they vacked, was made a Lord Chief Justice, President of the Council, and one of the Lords of Session and Exchequer. At his return, Sir Thomas Hope, seeing him so far in favour whilk his Majestie, offered him his service, telling him that he behoov'd to be ruled only by his Council, and quyt any farder communicating of affairs with Sir John. Whereupon in the Council house they had some cross words, and within some few days thereafter He desired the Earl of Buckcleugh at supper to tell Sir John that he should break his neck. The Earl refused the message, but sent him privately word by

(with)

by Mr. Lawrence Scot, the first day that he was admitted a Lord of Session, to beware of the Earle, who he found to be his small friend, who not long thereafter, by his credit with the King, obtained warrand upon sinistrous information, as how being made Lord of the Session that he should be removed from his place of Secret Council. The same day he received his message from Buckleugh, he called to mind that at his being in England he had caused coppie a paper which was given him by the Earle of Seaforth, containing a brief information concerning the Earldome of Straitherne, sent to the Earle of Tullibardine by James Murray, shewing that the King had wronged himself in granting that style to any subject, which paper he made the ground work of his subsequent accusation.

" The deduction of the present state of the Earldome of Straitherne.

When and in what Kings tyme Straitherne was erected into ane Earldome I cannot perfectly designe. Allways the first notable race of the Earles thereof was that of the fforeteiths [qr. ?] of the whilk was Gilbert Count palatine of Straitherne, so called in ane Evident found in the Abbay of Inchaffray, about the year of Christ 1219, In the reign of
Alexander

+ *Robertus filius Tullibardi
Comitis de Marthorn*

Alexander the 2nd, To whom his son Melisse succeeded, who was the last of that race. In thir tymes the haille lands lying betwixt Croce Macduff at Newburgh and the west end of Balquhiddier in length, The Oichell hills and the hills called Montes Grampii in Breadth, pertained to them either in propert or Tennendrie. How that race fell from it I know not; but after them I find there was one Malice Murray, Earle of Straitherne, Two Charters granted to him at severall tymes of that Earldome, which stands in the Register; neither can I find how it fell from him and his posterity. I think he was son to Andrew Murray, once Governour of the Kingdome. After him King Robert the second Disponed this Earldome to his son David, eldest of the two begotten in his marriage with Euphan Ross, daughter to the Earle of Ross; Whereupon I find four Charters granted at several tymes, whereof the second is most ample, dated at Perth, the third July, the second year of the s^d King Robert his Reigne, whereby the said Earldome is given to the said David as fully and freely as umq^{ll} Melisse Earle of Straitherne, or any other Earle, had the same before; with this addition, That he and his heirs should hold it in free Regality cum feodis & forisfacturis, ac cum placitis q^r punctorum Coronæ. It is sett down in our Scots history,
That

That it was given to him in feodum masculinum ; That failiering of Heirs male it should return to the Crown. But none of thir four Charters have this Condition, neither is ther any record thereof in the Register, unless it hath been shifted. Yet always it appears to have been so given, seeing his Brother procreat of that marriage, Walter Earle of Atholl, had his Earldome on that condition to him and his heirs male, whilk failling to return to the Crown. This Earl David dyed without Heirs male, leaving a Daughter married to Patrick Graham, second son to the Lord Graham, who was slain by Malcolm Drummond of Concraig, leaving a son Malisse, from whom King James the first, finding the patrimony of the Crown much impaired, Recognosced the Earldome be reason of the foresaid condition of Tailie, Giving to him the lands of Monteath, whilk he and his posterity bruiked since, till of late William Earle of Monteath intending to pursue for his restitution to the Earldome, Obtained his Ma^{ties} favour for that effect, and licence to pursue so far as he might of law. Whilk how dangerous and prejudicial it is to his Ma^{tie}, the publick peace and state of the Country, if this Earldome twice publickly annexed to the Crown by Parliament, be suffered to be evicted from the Crown again by Monteath his pretence of Right of succession to David Earle of Straitherne.

Straitherne. For better clearing whereof I must deduce part of the Scots history. Robert the 2^d in his youth, and in the Reigne of K. David Bruce his uncle, begat upon Elizabeth Muir, Daughter to Sir Adam Muir, Three sons, John Earle of Carrick, Robert Earle of ffyfe and Monteath, and Alexander E. of Buchan. He after married Eupham Ross, by whom he had two sons, David and Walter. After her decease for several respects he married Elizabeth Muir, his concubine, and thereby legitimat her children begoten by her before his first marriage, and left the eldest of them to succeed to him in the Kingdome, called Robert the third ; whilk bred a grudge, envy, and emulation in the other two sons procreat in the first marriage, albeit they were gifted with the two best Earldomes of the Kingdome, Straitherne and Atholl. David lived not long, but Walter persisted still in his conceived malice, going about by all means to cut off Elizabeth Muir her succession, that he might attain to the Crown himself. He councelled and assisted Robert Earl of ffife to incarcerate and famish to death David Duke of Rothesay, eldest son to Robert the 3^d ; and if James, the other Brother, had not been sent away, he had not escaped their malice ; who after eighteen years captivity in England returning to Scotland, Walter instigate him to behead Murdoch
Governor

Governor of the Kingdom and his son Walter, and thereafter intending a conspiracy against the King himself, caused Robert Graham and his oyc put it in execution in the Carthusians house at Perth, where they murdered the King, pressing to eschew the suspicion thereof himself, in hope to be chosen Governour to K. James 2nd, and then to have found means to have dispatched him also. But being found guilty of the treason he was execut therefore with his oyc and Robert Graham, comitters of the parricide, By which it appears how that succession of Eupham Ross attempting to have the Crown, raised up many seditions to cut off the succession of Elizabeth Muir. "

❖ The reasons to move his Majestie to discharge Monteaths intended pursuit of the Earldom of Straitherne.

❖ Whither it shall be expedient for his Majestie to promove the succession of Eupham Ross to such ane Estate and power in the Country, as may give them occasion to think upon the Kingdome, upon any commotion, alleadging them as first lawfully procreat in marriage to be wronged of their succession therintill.

Whither

Whither it shall be ane imputation of his Majesty's honour, in restoring the Earldome of Straitherne to the successors of Melisse Graham, from whom it was taken by K. James the first, a vertuous and just prince, to be blotted with the aspersion of Injury, and oppression, and avarice, and so to have been justly slain by Robert Graham, Tutor to Melisse, for usurping that Earldome wrongously.

3. Seeing the Earldome of Straitherne after Recognition to the Crown was annexed thereto be Act of Parliament, whither it be expedient that these acts of annexation be reduced, whilk must be done before Monteath attain to his Earldome.

4. In the Reign of K. James the fourth, anno 1508, it was thought expedient by Parliament, that the Earldome of Straitherne should be sett in feue to the Tennents then Kindly possessors thereof, for encrease of policy and augmentation of the King's Rental and sums of money then payed to the King in composition for the ffews, and since the ffewers have payed their ffewdutys to the Kings Chamberlains, and fra age to age have payed Compositions to the Exchequer at the entry of Heirs, built houses, planted yards, parks, woods,

woods, and other policy, serving their prince at all tymes, as at Bannockburn with K. James 3^d, flodden with K. James 4th, and after at Pinky, Whither then it is agreeable to Justice, That so many honest Gentlemen should be ruined altogether in their Estates, in that Earldom be again separated & evieted from the Crown.

5. It is to be considered, what diminution it will be to his Majesty's rent & obedience, when so many lands and men shall be subjected to one, sieing they will hold of him, if he attain thereto, The Earles of Montrose, Perth, Tullibardine, The Viscount of Duplin, The Lord Maderty, The lairds of Glenorchy, Keir, Gleneagles, Dun-crub, &c.

6. It is to be remembered that King James the sixth would never grant the style of Straitherne to any subject, far less the Earldome itself, saying always to such as requested for it, He had no more for the blood and slaughter of King James the first.

Thereafter Sir John perused the Registers, and drew furth a Minut of whatsomever Gifts his Lordship had procured from his Majesty at his Entry to be a Councilor. Whilk having communicat

with Sir James Skeen & Sir Archibald Atchison, conjunct secretary with Sir William Alexander, he was advised by them to crave the assistance of Mr. Maxwell and Sir Robert Dalziell, who were his Majesties servants then going from Scotland to Court, who on noe terms would engage till they had the Earl of Haddingtons opinion, who assured them that ther would be no hazard in informing the King, It would be good service to his Majesty to inform him thereof as follows.

Monteath having extracted some old writts out of the Castle, renewed a pretence to the Earldom of Straiterne, & moved his Ma^{tie} theranent, that he might get satisfaction for his s^d Right whilk he pretended thereto, and for that has not only gotten 23000 pound Sterling and a pension of 500 lib Sterling per annum for life, But also has gottin a new Gift of a part of the said Earldom. As likewise the King accepted a Renunciation from the said Earle of all right that he could pretend to the said Earldome as heir to umqⁿ David Earle of Straiterne, In the whilk he reserves his right of blood, whilk he declares he no wayes renunes. Thereafter he retowr'd himself general heir, as he was bound be the renunciation to doe, to the said David, and last he procured a new Ratification from his Majesty, under the great seale, of his
said

said blood : which things being rightly considered, it will be found that his Majestie has been greatly wronged in many things, Which, if his Majestie will put to tryall, shall be sufficiently cleared.

Mr. Maxwell having showed this paper to his Majestie, he immediately sent back Sir Robert Dalzeil post to Edinburgh with a paper subscribed with his own hand, of the tenor following.

" Robin Dalziel, Whereas I have been informed by you and James Maxwell, That the Grant of the Earldom of Straitherne, which I have given, is greatly prejudicial to me both in honor & matter of state, In so much that he either hath or may serve himself heir to K. Robert the second, Therefore, since it doth seem to lay a heavy aspersion upon a man who I both do and will esteem till I see evident cause in the contrary, he having done me many good services, I command you to produce your Authors, that I may either punish them for their great aspersion, or reward them for their good service in so important a discovery ; otherways I must take James and you for my authors Judgeing you as ye shall prove your allegations. Make haste in this for must not suffer a business of this nature to hing long in suspence. Whitehall 2 October 1632.)'

Sir

Sir Robert having come to Edinburgh the 4th day, convened these informers before Sir Thomas Nicolson of Carnock, Sir Lewis Stewart, and M^r. Andrew Aytoun; wher having laid before them the paper containing the Queries, desireing their answer therein, Sir Thomas at the hearing of the first Article read, rose up, excusing himself that he would hear no more of that, swearing with a great oath that they would all be hanged who were accessory to that bussines or had hand in prosecuting that Service, & went instantly out of the house. The other two condescended to hear the Questions and to give their Judgements thereanent under their hands, which they did upon his warrand subscribed by himself & the said Lawyers, of which the tenor followeth.

I, Sir Robert Dalziel, Gentleman of his Majesties Privy Chamber, as having warrand & direction from his Majestie to produce my authors, who did inform me and James Maxwell of Innerweick, one of his Majesties bed chamber, That in their opinion his Majestie may seem prejudged in honor and state, be the Renunciation accepted from the Earle of Straitherne with the provisions and reservations therein contained Service and Retour, Whereby he the said Earle is served nearest heir of blood to David Earle of Straitherne,

therne, Infestment of Urchat granted to the said Earle, and patent of honour, Whereby his Majestie under his hand and seall hes acknowledged the said Earle to be undoubted heir of blood to the said umq^u David, Doe require you, in his Ma^{tes} name, Sir James Skene of Currie hill, president of the Session, Sir Archibald Aitchison of Glentairn, Secretary to his Ma^{tie}, Sir John Scot of Scotstarvet, Director of his Majesties Chancellary, Our Authors, of whom the said James and I heard the samen. That seeing his Ma^{tie} hes directed me to take the advice & opinion of Lawyers upon the premisses, That ye will propone all such questions, difficulties, doubts, and scruples, that any of you hes or can find in the writts fore-said, circumstances, consequences, and dependances thereof, To the end his Ma^{tie} may be resolved thereanent, Whilk undoubtedly his Majestie will accept for good service, ffor doing whereof these presents shall be to you ane sufficient warrant. Subscribed by me at Edinburgh, November 1632, before Mr. Andrew Aytoun of Logie and Mr. Lewis Stewart Advocat. Sic subscribitur, Ro^t Dalziel, Mr. Andrew Aytoun, Mr. Lewis Stewart.

“ The propositions anent the Earldom of Straitherne.

1. It is craved, if a general service of this Earle of Stratherne as heir to David Earle of Straitherne, eldest lawⁿ son of the first marriage to King Robert the 2^d, Be a sufficient title to the Earldome itself, whilk he hath renuned in his Majesties favours, Or gives to his Majestie any better Right than he had before? It is answered, That the General service of this Earle of Straitherne gives no right to the Earldom of Straitherne To the said Earle; and as to the Renunciation granted to his Majestie be the said Earle, It is of no effect and gives noe right to his Majestie, seeing the granter of the same had no right to the said Earldom, because the same was annexed to the Crown by King James the Second, since which time it hath been continually bruiked be his Majestie and his predecessors as their annexed property; But by the Contrair does weaken his Majesties right, in accepting a right from him, and acknowledging a necessity of Renunciation when ther was no need.

2. It is demanded, If the granting of a new right by his Majesty of the Lordship of Urchat has not wronged the King, and all those who have right from his Majestic and his predecessors, of
any

any part of the said Lordship? It is answered, That it has wronged his Majestie to give that away which was his own, and whereunto the said Earle had no right in respect of the annexation foresaid, and also will wrong those who have right from his Majestie and his predecessors by continual pleas against them, and denudeth his Majestie both of property & Tennendrie of the said Lordship.

3. It is required, whither the said Earle may purchase himself Retoured and Infest, as nearest and lawfull heir to David Earl of Straitherne in the said Earldom, conform to the Clauses obligator contained in the s^d renunciation? It is answered, That the said Earl can no ways purchase himself to be infest in the said Earldome, because of the annexation of the same to the Crown as s^d is.

4. Is it not boldness that the said Earle should have served himself heir of blood to David Earle of Straitherne, eldest lawfull son of the first marriage to K. Robert 2^d, whereby he is put in degree of blood equall to his Majestie? It is answered, in our Judgement the boldness seems too great.

5. It is craved, if the Earle of Straitherne may serve himself heir to K. Robert 2^d, sieing he is
already

allready served heir to David Earle of Straitherne, eldest son to K. Robert 2^d? It is answered, That in our Judgements, If the case were among subjects we sie nothing in the contrair.

It is craved, whither the King is prejudged in Honor and State, by acknowledging the said Earle to be undoubted heir to David Earle of Straitherne, and consequently to be in degree of blood equal to his Ma^{tie}? It is answered, That apparently, if his Ma^{tie} had known the consequence of it for reason of State, he would never have done it, and it seems to us his Majesties honour to be interested in acknowledging any subject to be equall in blood to himself. Both which being delivered to Sir Robert Dalziel, he returned the next day to Court to give account to his Majestie.

Traquair fearing that the plot had been against himself, desired my Lord Durie to draw a meeting betwixt the said three informers and himself to dine, and then shew them that he saw some great bussines brewing among them, and only desired to know if any of them had any quarrell against himself; whereof they clearing that they had none. In the middst of the dinner as servant in the outward room came to speak with Traquair, which having done, he returned, demanding if any
of

of them had bussines at Court, sieing he had spoken with one who would carefully deliver their letters. The Secretary & President suspecting nothing of the particular, Sir John Scott doubted that their purpose was discovered by Sir Thomas Nicolson, who was Cusin German to the Kings Advocat, and that night Sir John advysed with the Earl of Haddingtoun, & was counseled be him to ride up himself, and carry with him all the papers concerning that bussines, sieing the persons to whom they had delivered a part of them was illiterat, and not able to answer against such things as may be objected against these papers; whilk made Sir John conven Sir James and Sir Archibald, and having gotten under their hands a paper giving him commission to repair to his Ma^{tie} for clearing these matters contained in thir papers, oblidgeing themselves in their lives and Estates to stand to whatsoever the said Sir John should say to his Ma^{tie} in that behalf in their names; and that instant night, before ten of the clock, within three days of Christmass, Rode that night to Dirltoun, & the next morning took post at Cockburns path, and the fifth day came to Hamptoun Court, where his Ma^{tie} resided; who being brought into the bedchamber by Mr. Maxwell, he had a long conference with his Ma^{tie} concerning the said matter, and shew him the paper which he had

caused Mr. William Drummond of Hawthornden, his brother in law, write, which he desired instantly to be read in his presence, whereof the tenor follows.

It is to be considered of Henry the 6th King of England, by his exceeding favour in restoring blood and allowing the descent & title of Richard Duke of York, who openly in Parliament thereafter made claim to the Crown as his own right, would if he could, have Reclaimed that approbation whilk established the Duke's title, The son of Anna Mortimer, who came of Philippa daughter and sole heir to Lyonell Duke of Clarence, third son to Edward the third, was to be preferred in the succession of the Kingdom to the Children of John of Gaunt, fourth son to K. Edward. The like may be alleadged in the title of the E. of Straitherne. The children of the first Marriage by common law are to be preferred in succession to the children of the second, for the marrying of Elizabeth Muir did but ligittimat & make her children succeed after the Children of the first Marriage. As for the Authority of a Parliament, It is to be considered, if the authority of Parliament may conferr and untail a crown from the lawfull heirs thereof to the nixt apparent heirs, Or if any oath given unto a King by man's law should

should be performed when as it tendeth to the suppressing of truth and Right, which stands by the law of God, Then if one Parliament hath power to untaill a Crown, Whither may not another Parliament, upon the like considerations, restore the same to the righteous heirs. It is to be considered, if a subject might safely capitulate with his prince, That is to say, give over and quitt claim all right and title which he hath to his Sovereigns Crown, His right being sufficient, and if by his capitulation his heirs be bound, and if it be Honourable for a Prince to accept his conditions.

The trouble which Edward Balioll, son to John Balioll, raised in Scotland, is yet recent in History, notwithstanding that his father had resigned to K. Robert and his heirs all the Right and title which he and his heirs had, or might have, to the Crown of Scotland, and after resigned the same in favour of Edward King of England.

It is to be considered, If the Pope, the Kings of Spain or France, seek an occasion to trouble the State & peace of this Island, should entertain one of the Earle of Straitherne, as Queen Elizabeth did Antonio Prior of Crato, who claimed the Crown of Portugal, whither they had not
a fair

a fair Bridge to come over to this Island and trouble it.

It is to be considered, If then a consent by Queen Catharine of Medices, under the Charge of S^t Rose & Brissac to the Terceras Islands, to purchase possession of the Kingdom of Portugal as belonging to her as heir to the house of Bou-longe, be a descent of two or three hundred years, might have been Justified by the sword if she had prevailed; and it is fresh in all mens memorys, what claim was made by Philip the Second of Spain for his daughter the Infanta to the Crown of France, during the Civil Wars thereof. So the Duke of Guise, in the reign of Henry the third french King, deduceing his Genealogy from Charles the great, aspired to the Crown of France; Perkin Warbreck, calling himself Richard Duke of York, aspired to the Crown of England.

It is to be considered, If Queen Mary of England, who cutt off the head of Lady Jane Gray, & Queen Elizabeth, who did the same to Queen Mary of Scotland, her next Kinswoman, were living; Would have suffered to enjoy the opinion of being nearer to the claim of their Crowns than themselves.

It

It is to be considered also, If a subject serving himself heir to a Crown, by the Oversight of the Prince and negligence, Indirectly & in crafty coloured terms, notwithstanding of whatsoever protestations of his Advocat in the contrair, may be accused of High Treason, And whither a Prince may justly keep under, the race of such whose aspiring thoughts dare soare so nigh a Crown as they have been kept these two hundred years by-gone, for reason of State, unless the Prince exalt them to give them a more Deadly blow and extirpat them & their whole race, Suborning mercenary flaterers to make them aim above their reach, Dum nesciunt distinguere inter summa & præcipitia, princeps q^m psequitur honorat extollit natu & lapsu graviore ruat.

Sir Robert Dalziel being present, said that Monteath was so insolent in his speeches, That it could be proven by famous witnesses, That he was heard say that he had the redest blood in Scotland, (meaneing that he was nearest to the Crown); whereat the King seemed to be commoved, dismissing them at that tyme, Only, Mr. Maxwell is said to have heard his Ma^{tie} say, It was a sore matter that he could not love a man but they pulled him out of his arms.

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In this interim the purpose of Sir John his coming to court being divulged, Morton Treasurer & the Chancelor consulting thereabout, agreed to do their best endeavour to oppose him; and understanding that Monteath was come to Ware, kept intelligence with him, and undertook to free him from any hazard, Provyding he would undertake to deall with his Ma^{tie} to get Morton made Knight of the Garter, whilk he promised. Whereupon they dealt with his Ma^{tie} to contemne such frivolous accusations; Notwithstanding whereof, the King appointed another dyet to hear Sir John his farder accusations ag^t Monteath; who shewed to him certain quotations from History, clearing that his Ma^{tie} was abused, both by his Advocat, Sir Thomas Hope, and the said Earle, and perswaded to give out great sums of money to them both for making a Renunciation; shewing his patent of Honour Extracted out of the Chancelary, and his own letters written for that effect, of which the Tenor follows.

To the Advocat.

After that we have conferred with our trusty & well beloved Cusine and Councelor, the Earle of Monteath, Considering his right and title to the Earldome of Straitherne, In that which doth particularly

ticularly concerne us, as ye wrote unto us, To be
 of such importance That it is not fitt for us to neg-
 lect the same, seeing he hath willingly submitted
 himself to us to be disposed upon as we please In
 all these lands belonging thereto that are of our
 property, We desire to be secured of of the same,
 leaving him to prosecute his Right against all
 others for all other lands whilk he can justly claim
 be vertue thereof. Our pleasure is That ye draw
 up ane Surrender of all lands of our property
 comprehended within his Earldome, to be signed
 be him or any other, or any such right as ye shall
 think requisite for our surety, to be registrat for
 that effect. And as, after due consideration, we
 intend to give him reasonable satisfaction for the
 same, so we are willing that ye assist him in his
 other actions so far as ye can lawfully doe. We
 bid you farewell. At Hampton Court, 29 Sep-
 tember 1629.

To the Earl of Montearth.

Whereas ye are willing to surrender up unto us
 our Right of all these lands that are of our pro-
 perty lying within the Earldom of Straitherne, We
 have written to our Advocat To draw up a Surren-
 der of all them that are contained within your
 Earldom, to be signed by you, leaving you to pro-
 secute

secute your right against all others for all other lands whereunto ye can justly claim Right. And as ye have freely submitted yourself unto us to be disposed upon as we please in all these lands that are of our property, So we intend, after due consideration, to give you a reasonable satisfaction for the same, And have willed Our Advocat to assist you in all your other actions so far as he can lawfully doe. So we bid you farewell, &c.

To the Clerk Register.

Trusty and well beloved Councelor, Whereas Our Right well beloved Cusine and Councelor the Earl of Monteathe, President of our Council, Is for some important Considerations known to us, to search for some wryts among our evidents & Rolls, whereof we have the Charge, Our pleasure is, That ye to that purpose make patent to him what Records, Evidents, or Wryts whatsoever ye have in your custody and charge, within our Castle of Edinburgh or elsewhere, and that ye give unto him such thereof as shall be found be our Advocat to concerne the purpose for which we have granted unto him this Licence, Together with all extracts that they to this effect shall require, and this shall be your warrand. Dated at Whitehall, 9 Nov^r 1629.

To the Advocat.

Whereas we have both heard and found by experience your affection for furthering of our Service since your entry thereto, since which tyme the state of our affairs hes required in your Charge great pains and Trouble; But understanding the state of our Coffers to be such at this time that no money can be conveniently payed by us, Yet we intend to give unto you the sum of Two Thousand Pound Sterling, so soon as we can conveniently doe the same, Whereof we have thought good hereby to give you notice. So expecting from time to time, ye will continue, as ye have begun, to advance our Service in your hands, We bid you farewell. 9th November 1629.

The Patent of Honour.

To all men to whom these presents shall come. Whereas we, calling to mynd That our well beloved Cusin & Councelor William Earl of Monmouth, President of our Secret Councill, stands Served & Retoured undoubted Heir of blood to umqⁿ David Earl of Straitherne, his Grandsire's fore Grandames father, the son lawfull of umqⁿ King Robert the 2^d, our predecessor of happy memory, To the which David Earl of Straitherne

and his heirs the said Robert the 2^d, his father, By two diverse Charters, One dated at Edinburgh 19 June the first year of his Reigne, the other at Perth 3^d July the said year, Disponed the said Earldome, with all annexis & pertinents thereof. And albeit the foresaid Earl of Monteath, as Heir foresaid, had good Right to the said Earldome, yet he, for the humble respect which he carryed to our Royal and Sacred person, By his Letters of Renunciation dated 22^d January 1630, Registrat 3^d March thereafter, Renunced all right and title he had or might pretend to the said Earldome In favours of us and our successors, Reservand to the s^d Earle The lands and Barrony of Killbryde and others men^t in the said Renunciation, with this express provision, That the foresaid Renunciation, should not be prejudicial to him and his foresaids of their right and dignity of blood, belonging to him as heir of lyne to the said umqⁿ David Earle of Straitherne, as the said Renunciation in itself more fully proports. And we earnestly willing that the foresaid William Earle of Monteath, his heirs male and successors, may enjoy the right and title of the Earldom of Straitherne, and succeed to the samen title, place, and dignity due to them be the said two Charters and Infestments foresaid, granted be the said King Robert the second to the foresaid David Earle of Straitherne
and

and his Heirs of the said Earldome, In so far as concerns the Title, place, and precedency due to them as Earls, Therefore witt ye us to have Rati- fied and approven, And be the tenor hereof Rati- fies & approves The foresaid title, Honour, Digni- ty, and place of Earl to the said Earl of Monteath, his heirs male and of Tailie, who shall hencefurth be stylled and called Earles of Straitherne and Monteath in all tyme coming, and that they shall bruik joyse and possess the foresaid Title and Dignity in all assemblys, Conventions, and par- liaments, and all other meeting places whatsoever, With the same priviledges, degrees, and places, whilk belonged to the s^d David Earl of Straitherne & his heirs, granted to him by King Robert the 2^d, his father, and with precedency and priority before whatsoever other persons creat and made Earls after the date of the said two charters, and all who cannot produce Elder Infestments, Letters Patent, & documents, for their Titles and Dignities of Earls anterior to the foresaid two Charters. In witness whereof, &c.

The Renunciation.

Be it kend, &c. Me, William Earl of Monteath, Lord Graham of Kilpont, President of his Ma^{ties} Councill and High Justice of Scotland. For as meikle

meikle as umqⁿ King Robert the Second, be his Charter under the Great Seal, gave to his son David and his heirs the Earldome of Straitherne, To be holden in free Regality, with all fees, forfalturs, and other libertys; Like as also the said King Robert, by another Chartor, granted to his said son & heirs the said Earldom with addition of the four points of the Crown, as in the said Chartors of the dates foresaid Extracted furth of the Register of the Great Seall of Scotland, under the subscription of Sir John Hamilton of Magdalens, Knight, his Ma^{ties} Clerk of Register, bears. And for as meikle as I, the said Earle of Monteath, am undoubted heir of blood and successor to the said umqⁿ David Earl of Straitherne, being descended linealy from Patrick Graham and Eupham Stewart, daughter to the said David, and thereby having good and undoubted right to claim the said Earldom, yet not the less considering that the said Earldom hes been bruiked by his Ma^{tie} & his predecessors as a part of the annexed property, continually since the decease of King James, 2d, and that the Heretors and possessors holds their lands of our Sovereigne Lord the Kings Ma^{tie} and his predecessors; and calling to mind the extraordinary favours bestowed upon me by my Gracious Sovereigne, Charles, King of Great Britain, &c. And that it hath pleased his gracious Majestie

to

to bestow on me such satisfaction Therefore as his Ma^{tie} in his gracious wisdome thought expedient, Therefore witt ye me, in all humble affection and respect to my sacred Sovereigne, To have Renounced, Like as, &c. all right and interest whatsoever, whilk I or my airs have or may pretend to the said Earldom, In special favours of my Sacred and gracious Sovereigne, his heirs and successors, To remaine with them and the Crown for ever. Provyding allways, that thir presents be not extended to the lands and barony of Killbryde, lying within the said Earldome. And I bind and oblige me and my foresaids to make surrender of the said Earldom In favours of his Majestie and his successors, ad perpetuam Remanentiam ; And to that effect make and constitute, & my p^rors, with power to them to compear before his sacred Majestie, or his Majesties Commissioners appointed for receaving of surrenders and Resignations, And there, in all humility and submissive reverence, as becomes, to Resigne and surrender ; Likeas &^{ca}, Providing thir presents prejudge not me nor my foresaids of our Right and Dignity of blood, pertaining to us as heirs of lyne to the said David Earl of Straitherne. And also I bind & oblige me and my foresaids, if need bees, to obtain ourselves served, Retoured, and seased in the said lands, as Heir to the s^d Umq^u David ; and for
doing

doing thereof gives power to my said procurators in most ample form, and to reiterat & renew, and for the more security, &c. Subscribed at Halyrudehouse, the 22^d January 1630, Before these witnesses : Sir Thomas Hope of Craighall, Advocat, Sir Colin Campbell of Lundie, Sir James Gordon of Lesmore, and Mr. William Maxwell, wryter hereof. ”

By serving himself heir to the eldest son of the first marriage he might have served himself heir to the father of that son.

In the intended summons of Reduction & Improbation against his Majesties Vassalls of the Lordship of Urchat, for recovering their superiority and property, he had his Genealogy drawn wherein his Majesty was placed on the left hand, whilk Sir John shewed to the King, who was somewhat commoved therewith.

Monteath coming to Court prostrat himself to his Ma^{tie}, acknowledged his fault, and got a favourable acceptance, by Intercession of Morton & the Chancellor; only he was told by the King, that he behooved to quit~~te~~ that title of Straitherne and take that of Airth, which he did. This being notified to Sir John Scot, He entreated
Mr.

Mr. Maxwell to get him access to take his leave of his Majestie, whereon his Majestie quarrelled him for so long concealling it and for giving out the Breives. To which he answered, that he had revealed it soon enough for any amends was likely to follow; And for the other, It was the duty of his place, and the wrong was by sending back the Retour. Sir John having kissed his Majesties hand returned. At which time nothing was done, but only a command given to Monteath to dash out of his windows the arms of the Earldom of Straitherne.

In the next Session his Majestie sent order for raising Summonds of Reduction of that Retour and Service led at Monteaths instance, and Joyned with the Advocat Sir Lewis Stewart; and having gotten exhibition of all his wryts, Got a Decreet of Reduction thèreof and ordinance to cancell them all. But the fifteen noblemen and Gentlemen who were upon the assyse, finding themselves in hazard to be convict of Error, gave in defences to the Lords as follows.

“ Absolvitor from the Summons, Because the assysors were in optima fide to serve the said Earl affirmativè, seeing they offered them to prove that, by transaction made betwixt the King and
the

the said Earl for the two Barronys of Orchat & Bradwell, and Confirmation of the Lordship of Killbryde and the sum of Three thousand pound Sterling, The said Earl did grant the Renunci-
 ation to them produced at the service by the Kings Advocat, who did mediat the said bargain by his Letters to his Majestie, and did, by his Majesties special warrand, form the said Renun-
 ciation, bearing express Reservation of the said Earls right and dignity of blood, and obleidging the said Earle to serve himself heir to the said David, and to procure himself infest in the said Earldom as heir to the said David, for strengthening the Kings right thereunto; and whilk sum and satis-
 faction in general termes is acknowledged by the said Earle, in the said renunciation, to have been gotten and received from his Majesty, for making the said renunciatiation: And they seeing his Majesties Advocat compear for his Majestie, and produce the said Renunciation, Registrat in the publick register, Be the compearance & consent of his Majesties Advocat, and also knowing per-
 fytyly That his Majestie, in the Charter of Urchat and Bradwell, Did, under his hand sciens & pru-
dens acknowledge the said Earle of Monteath to be nearest and lawfull heir to the said Earl David, and that the said Chartor was dictated by his Ma-
 jesties Advocat, and subscribed by the Lords of his
 Majesties

Majesties Exchequer, and ordained to pass the Great Seall, and the King therein promitted in verbo Regis never to come in the contrair, nor to doe any action contrair to the same, They did no wrong to serve affirmative. Like as they offered them to prove, That thereafter his Majesty hes not only acknowledged the said Earl to be duely served as nearest and lawfull heir to the said Earl David, but also, by patent under his hand and great Seall, hath granted to him the Title, honour, and precedence of the said Earl David, making the service & retour to be the narrative of the said Patent; and sua being now Major, and compearing be his Advocat, cannot come in the contrair thereof to accuse the Inquest of Error, for doeing that which his Majestie had solemnly and publickly by his own hand and Great Seall done, and Commissioners of Exchequer acknowledged, and standing now upon publick record in all the Registers and sealls usual in such cases."

As likeways the Shirreff of Edinburgh, before whom the said Service was deduced, did crave absolutor from the summons of the subsequent paper.

" 1. The said Shiref did no wrong, because he offers him to prove That the procuration for serving

of the said Breves were formed by the Kings Advocat, or at his direction, and written by his own sisters son, his servant.

“ 2. That by the Advocats special letters written to his Majesty, it was informed that the purchase of the Earl of Straithernes title of that Earldom was a matter of such importance, that it was not fitt for his Majestie to neglect it, and that his Majestie thereupon directed his particular missive to the Advocat for purchasing the said Right.

“ 3. That for the same effect, the said Advocat delivered a letter to the Clerk Register, commanding to make patent the Registers, and to give to the Earl such wryts as should be in the Castle, or elsewhere, whilk the said Advocat should find to concern that purpose, with the Extracts of all other that the said Earl should crave.

“ 4. That the same time his Majestie, by his letter, gave the Advocat promise of Two thousand pound sterling for his pains.

“ 5. That the information of the Brieves sent Chancellary was dated and written be the said Advocat himself, or servants, and that the said were taken by them out of the Chancellary.

6. That

- “ 6. That the Renunciation produced to the sa^d Sheriff was formed and penned by the s^d Advocat himself, and written by Mr William Maxwell his servant, and that the samen was insert in three Registers at the least, presented and given in thereto be the Advocat or his servants at his direction.
- “ 7. That the signature of Orchat was penned by the direction of the said Advocat and was docketed by him (whilk his Majestie is only accustomed to read). And in the docket thir Essential words are left out (That the Earl of Straitherne was undoubted heir of blood to the Earl David), altho the samen werc insert in the Chartor.
- “ 8. That the samen Charter is granted with consent of the King’s Treasurer, and a clause insert therein, obliging his Ma^{tie} never to move action, claim, or process upon the samen.
- “ 9. That the Patent of Honour is likewayes dictated and penned be the said Advocat, wherein his Majestie is made both to approve the serviees & Retour, and acknowledge and accept of the foresaid Renuneiation; and that the samen was lawfully subscribed publickly in the Exchequer be ane suffieient number of the hail officers; and being written and scalled at the great Seall, was delivered

vered to him by the vice president. And so the Sheriff did no wrong in his office."

Who all, by their mediation and Intercession with his Majestie, Their friend at Court procured from his Majestie a Letter to the Lords of Session, for freeing and releiving them of all hazard and danger they might incurr by being upon that service, as follows.

" Right Trustie and well beloved, &c. We greet you well. We were pleased to give order to our Advocat to raise summons, at our instance, for reduceing of the service and Retour of William Earl of Monteath, as heir to umqⁿ David Earl of Straitherne ; By the whilk Summonds The nobles, Barrons, and others that were upon the Inquest upon the said Service are conveened upon willfull at least Ignorant Error. And for as much as we are fully persuaded that the saids persons of Inqueist proceeded therein bona fide upon warrand standing then unreduced, whilk was sufficient ground for the assysers for serving the said Earl affirmativè, and namelly, that ther was a Renunciation granted be the said Earl to us of the annexed property of Straitherne, wherein the said Earl is designed heir to David Earl of Straitherne and Lady Eupham, his alleadged Daughter, and

to the said unquhill Patrick Graham, alleadged Earl thereof and alleadged spouse to the said Eupham, Whilk Renunciation was then standing Registrat in the books of Exchequer and in the publick Register of Renunciations, and was produced by our Advocat to the Assyse the tyme of the service, who protested that the said service should be led in corroboration of the Renunciation and no other ways, Which protestation was admitted be the Judge; And likeways it was perfytt^{lie} knowen to a number of the said Inquest, that ther was a signature past in the Exchequer whereupon infestment after followed, by the which we disponed to the said Earl of Monteath, as undoubted heir of blood to David Earl of Straiterne, the lands and Barronys of Orchard and Broadwell, In respect of the which warrand standing then unreduced, and of our Advocats comparence and not opposing of the said service, The Assysers in the duty of their offices could not other wayes proceed than by serving affirmative for the tyme. And therefore it is our pleasure, that the saids Noblemen, Barrons, and others, be declaired free and quite of all Error, Discharging all pain & Censure you may incurr thereupon. And for farder security we require you, that ye admitt & sustain their Reasons as relevant and proven To give them a perfytt Absolvitor from
all

your

all Error, And that accordingly ye pronounce it in their favours, But prejudice always to our action of Reduction, Commanding to insert thir presents in your books of Sederunt for thair better warrand and exoneration ; ffor doing whereof these presents shall be a sufficient warrand. Whitehall, 22d february 1633."

Notwithstanding of all which, Monteath continued still in his Grandeur and haill places, and his Majestie himself was little better secured be that decret of Reduction, (seeing that pedigree can be made out to the full by the writts, Evidents, and securitys lying in other Noblemens Chartor Chists, vassalls of the Earldome) Till the tyme that his Majesty took resolution for going to Scotland for accepting the Crown thereof. About which time Morton Treasurer, expecting the accomplishment of Monteaths promise to get him made Knight of the Garter, and finding that he had fairly failed to him therein, and that instead of doing for him in that particular, He was doing for himself and his own posterity to purchase them that honour, He was thereby soe exasperat, that he and the Chancelor had their address to the Queen, informing her of all the foresaid passages, done and acted be the said Earl in prejudice of her Royal children, assuring her that if those impediments were

were not totally removed, and Montearth censured & punished for so high a presumption, it would not fail to be hazardsome to the Prince and his descendants. Whereupon she made her address to his Majesty, and got his promise that he should take a course therewith before his return to England; which effectually he did, by giving Order, some days before his return to the Lord Weston, the Earl of Caerlile, and Secretary, to conferr with Sir John Scot and view all his papers; who, in obedience to his Majesties commands, having read them at full length, at the going out of the town the Lord Weston affirmed with ane oath to the rest ther present, That he wanted nothing but a sharp sword to be King. Within few days thereafter his Majesty proceeded in Holyrudehouse to make trial of the words spoken be Montearth, That his blood was the redest blood in Scotland, and that the King was obliged to him for his Crown; and having found that such speeches were uttered by him, by the wittnessing and deposition of the Earl of Southesk and Ethie and the Countess of Mar, whom his Majesty sent for for that effect, His Majestie, after taking journey to England, sent down a missive letter declairing his mind to the Council concerning the said matter, and thereupon the Act following was made by them.

“ At Edinburgh, 8 November 1633.

“ The whilk day George Earl of Kinowl, Lord High Chancelor of Scotland, Declaired to the Lords of his Majesties privy Council, That he had lately received ane letter from his Majestie, concerning his Royall will and pleasure against William Earl of Airth, for some treasonable speeches spoken by him, and the fault committed be him in his service to the Earldom of Straitherne; whilk letter he exhibite to the Lords, and declaired that he had written for the said Earl to come and hear his Majesties will concerning him. Whereupon the said Earl compearand; and his Majesties letter being read to the Earl, he acquiesced with all due reverence to the samen, And made a surrender of all places, Honours, priviledges, and Immunities, as also of his pension out of the Exchequer. His offices were the Presidentship of the Council, of Justice General and extraordinar Lord of the Session. And for more security subscribed his Dimission of the said places, and consented that the samen should be registrat in the books of Council and Exchequer, ad futuram rei Memoriam. Whereupon the Lord Chancelor asked Instruments.”

The King's letter to the Chancellor.

“ Right Trusty, &c. Whereas, upon the Commission for tryal of some treasonable speeches be the Earl of Airth, we find sufficient proof to believe the same, and in regard lykewayes that he, by his own acknowledgement, confesseth in effect as much, together with the great fault comitted in his service to the Earldome of Straitherne, as is contained under his hand in his late submission, We therefore find that he is not worthy to enjoy the Charges which he hath formerly born in the State by Our Gift, nor pension allowed to be payed to him out of the Exchequer. Wherefore we have thought good hereby to signifie the samen to you ; And it is our pleasure that Ye require the said Earl, in our name, to surrender up into our hands these his Charges of Presidentship of Our Council, Justice General, and place in Session, To be disposed of as we shall appoint, As likewise the Gift of the said pension ; And in the mean time that ye confine him to his own house and the bounds belonging thereunto, which are not near to Holyrudehouse where the publick meetings of Our Estate are kept. And for doing whereof these

presents shall be your sufficient warrand. ffrom
our Court at Whitehall, 9th October 1633.''

The Dimission.

“ Be it kend to all men by these present Letters,
Me, William Earl of Airth. ffor as meikle as it
hath pleased his sacred Majestie, by his Highness
Letter direct to my Lord Chancelor of the date the
9th October 1633, To declair that whereas his Ma-
jestie, upon the Commission for tryall of some
treasonable speeches spoken by me, Hes found
sufficient proofs to believe the samen, and that I
have by acknowledgment confessed as much in
effect, Together with the great fault committed by
me in my service to the Earldom of Straitherne,
In regard thereof his Majestie, by his Letter, hes
found that I am not worthy to enjoy the charge
whilk I have formerly born in the state, nor yet
the pension payed to me furth of the Exchequer,
and hes commanded the Lord Chancelor to require
of me to surrender into his Majesties hands my
Charges, places, &c. Therefore, and for obe-
dience to his Majesties sacred will and ordinance,
Witt ye me to have Resigned and Surrendered.
Likeas,

Likeas, &c. And for the more Security, &c.
Sic subscribitur,

AIRTH. //

The manuscript History of which this is a Copy was found in the Repositories of Captain John Graham of Duchray.

(Signed) GEORGE GRAHAM.

APPENDIX
OF
ORIGINAL LETTERS
REMAINING IN
The Register Office,
EDINBURGH.

1834.

To my very hono^{ble} good lord the Erlle
of MORTON,

These.

My nobill lord, J know zou doo not expect that J am a vreiter of newes, zow shall have them from wthers and it will save me a labour. J hade his Ma^{ties} hand to all these cõmissions zo^r lo. knowes J caryed up, im̃ediatly efter my cõming to court. J most stay a fõurtnicht for the busines of the fishing.

J have send doune with this berar to my lord Chancelar his signator for the collectione of the taxatione. J am his freind and servant, and he shall find me so. J am no complimenter, nor doo J love idle professiones without effects. Q^r J profess ther shal J be. My power is small, bot no man shall exceid me in desyr to doo service to those too quhom J promisit it. One of these J honour most is zour self, and shall at all ocationes qⁱⁿ J may apeir give proof that J am

Zo^r lo most faithfull servant,

Theobalds,
18 Sept. 1630.

MONTEITH.

As

As to that busines of the Thes. Deputie, my master, as in all wther things, hes doone me richt in that.

J know zou ar wyse and a noble treu patriot. Sir Williame Alex^r, zour treu friend, will lett zou know sum things I will not vrett, and quhat he omitts to vrett zou shall know by me at meitting.

To the R^t hono^{ble} my speciall good lord the Erlle
of MORTON.

These.

My nobill lord, J know zour treu freind, S^r W Alex^r, hes vrettin to zou q^t is worthy zour knowledg from this.

J hade a paper from the king given him by S^r Ar^d echison q^{ch} J gave to S^r W^m, and I knou he hes send it to zou. I hope by this the Chanceler will knou how busy S^r Ar^d is, and J assure zou that the Chancelar may be confident that he hes a treu and reall freind of S^r W^m Alex^r, so that he is not only zours, bot a freind to those zou respect. As for my self, tak me as zou find me, q^{ch} shall be

Zo^r faithfull freind

and servant,

Londoun,
6 Oct^{re} 1630.

MONTEITH.

To my hon^{ble} good lord the Erll of MORTOUN,

These.

My nobill lord, J cam to this toũn the 26 of this instant, and shalbe very glade to have the contentment to sie zou. J have sumthings of importance q^{ch} can admit no delay, to speak to zo^r lo. ; J have lykways sum letters from our M^r to zou. J entreat zou to come over so shoone as possiblie zou may, that my lord Chancelar and zour lo. may resolve in sum things q^{ch} requyres a present dooing. J heir my lord Chancelar will be heir this nicht, wtherways J had vrettin too him. Make hast and com^{and}

Zo^r lo. affectionat servant,

Halir.

MONTEITH.

27 Ocb^{re} 1630.

For the most hon^{ble} the Earle of MORTON, Lord
High Tresaurer of SCOTLAND.

Most hon^{ble} & my noble Lord,

Exspecting to have sein a finall conclusion of this bussines, concerning y^e reduction of ye Earle of Menteith's service, j have differred wryting thir dayes bygane, but the difficulteis y^t have aryssin therin, partlie be difference of opiniones
betwixt

betwixt ye kings advocat and the wyer threi, and partlie be ye difficulties the Lords of Session seames to conceive in the bussines, hes delayed ye same. The kings advocat w^t ye uyer threi did subscribe a informa^one q^oforme, to quhich ye soumonds of reduction ware to be libelled, not w^tstanding q^of as they alledge ye soumonds are in sume thinges different from yat subscribed informa^one. The Lords of Session alledges the busines is not fairlie caried for ye kingis securitie, for not w^tstanding ye advocat findes himself satisfied with ye production in ye mater of reduction, zit ye Lords finding sundrei writes nayer produced nor caled for, q^{lks} have ayer bein sein to sume of themselves or confessed be sume of the parteis, they seam zit to think y^t except all be produced y^t was produced to ye inqueist at least, ye proces is not faire nor secure. Efter much disputing ye Lords ware content y^t, upon my Lord Strathernes declara^one of quhat was produced to ye service or ye advocats upon ayer of ye tuo yer productiones of q was produced yer, they wald rest satisfied, in soe fare as concerned ye production in ye reduction. Heirupon ye advocat being caled in, he condiscended upon a great many writes sean to him q^{lks} ye Earle himself denies, and heirupon yer hes bein sume hote speaches betuixt yem. The advocat, in presence of ye hail
lordes

lordes, confessed he hade sean befor ye service a chartor, q^rby it was evident y^t Euphan was only dochter to Earle david. A second, q^rby it was evident y^t Patrik grahame was mareid to Euphan. A third, q^rby it was clear y^t Melisse was Patrikes sonne ; and from Melisse to ye Earle of Stratherne, now present, ther seames to be no question of succession. None of thir formar threi are called for in ye soumonds of reduction, and sume of ye Lords thinkes yat if thay ware produced ye reduction wald be ye more difficill. The Earle thinkes ye advocat hes not vsed him weell, yat without his knowlege sould have condiscended upon thess writes ; and upon ye uyer part it is thought ye advocat hes done it, to mak it appear y^t ye service was legally deduced. Q^t middes we will find upon tuysday nixt to facilitat the bussines j know not. It hes bein madnes to have attempted such yings ; but seing they have bein ons moüed, I wische sume such cours may be taken as may secure o^r masters jnterest q^tevir it be. Reduction upon ye soumonds lybelled, nayer zit certifica^one vpon not production in ye improba^one is not sufficient, except sume way be fund for cancelling and destroying of all writes y^t may concerne yis business, Y^t can be fund ayer in the registers or els q^r. And this I wische our master sould not trust altogider to his awne judgement, but yat it may be done be ye advyce
of



of sume of his faithfull servands. We have hade many odde passages in the bussines q^{lks} j dare not jntrust to paper. I beleive he jntendes not to sture from hence schortlie ; at least to he sei a full and finall end to this bussines, q^rin j have not bein wanting to my powar to doe him service, but j fear j serve a thankles master ; but howsoever j sall still be

Your Lop^s faithfull servand,

Marche 16, 1631.

TRAQUAIRE.

To the most hon^{ble} the Earle of MORTON, Lord
High Tresaurar of SCOTLAND.

Most hon^{ble} and my verie gud Lord,

Our journey was soe easy, y^t we came not to Lundone befor freyday last at night, the 27 of this jnstant. This day we jntend to hampton court, and from thence to find the king q^revir he be. I can mak yo^r Lo^p no accompt as zit of any bussines. I hear the king is weill pleased w^t ye cariage of the conven^one, notw^tstanding sume have bein vigilant aneuch to informe not altogider according to the treuth. The Lord Gordon hade a man heir four days befor ye Earle of Monteiths man came ; but foolish speiches are not worth the chassing. It will be fursday befor the Earle of Carlill be at
court

court at soonest. The Marquis of hamilton is looked for at Lunden, 'bussie about his employment to Swayn, as is thocht, q of seing as zit j have no farder knowledge yen generall raport, I think it not worthy zo^r Lo^{ps} taking notice of to any. The Lord Naper is gone zesterday to Court, full of hopes. The Laird Thorninton met w^t him sume two dayes befor we came to Lunden; he says to ye Earle of Monteith yt he is so far from thinking upon any treattie for demitting of his place, yt be ye q^rtrair he hes warrand yt ye king will not put him to it, and desyris to be still served be him, as a man most fitting for y^t service. I hear he hes sume jnform^ones alsoe from sume below. And as is raported heir, if he get hearing to his expecta^one he will give every ane of y^r Lo^{ps} yo^r awne takes. But of this and all vyer businissis q^{lks} sall fall w^tin the compas of my knowledge, y^r lo^p sall

n

hear at Le^uth w^t my awne servand, soe soonne as I have bein w^t the king, in the mean tyme j am

y^r Lop^{es} faithfull servand,

Lunden,
Agust 29.

TRAQUAIRE.

1632

My most hon^{ble} gud Lord,

It is not unknowen unto zour Lo^p quhat professiones of freindschip the Earle of Monteith

made unto my Lord Chancillor at his last being at Court, but quhat effects hes followed, if he hade no other accuser then his awne rasch tong, I dare give it no worse termes, wald mak too clear unto the world how fare his actiones hes bewrayed the sinceritie of his intentiones, at least in his professiones of freindschip to my Lord Chanciller, how ydle he hes bein in his speaches heir since his homcuming, still as it ware making querrell d'Allegmagne, is too notor. But now of lait, since he fand, as I take it, he was not leik to be red of the Chanciller at Court, he hes bein verie earnest to mak me, and as he sayis sume of the better sort of thess he beleives to be my Lord Chancellers faithfull freinds & servands (for I must use his owne words) beleive that he is more desyrous of nothing then of my Lord Chancellers freindschip; he sayis he sies visibly how fare he hes bein abused be Nithisdaill & uthers, and is desyrous that your Lo^p, and my Lord Chanciller both may be witnessis, how fare his actiones at this tym sall differ from thes people ther wayes. He sayes his first adresse sall be to my Chanciller, and be him he will desyr to mak his first access to his Majestie, and in nothing may concerne ather his awne particulare or the publik he sall be reserved from the Chanciller, but be his advys and concurrence is resolved to proceed if he find it any wayes

wayes acceptable. I have heard as much promised of befor. He hes pressed this uther from me, that befor his upcumming, be me and sume uthers quho I know he hes spoken to the same effect, thes mistakings betwixt my Lord Chanciller and him nicht in sume kynd be removed, at least in soe fare as he nicht find the feilds fair. For ane amends making in tym cuming, and that he nicht be the better assured, that my letter sould cum to my Lord Chanciller's hands befor his cuming ther, zesternicht he sent for me to his awne hous, and wald have me promisc I sould wryte with same bearer, and heirwith I have bein bold to acquaint your Lo^p, least upon the sight of my uther letter the Chanciller might possibly mistak my freedom in that subject. I confes this much, I wische seriously, that although my Lord Chanciller hes too just reason to neglect him, zit if it ware possible that my Lord wald forget byganes, & lat his awne follies be the first witnessis to honest men how litle respect he deserves (for at best I know he hes given too just grunds to my Lord Chanciller to neglect him) zit if in this sort at his first upcuming he sall seam to seik my Lord Chanciller his freindschip, & not find soe much as the externall cariage fair, it may at least, at least to these quho knowis not the trew reason therof, that it suffer its awne misinterpretatione.

The

The Lord Erskyn and he gois tomorrow to the Lady Marques of Hamilton, and upon freyday hē intends to be in Broxmoth, upon Setterday in Dungalas, and upon sunday at night in Bervik. I knaw he hes spoken the Earle of Roxbruch that he sould wryt of this same kynd to my Lord Chanciller alsoe ; but possibely his wisdome may mak him forbear any such purpos, although possibely he hes not bein displeasid that I sould doe the same. And soe if I have not acted the parrett richtly, I hope my Lord Chanciller will pardon me, ather till meeting or the nixt occasion, that I may mak my awne part gud.

I think it neadles to troubill your Lo^p with all the ydle occurrences we have heir. It is sayed that the Lord Erskyn is leik to get the heritrix of
 be your Lo^p and the Chancillers
 meanes; but many of the wyser sort dois not beleive the same, although a Noble Lady assured me sche saw writ for the same. We marveled much at S^r Johne Scot's getting of S^r Andro Kers place in Session, but the Lord Monteith assured us it is for the interim, untill he speak with the King. I doubt not but ther will be numbers busie aneuch to snatch for his pretended place of the guard, but if ther be any such apperance that the Kings Majestie has any such intentione, zour Lo^p will be pleased to remember of zour servand,
 if

if this or any uther thing sall offer, quhilk may
any wayis inable him to testifie how really he is
your Lo^{ps} trew and faithfull servand

Ed^r Feb. 3. 1624

TRAQUAIR.

My nobill lord, so shoone as J receaved zour
letter, q^{ch} wes at eicht a clok in the morning, J
went to courte and delivered zour letter to his Ma^{tie},
and he promised to vrett imediatlie efter denner,
and accordinglie J wes not slow to putt the pen in
his hand ; bot as he wes begining to vreet the
queene came, and desyred he should go presentlie
to Richmond with hir, q^{ch} made him assure me
that he should not faille to vrett the morrow efter,
for he stayed in Richmond that nicht wntill it wes
ten a clock. This day after dinner J desyred him
to remember of the letter, q^{ch} he presentlie vrett,
and zou will receive heirwith inclosed. J took
ocatione presentlie to speak to his Ma^{tie} of the wther
busines concerning the lord Chancelar, and shall
follow it so far as J can, q^{ch} with ane wther busi-
nes, q^{ch} J will imparte to zou at meitting, will draw
me to go on the progres to Beawliw. Zou and J
hes both reasone to thank God that we have so
good, so iuste, and so kynd a master, q^{ch} believe
me, is bezond expressione, as J will, at more lenth
show

show zou quhen we shall meitt. This nicht, quhen J was going home, his Ma^{tie} gave me ane paper, given him, as I suppose, by Mr. George Nicoll. It is almost a booke, but J shall copie it and send it to zow with Antonie Alex^r, q^a goes poste to morrow; bot J intreate zo^r lo., according to our resolutione, to lett none know any thing of this untill J sie zow, ther is much into it concerning his Ma^{ties} revenews, especiallie in Orkney and Zetland; bot if any shall exceede zow and me in ane faithfull desyre to do our master faithfull service we ar not worthy to live.

I will end this letter with that assũrance, that no man shall have ane more faithfull frend than zow of

Zo^r lo. oblished servant

Oatlands,

STRATHERNE.

1 August 1632.

His Ma^{tie} gave me the letter zow vrett to him, q^{ch} I burned im̃ediately.

To the R^t hon^{ble} my very good Lord the Erll
of MORTON,

These,

My nobill lord, J may say now nulla dies sine
linca. This hes lerned me to be a vretter. This
uold

ould berar goes faster then J, for J will mak no more haste nor is fitting for ane sair bak, for all the busines. J doupt not bot our freind Sir Jhone Hayhes tould zou all J could say if J wer with zou, wse zour awin discritions and freindschip to

Zo^r lo. trew servand,

Morpeth,
20 No^{br} 1632.

STRATHERNE.

I pray zou leave a lyne or too in sum post-master's hous by the way, that I may know zow ar living.

To my very hono^{ble} good lord the Erll of MORTON.

These

My lord, I have send zow heirwith ane informatione. I intreat zou to perwse it seriously, for in good faith it is a trew one. I will not use many words. Suffer me not to gett wrong; this is all I desyre, and by it zow will please God, doo good service to his Ma^{tie}, and oblishe

Zo^r lo. affectionat
freind and servant,

Corstorphine,
18 Maij 1633.

AIRTH.

