

STATEMENT

WITH REFERENCE TO THE

KNIGHTS BARONETS OF NOVA SCOTIA,

**THEIR CREATIONS, PRIVILEGES, AND TERRITORIAL
RIGHTS OF PROPERTY IN THAT COLONY,**

§c. §c. §c.

WITH AN APPENDIX.

EDINBURGH:

**WILLIAM TAIT, 78. PRINCE'S STREET;
AND JAMES RIDGWAY, 169. PICCADILLY, LONDON.**

MDCCCXXXI.

Preparing for the Press, and very speedily will be printed,

AN
HISTORICAL AND GENEALOGICAL
ACCOUNT
OF THE
ANCIENT ORDER
OF THE
BARONETS OF NOVA SCOTIA;

SHEWING
THE FIRST SETTLEMENT OF THAT COUNTRY;
THE INSTITUTION OF THE ORDER FOR THE PROMO-
TION OF ITS COLONIZATION;
THE PARTICULAR PRIVILEGES GRANTED TO THE ORDER;
AND THE DECORATIVE INSIGNIA ANNEXED TO IT, TO ADD TO ITS
GREATER HONOUR AND DISTINCTION.

THE WHOLE COMPRISING
A SERIES OF DETAIL,
WITH MINUTLE OF INTERESTING MATTER NEVER YET LAID BEFORE THE
PUBLIC, WITH RESPECT TO THIS PECULIAR HEREDITARY DIGNITY.

BY T. C. BANKS, Esq.

AUTHOR OF THE DORMANT AND EXTINGUISHED BARONAGE OF ENGLAND, &c. &c.

EDINBURGH:

WILLIAM TAIT, 78. PRINCE'S STREET;
AND JAMES RIDGWAY, 169. PICCADILLY, LONDON.

M DCCCXXXI.

THE first Settlement of the Province of Nova Scotia, by Sir William Alexander, (afterwards Earl of Stirling), at his own expense, led to the foundation of this Order, which was expressly limited to the number of 150 persons, who were to be nominated by Sir William and his heirs, upon a previous conveyance by them of a certain proportion of lands to each of those persons, as his qualification for receiving the dignity of Baronet, and which possesses the peculiarity of combining hereditary rank, on the basis of nobility, with a portion of the splendid prominence that distinguishes the Knights of the Garter, Thistle, Bath, and St Patrick. But the honour of the Order seems to have fallen from its high degree, and not to have acquired the notice of the historian, to commemorate its institution, or the estimation of its members, to vindicate its rights, in the enjoyment of their precedence and the territorial appendages which were attached to their creations.

To perpetuate these objects, to explain their original value and present interest, together with the genealogy of the families of these dignified persons, is now the intention of the Author, who flatters himself that, in the pages of his work, will be found a novelty of account, a general accuracy, and specific information, not to be met with in the antecedent printed histories of the Baronetage of the United Kingdom; the whole being calculated to meet the wishes, the expectation, and the approbation of the public.

To enable the Author to be as correct as possible in the statement of the genealogy of the respective families on whom the dignity of this Order has been conferred, he respectfully solicits their communications, that he may bring down the same to the present period, supported by the best authorities to warrant his representations.

THE work will be published in two volumes 4to.

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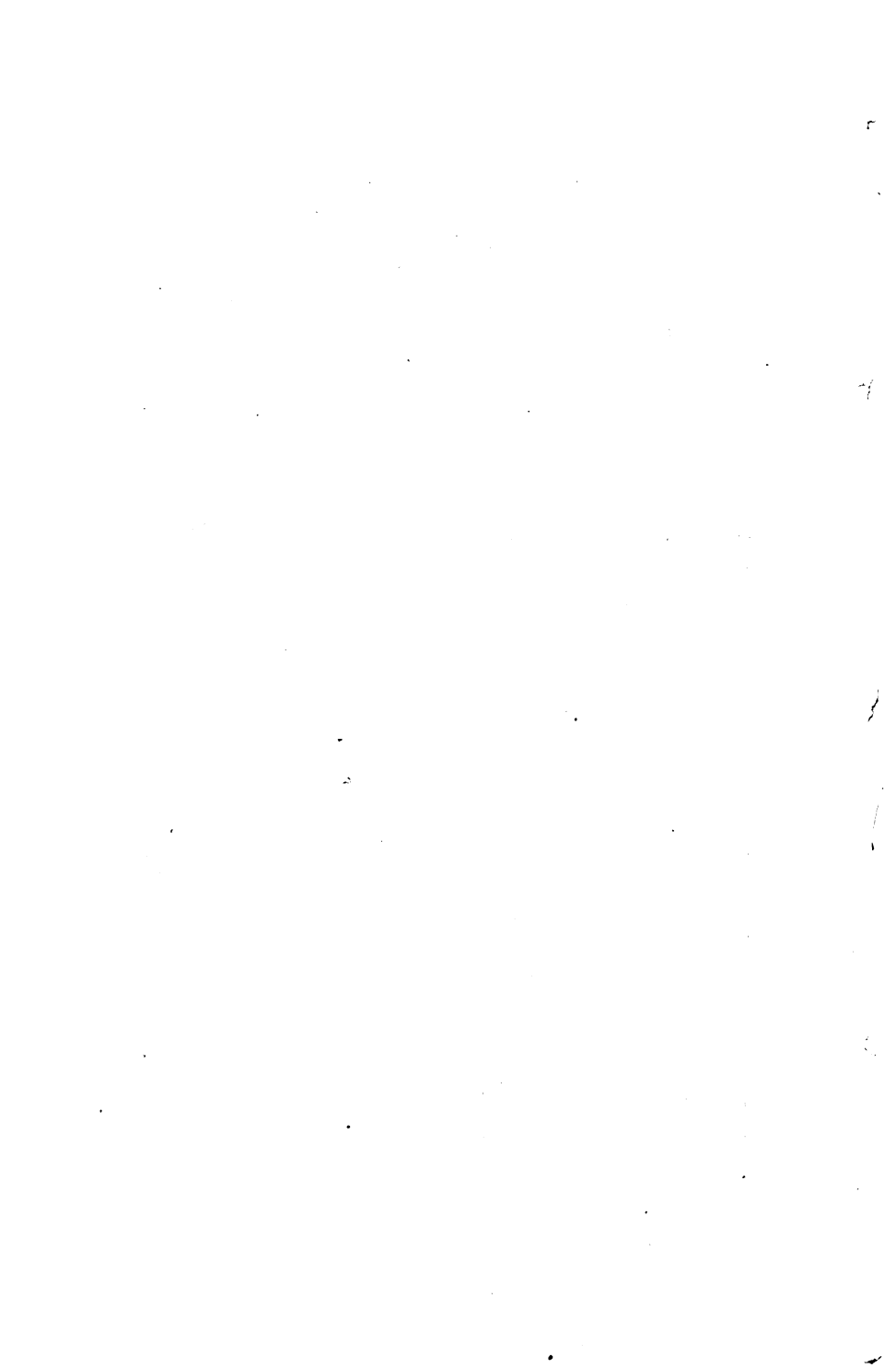
ADVERTISEMENT.

IN pursuance of an advertisement of the 10th June 1831, calling a meeting of the Baronets of Nova Scotia, and those who have right, as their representatives, to lands in that province, a meeting took place at Mackenzie's Hotel in Edinburgh, on the 24th of the same month. Letters had previously been received from many of the Baronets who were unable to attend.

There was laid before the meeting a general statement with reference to the creations, privileges and rights of the Baronets; which being considered by the parties assembled, with the documents referred to in it, they were of opinion, that it was desirable that the subject should be more generally understood by those having interest, but resolved that the statement should remain unpublished till a further meeting was agreed on.

It has since, however, been considered to be proper, in the meantime, to order the present publication of the statement, for the information of all parties concerned.

E. LOCKHART.



STATEMENT

WITH REFERENCE TO THE

KNIGHTS BARONETS OF NOVA SCOTIA, &c.

THE institution of the order of Knights Baronets of Nova Scotia, it is well known, was first contemplated by King James I, upon the settlement of that colony having been made by Sir William Alexander, to whom his Majesty, by a Royal Charter under the Great Seal of Scotland, dated 10th September 1621, was pleased to grant the whole of that extensive country, with the hereditary government thereof; together with full power of conferring honours and bestowing titles, and with divers other great privileges, as are more fully set forth in the charter itself. As the King's intention, however, to grant the institution of the order was not then carried into effect, and he died before it was accomplished, his son and successor King Charles I, taking into consideration his late father's royal intention, was pleased, by another Royal Charter under the Great Seal, dated 12th July 1625, to confirm the previous charter in its full and utmost extent, and to institute the order of Knights Baronets of Nova Scotia, whose number he appointed should never ex-

ceed, or be increased to more than, one hundred and fifty. And Sir William Alexander was empowered to grant a conveyance of a certain portion of land to each of them, to be erected into a free barony, with great and ample privileges, to be enjoyed by all the persons created Baronets, their heirs-male and assigns whatsoever, heritably, together with the dignitorial rank to them, their heirs-male whatsoever, and their wives and children, as in the said charter may be seen at length ; the priority of precedency being always reserved to Sir William Alexander, his heirs and assigns.

Thus the Baronets were created, in the manner that the King declared his pleasure to the Privy Council * ; and after the order had been for some time established, his Majesty, for the conferring on them the greater degree of honour and public distinction, by a royal warrant, dated at Whitehall, 17th November 1629, granted the Baronets a particular badge or cognisance, which no other person should presume to wear † ; the preamble to the said warrant at the same time setting forth, that Sir William Alexander had established the colony of Nova Scotia, where his son Sir William Alexander was then resident.

The particular care and regard which his Majesty had for this colony, and the honourable and worthy persons on whom the title of Baronet was conferred, is apparent from various letters which passed between his Majesty and the Estates of the realm on the subject, among the Privy Council records.

* Vide Appendix, No. I.

† Vide Appendix, No. II.

It may, however, be here necessary to remark, that the charters of Nova Scotia granted to Sir William Alexander, containing the boundaries of the country, the privileges and immunities to be enjoyed under his government by the settlers, and every thing connected with the Baronets, were ratified in open Parliament, holden at Edinburgh, 28th June 1633 *, the King being present.

As to the number of persons who were actually created Baronets of Nova Scotia, according to the stipulated terms and conditions of the institution, it may be difficult to determine, inasmuch as the names of the respective parties on whom the title was conferred do not all appear from the public registers. As to those whose creations appear to be so registered, a list is hereto annexed, with an asterisk prefixed to the names of those who are found to have had seisin of their baronies † ; from which it will be seen that those creations did not go beyond December 1638. On this point it arises to be considered how far any persons created Baronets after that period can be deemed Nova Scotia Baronets, and as such entitled to local or territorial possessions, or to the privileges which were specially granted to be enjoyed by the Nova Scotia Baronets alone.

The persons appearing from the registers to have been created Baronets *in Scotia*, from 5th March 1661 downwards, had merely patents, without any grant of lands to accompany their titles, and con-

* Acts of the Parliament of Scotland.

† Vide Appendix, No. III.

sequently had no interest in the colony ; and besides, there was no previous institution of an order of Baronets in Scotland, while there was an order of Baronets of Nova Scotia, expressly instituted by King Charles I, and confirmed by the Parliament. It is submitted, therefore, that the Baronets in Scotland were not Nova Scotia Baronets, but persons on whom his Majesty was pleased to confer an hereditary title, with a name, but without the right to wear the distinctive badge authorised to be carried exclusively by the former, or to enjoy the great privileges set forth in their respective charters.

In relation to this subject it may be right to mention, that a general meeting was called at Edinburgh, and did meet there, the 14th June 1775, with a view to come to some resolutions affecting the rank, rights and honours of the Baronets, denominating themselves as one body by the style of Baronets of Scotland ; but as whatsoever was discussed on that occasion is not within the object which the present statement professes to embrace, it may be as well merely to leave the consideration of the proceedings of that meeting, to the annexed account of what then took place *.

Further, meetings of the Nova Scotia Baronets, and their representatives in right of their lands in Nova Scotia, were called at Edinburgh, for 1st July and 1st October 1783, the specific object of which has not been discovered.

In now bringing into notice the first creation of

* Vide Appendix, No. IV.

Nova Scotia Baronets, it becomes material to entertain the question, how far the heirs of the first Baronets have lost their rights of inheritance, or whether they still remain capable of being reclaimed.

The *first* objection seems to be, that King Charles I, by the treaty of St Germain, signed the 29th March 1632, ceded to the French the territory of Nova Scotia, and with that cession the Baronets lost their territories. But this objection ceases, when it shall be seen, that so far from having ceded Nova Scotia to the French, his Majesty, on the contrary, in open Parliament at Edinburgh, ratified and confirmed, as before mentioned, all the charters and grants, &c. made to Sir William Alexander, which ratification bears date upwards of twelve months after the pretended cession to the French. But the fact was, that King Charles having agreed, by the treaty of St Germain, to retrocede to France Quebec and other territory in *Acadia*, (the then general name of all that part of America,) the French, under pretence that Nova Scotia formed part of *Acadia*, usurped the same, and King Charles at that time was too weak in power to maintain the rights of his Crown or of his people against the foreign enemy. But a further proof that the country was never intentionally surrendered by the King, or sold to the French, by Sir William Alexander, (as said by some authors,) may be found in the subsequent creations made by King Charles, and the seisins taken by the grantees of the lands contained in their charters; while there is also upon record a deed of assignment, dated 29th Janu-

ary 1640, made by Sir William Alexander, then Earl of Stirling, to Messrs Kinneir and Gordon, of such interest and compositions as he might be entitled to from his right to procure the honour and dignity of Knights Baronets of Nova Scotia, containing an obligation to procure the same to all such persons as Messrs Kinneir and Gordon should nominate and appoint, likeas he might have done himself ; which deed, being for the payment of debts, is registered in the books of Session in Scotland, 15th February 1640, and would have been most ridiculous if no real sums of money were derivable therefrom.

A *second* objection is suggested, that the lands became forfeited by the failure of the grantees to fulfil the condition which is supposed to have been impliedly annexed to their grants, of defending and maintaining the same under the Royal authority. But this objection is at once nugatory ; for if the King had truly ceded Nova Scotia, his subjects had no right to dispute his will, and take up arms against his act of prerogative. But if, as was the case, the King did not cede the territory, he ought to have given the assistance of the power of his Crown to have supported the settlement, and have called on his subjects, the settlers, to have brought forward their force, as a part of their feudal duty. The King was as much bound to protect his subjects who had purchased that protection, as the subject was to defend his own and the King's dominion. But the

objection is solely by implication, and not from any expressions of an imperative nature in any grant.

A *third* objection is interposed, that the claims have become antiquated by the neglect or the omission of the grantees to act upon their grants from the period thereof to the present time. To settle this question, it should be considered what law, if any, of prescription or limitation interferes; whether Scots law, English law, or Colonial law, or some law, rule or principle different from all these. By a recent decision in the United States of North America, it has been determined, and affirmed upon appeal to the Supreme Court at Washington *, that a grant, originally well and sufficiently made, remains indefeasible, whether acted upon or not; and that no laches, however long continued, on the part of the grantee or of his heirs, affect the same.

On the present occasion, it is to be borne in mind, that from the treaty of St Germain in 1632, to the time when the treaty of Utrecht took place, the French were, during the chief period, usurpers on the territory, and its inhabitants in a state of constant aggression. At the last-mentioned treaty, the British Commissioners required that Nova Scotia should be given up to Great Britain according to its ancient boundaries, with its whole rights; the French occupation having been founded upon usurpation,

* Case of the London Society for the Propagation of the Gospel in Foreign Parts *versus* The Town of Newhaven, Vermont, February 1823.

not acquisition by force of arms, or cession by treaty. The French Commissioners in reply assumed, that Nova Scotia was a country unknown to them, and never before mentioned to them, and that the district claimed was Acadia entirely. To this the British Commissioners made replication, that if Nova Scotia, as a country, was unknown to the French, it consequently had never been ceded to them; and as to the boundaries, they rested upon the description of them, as contained in the charters to Sir William Alexander.

Thus Nova Scotia was re-acquired in its full plenitude of extent and rights: but still the contention between Great Britain and France for boundary line continued, till, by the treaty of Paris in 1763, the French made a final quit-claim of Nova Scotia and Canada, and Great Britain has ever since remained in possession thereof: and thus, when these countries returned to the British sovereignty, the rights of the grantees of the British Crown are to be deemed to have returned to them, or their heirs representative.

The British Government, repossessed of Nova Scotia, still to the present day insist on its boundaries according to Sir William Alexander's charters, and have so done upon the late arbitration, on the question submitted to be determined between them and the American Government by the King of Holland. And here it may be remarked, that while the Crown urges the validity of these charters of Sir William Alexander and his occupancy under them, and the territory and appendages granted have

ever remained as a colony or province of Great Britain, these admissions must show, that if Great Britain never lost or forfeited any thing by the cessions under the treaties of St Germain, or of Breda in 1667, so neither Sir William Alexander nor his heirs lost or forfeited the proprietorship of what had been granted by the charters thus so strongly relied upon by the British Government, and the less can that right be extinguished, inasmuch as the first proceeding in the foundation of the colony was at the sole charge and expense of Sir William Alexander, and was therefore a valuable consideration advanced for the grant, and a *bona fide* ground for its endurance to all his posterity. In like manner, the grants to the Baronets of Nova Scotia of the original creation, whereof seisin in most instances was actually taken, may be concluded to have a great weight for restitution if of late granted out, and to constitute a positive right to what lands may now remain unoccupied.

Having noticed something as to the objection of prescription, it may not be irrelevant to observe, that the right of prescription has never been held to be so essentially a principle of natural justice that it might not be set aside by law. Two very important maxims of English law are directly opposed to it, viz. the rules "*nullum tempus occurrit Regi*," and "*nullum tempus occurrit Ecclesie*;" that is to say, no adverse possession, of however long standing, can be a bar to a prior right of the King or of the Church.

Indeed, the doctrine of prescriptive right formed no part of the old common law of England, but was first introduced by statute of the 32. Hen. VIII *, so that far from being a fundamental principle of natural equity, it has been altogether excluded by some laws, and certainly required the aid of positive enactment to give it any binding force or validity whatsoever. In the present instance of claim against the Crown, it would be rather bearing too much upon excessive prerogative to take away property by virtue of a *nullum tempus* exception, and yet refuse to restore it, by not allowing the same exception to those whose claims were derived from the Crown itself.

What may be the claims of those persons entitled to the honours of Knights Baronets of Nova Scotia must depend upon the nature of their respective grants, the conditions contained in them, and their several boundaries, all which it is believed their charters sufficiently set forth.

The bill proposed by Lord Howick for the encouragement of emigration to Canada and Nova Scotia evidently deserves the attention of those entitled to lands in those colonies, and particularly as to the prospect of their becoming much more valuable. It may be to be noticed, that although many of the Nova Scotia baronies may have been settled upon by subsequent grants from the Crown, and presumption of an escheat by the silence of the heirs, it does not follow that the right of the mines in these

* Blackstone's Com. ii. p. 264.

baronies may have been granted to the new settlers, and if not, they form a subject for the heirs to appreciate.

As one of the strongest grounds which is attempted to be set up against the claims either of the heir of Sir William Alexander, or of the Nova Scotia Baronets, is length of time of non-user, and a conclusion therefrom of a voluntary abandonment of their claims, it is important to be observed, that in the charters of the original Nova Scotia Baronets there is a special clause, which declares, that the grant shall be valid, sufficient and effectual in all time coming, in all points, in law, in all the King's courts, and in all other places, notwithstanding any law, custom, prescription, practice, decree or constitution before made, decreed or published, or afterwards at whatever time to be made, decreed and published, ordained or provided. These words are certainly strong, and seem to have been used with an allusion to the Scottish prescription, then recently introduced by the act 1617, c. 12. The law of Scotland, therefore, was directly excluded, and that of England could not apply. The inference, therefore, of a non-user even voluntarily continued cannot avail, for the charters must all be interpreted and expounded according to their letter, and the principle of the true consideration which induced the granting of them.

On this point, with a very striking analogy of non-user and voluntary abandonment, there has been very lately decided before the Lords' Committee for Privileges, (the Lord Chancellor Brougham main-

taining the doctrine,) a case of claim made by the Viscount Courtenay to the Earldom of Devon. This honour was conferred on Henry Courtenay, who was created Earl of Devon by Queen Mary, by letters patent, in which the words of limitation are, "*Sibi et hæredibus suis masculis,*" without the further words, "*de corpore,*" or "*quibuscunque.*" He died shortly afterwards unmarried, and consequently without legitimate issue. The Crown considering the title vacant, conferred it afterwards, in the reign of King James I, upon the Lord Montjoy, who enjoyed it about three years, when he died without lawful issue, and it again fell to the Crown; whereupon the King once more revived the title, and created the then Lord Cavendish Earl of Devonshire, in whose family it now remains.

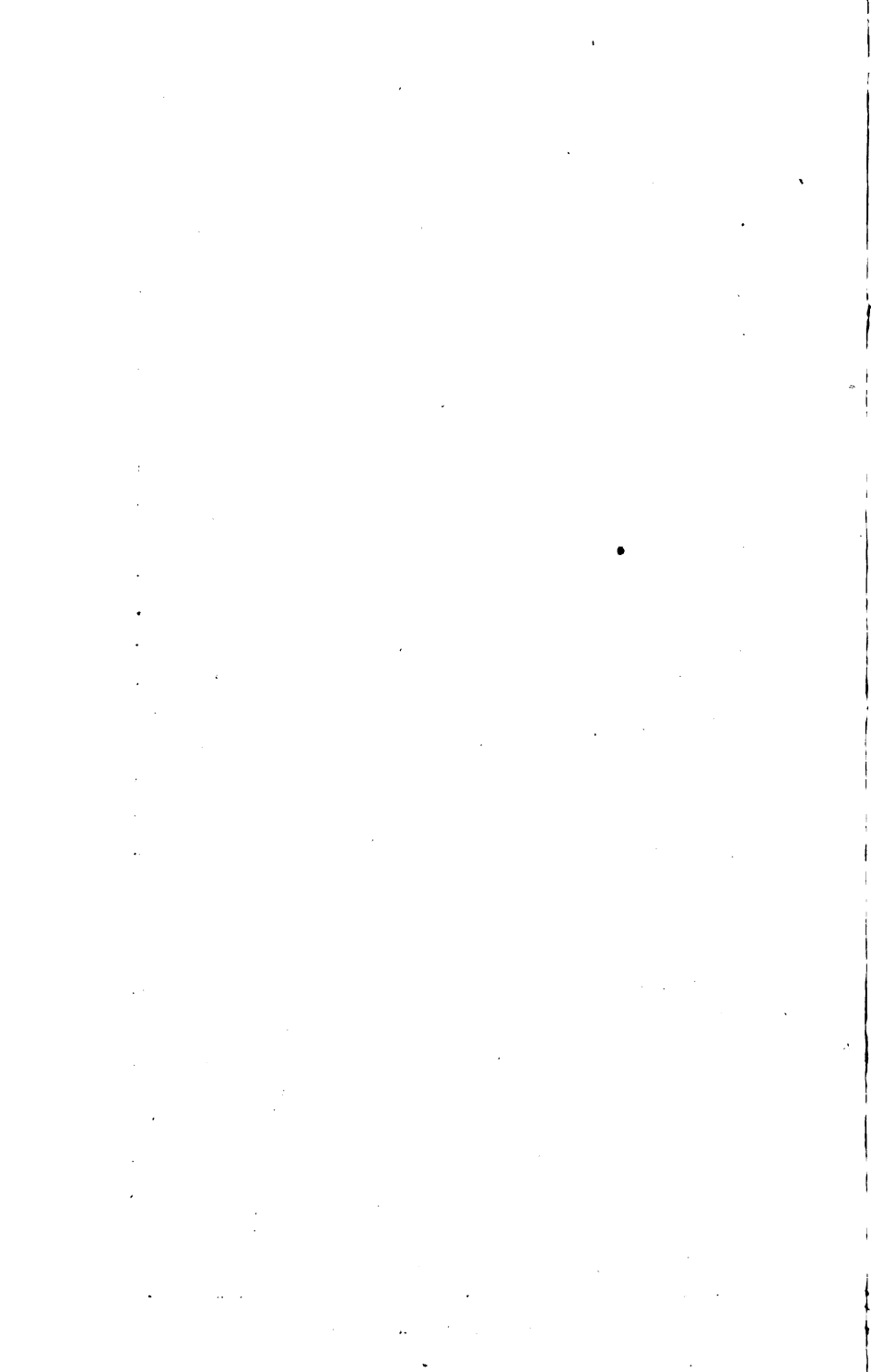
From the period of the death of Henry Courtenay, Earl of Devon, till the last year, the heir-male of his family never claimed the dignity, but allowed it, without objection or pretension, to be granted to strangers. The several heirs-male in succession continued commoners, till at last raised to the peerage dignity, in 1762, by the inferior title of Viscount Courtenay. But on a sudden, the present Nobleman, (a person of overmuch notoriety,) has thought fit to come forward and claim the Earldom, asserting that the limitation "*hæredibus masculis,*" without additament, meant *heirs-male collateral*, and was not confined to *heirs-male of the body*; and citing, as a precedent for such construction, the claims pending before the Lords for the title of Earl of Annandale. The Lords have decided in his favour; and though

length of time is certainly not a bar to the inheritance of a title of honour, yet, in this instance, it is apparent there was a voluntary abandonment, with a voluntary approval of other families to take the dignity now demanded. But the rule laid down by their Lordships was a conformance to the exact words of the letters patent. It may now remain only to add, that

The Earl of Stirling has presented a petition to the House of Commons * on his claims ; and in asserting them, he has thought proper to take notice of the rights which may appertain to those who represent the grantees of his ancestor the first Earl. He has deemed it incumbent, as Hereditary Lieutenant of the Colony, to attempt to vindicate them, while supporting his own claims ; and in having so done, he trusts he shall have acted to the approbation of those persons. It may now remain for the Baronets to consider what ulterior measures are to be adopted, and may be approved of, to assert and maintain the rights and interests they may have in their honours and territorial appendages.

One point it may not be improper, lastly, to mention, that if any barony has been taken possession of by the Crown as in the nature of an escheat, and still remains in the Crown unlocated, the Earl of Stirling will contend that the escheat appertains not to the Crown but to himself, as the proprietary patentee of the Crown ; and in the event of making good this position, he will feel much gratification in making a re-grant to the true heir.

* Vide Appendix, No. V.



APPENDIX.

No. I.

LETTER *from King Charles I. to the Privy Council*
• *of Scotland, anent Baronetis.*

CHARLES R.

RIGHT trustie and right welbeloued Counsellour,
right trustie and right welbeloued Cosens and
Counsellouris, and trustie and welbeloued Counsel-
louris, WE GREETE YOU WELL. UNDERSTANDING
that Our late deare Father, after due deliberatioun,
for furthering the Plantatioun of New Scotland, and
for sindrie other good consideratiounes, did deter-
mine the creatting of Knight Baronetis thair, and
that a proclamatioun wes maid at the mercatt croce
of Edinburgh, to gif notice of this his royall inten-
tioun, that those of the best sort knowing the same
might haif tyme to begin first and be preferred unto
otheris, or than want the said honnour in their awne
default : AND UNDERSTANDING likewayes that the
tyme appoyntit by the Counsell for that purpos is
expyred ; We, being willing to accomlishe that
whiche wes begun by Our said deare Father, haif
preferred some to be Knight Baronetis, and haif

grantit unto thame signatouris of the said honnour, together with thrie mylis in breadth and six in lenth of landis within New Scotland, for their severall proportionnes : AND now that the saidis plantatiounes, intendit thair, tending so much to the honnour and benefite of that Our kingdome, may be advanced with diligence, and that preparatiounes be maid in due tyme for setting furthe a colonie at the next spring, to the end that those who ar to be Baronetis and to help thairunto may not be hinderit by coming unto Us for procureing their grantis of the saidis landis and dignitie, bot may haif thame thair, with lesse trouble to thameselffis and unto Us ; We haif sent a Commissioun unto you for accepting surrenderis of landis, and for conferring the dignitie of Baronet upon suche as salbe fund of qualitie fitt for the samine, till the number appoynted within the said Commissioun be perfited : AND THEREFORE OUR PLEASURE IS, that you exped the Commissioun through the sealis with all diligence, and that you and all otheris of Our Privie Counsell thair give all the lawfull assistance that you can convenientlie afford for accomplisheing the said worke, whereby colonies sould be sett furthe, and certifie from Us, that as We will respect thame the more who imbrace the said dignitie and further the said plantatioun, so if ony Knight who is not Baronet presooome to tak place of one who is Baronet, or if ony who is not Knight stryve to tak place of one who hes the honnour from Us to be a Knight, inverting the order usuall in all civill partis, WE WILL that you censure the pairty transgressing in that kynd, as a manifest

contempnar of Our authoritie, geving occasioun to disturbe the publict peace. So recommending this earnestlie to your care, We bid you farewell. *Windsore*, the 19. of July 1625.

No. II.

ROYAL WARRANT by King Charles I. to the Nova Scotia Baronets.

CHARLES R.

Right trustie and right welbeloued Cousin and Counsellour, right trustie and welbeloued Cousins and Counsellouris, and right trustie and welbeloued Counsellouris, WEE GREETE YOU WELL. WHEREAS, upon good consideration, and for the better advancement of the Plantatioun of New Scotland, which may much import the good of Our service, and the honour and benefite of that Our auncient Kingdome, Our Royall Father did intend, and Wee have since erected, the Order and Title of Barronet in Our said auncient Kingdome, which Wee have since established, and conferred the same upon diverse gentlemen of good qualitie: AND SEEING Our trustie and welbeloued Counsellour Sir William Alexander, Knight, Our Principall Secretarie of that our auncient Kingdome of Scotland, and Our Lieutenant of New Scotland, who these many years bypast hath been at greate charges for the discoverie thereof,

hath now in end settled a colonie there, where his sone Sir William is now resident ; AND Wee being most willing to afford all possible meanes of encouragement that convenientlie Wee can to the Barro-
nets of that Our auncient Kingdome, for the furtherance of so good a worke, and to the effect they may be honoured and have place in all respects according to their patents from Ws, Wee have been pleased to authorize and allow, as by these presents for Ws and Our successouris Wee authorize and allow the said Lieutenant and Barronets, and euerie one of them, and their heires-male, to weare and carie about their neckis, in all time cuming, ane orange tannie silke ribban, whereon shall heing pendant in a scutcheon argent a Saltoire azur thereon, ane inscutcheon of the Armes of Scotland, with ane imperiall Crowne above the scutcheon, and encerced with this motto, FAX MENTIS HONESTÆ GLORIA ; which cognoissance Our said present Lieutenant shall delyver now to them from Ws, that they may be the better knowen and distinguished from other persounis. AND that none pretend ignorance of the respect due unto them, OUR PLEASURE THEREFORE IS, that by open proclamaition at the marcat croces of Edinburgh, and all other head brughs of Our Kingdome, and such other places as you shall thinke necessar, you cause intimate Our Royall pleasure and intentioun herein to all Our subjects ; AND if any persoun out of neglect or contempt shall presume to tak place or precedence of the said Barronets, their wyffes or children, which is due unto them by their patents, or to weare their cognoissance, WEE

WILL that, upon notice thereof given to you, you cause punishe such offenderis, by fying and imprisoning them, as you shall thinke fitting, that otheris may be terrified from attempting the like: And Wee ordaine that from time to time, as occasioun of granting and renewing their patents, or their heires succeeding to the said dignity, shall offer, that the said power to them to carie the said ribban and cognoissance shalbe therein particularlie granted and insert: And Wee likewise ordaine these presents to be insert and registrat in the books of Our Counsell and Exchequer, and that you cause registrat the same in the books of the Lyon King at Armes and Heralds, there to remain *ad futuram rei memoriam*, and that all parties having interesse may have authentik copies and extracts thereof; and for your so doing, these Our letters shalbe unto you and euerie one of you, from time to time your sufficient warrant and discharge in that behalffe. Given at Our Court of *Whythall*, the 17. of November 1629.

To Our right trustie and right welbeloued Cousin and Counsellour, to Our right welbeloued Cousins and Counsellouris, to Our right trustie and welbeloued Counsellouris, and trustie and welbeloued Counsellouris, the Viscount of Dupleine, Our Chancellour of Scotland, the Earle of Monteth, the President, and to the remanent Earls, Lords, and otheris of Our Privie Counsell of Our said Kingdome.

No. III.

LIST of Nova Scotia Baronets, whose Creations appear from the Public Registers in Scotland.

- 1625.
- May 28. Sir Robert Gordon of Gordonstown.
* Sir Alexander Strachan of Thornton.
Sir William Keith, Earl Marischal.
29. * Sir Duncan Campbell of Glenurquhay.
* Sir Robert Innes of Innes.
* Sir John Wemyss of Wemyss.
30. * 5 Sir William Douglas of Glenbervie.
* Sir David Livingston of Dunipace.
- July 12. * Sir William Alexander of Menstrie.
14. Sir Donald Macdonald of Slate.
19. * Sir Richard Murray of Cockpool.
- Aug. 30. * Sir John Colquhoun of Tilliquhoun.
31. * 10 Sir Alexander Gordon of Cluny.
- Sept. 1. * Sir John Lesly of Wardes.
2. * Sir James Gordon of Lismore.
3. * Sir Gilbert Ramsay of Balmain.
- Nov. 17. * Sir George Forrester of Corstorphine.
- Dec. 28. * 15 Sir William Graham of Braco.
- 1626.
- Mar. 30. * Sir William Forbes of Monymusk.
31. * Sir George Johnston of Caskieben.
- Apr. 21. * Sir Thomas Burnett of Leys.
22. * Sir John Moncreiff of Moncreiff.
24. Sir George Ogilvy of Carnousie.

1626.

- June 1. *20 Sir William Murray of Clairmount.
 July 18. * Sir John Blackadder of Tulliallan.
 Sept. 29. * Sir John Ogilvy of Innerquharity.

1627.

- Mar. 18. * Sir Donald Mackay of Strathnaver.
 28. * Sir James Maxwell of Calderwood.
 Apr. 18. Sir James Stewart, second son of Alexander Earl of Galloway.
 May 2. Sir Archibald Napier of Merchistoun.
 June 25. *25 Sir John Livingston of Kinnaird.
 29. * Sir James Livingston of Newbigging.
 July 4. * Sir William Cunningham of Cunninghamhead.
 17. * Sir James Carmichael of Westraw.
 19. * Sir James M'Gill of Cranstoun Riddell.
 20. *30 Sir James Ogilvy of Banff.
 Oct. 18. * Sir Samuel Johnston of Elphinstone.
 Nov. 21. * Sir William Cockburn of Langton.
 Dec. 13. * Sir Colin Campbell of Lundie.

1628.

- Jan. 1. Sir Archibald Acheson of Clancairnry.
 10. * Sir Robert Montgomerie of Skelmorly.
 12. *35 Sir Dougald Campbell of Auchinbreck.
 14. * Sir Donald Campbell of Ardnamurchan.
 Feb. 19. * Sir Thomas Hope of Craighall.
 22. Sir John Preston of Airdrie.
 May 14. * Sir John Riddell of Riddell.
 15. * Sir Archibald Murray of Blackbarony.
 16. *40 Sir Patrick Murray of Elibank.
 21. * Sir John Mackenzie of Tarbat.
 June 20. * Sir Wm. Elphinstone of New Glasgow.
 Sept. 29. * Sir Arthur Forbes of Castle Forbes,

1628.

- Sept. 29. * Sir Francis Hamilton of Killah.
 Oct. 2. *45 Sir Edward Barret, Lord Newburgh.

1629.

- June 26. * Sir William Bruce of Stenhouse,
 July 27. * Sir John Nicolson of Laswade.
 * Sir Michael Arnot of Arnot.
 28. * Sir James Oliphant of Newton.
 Sir Patrick Agnew of Lochnaw.
 Sir William Keith of Ludquhairn.

1630.

- Mar. 31. Sir Robert Hannay of Mochrum.
 Apr. 20. Sir William Forbes of Craigievar.
 24. Sir James Stewart, Lord Ochiltree, and
 Sir Peirs Crosbie and Sir Walter
 Crosbie, of Crosbie Park, Ireland.
 July. 24. *50 Sir James Sibbald of Rankeillor.
 Oct. 2. * Sir William Murray of Dunearn.
 Nov. 13. * Sir Robert Richardson of Pencaitland.
 25. Sir David Cuningham of Robertland.

1631.

- Mar. 5. * Sir Henry Wardlaw of Pitreavie.
 June 2. * Sir James Sinclair of Canisbey.
 18. *55 Sir John Gordon of Embo.
 Sept. 3. * Sir Lachlan Maclean of Morvaren.

1633.

- Dec. 22. Sir James Balfour of Denmiln.
 23. * Sir David Cuningham of Auchinharvie.
 June 7. * Sir Hector Monro of Foulis.
 * Sir Alexander Foulis of Colinton.
 Sir Philibert Vernate of Carleton, York-
 shire.

1634.
 June 7. Sir Henry Bingham of Castlebar,
 Mayo.
1635.
 Jan. 6. Sir James Hamilton of Broomhill.
 June 8. *60 Sir John Gascoigne of Barnebow, York-
 shire.
 18. * Sir Walter Norton of Chestone, Suffolk.
 29. * Sir Arthur Pilkington of Stainlie, York-
 shire.
 Sept. 26. * Sir Edward Widdrington of Cairting-
 ton, Northumberland.
 Dec. 10. * Sir James Hay of Smithfield.
 19. Dame Mary Bowes of Osburton, Notts.
 Sir John Raney of Rutam, Kent.
1636.
 Feb. 17. Sir John Fortescue of Salden, Bucks.
 20. Sir Thomas Thomson of Dudingston.
 June 18. Sir Edward More of Longford, Notts.
 *65 Sir John Sinclair of Stevenson.
 Sir John Curzon of Kedlestone, Der-
 byshire.
 Nov. 21. Sir Gideon Baillie of Lochend.
1637.
 Jan. 16. * Sir Thomas Nicolson of Carnock.
 Mar. 13. * Sir George Preston of Valleyfield.
 July 31. *68 Sir Andrew Ker of Greenhead.
1638.
 Mar. 2. Sir Henry Slingsby of Scriven, York-
 shire,
 24. Sir Thomas Peirs of Stonypitts, Kent.
 Dec. 17. Sir Edward Longueville of Wolner,
 Bucks.

No. IV.

MINUTES of the Proceedings of the General Meeting of the Baronets of Scotland.

Edinburgh, June 14. 1774.

At a General Meeting of the Baronets of Scotland, with the previous approbation of many of them who could not attend, in consequence of advertisements from the Lyon Office,

There were present,

Sir Robert Gordon of Gordonstoun,
 Sir Alexander Douglas of Glenbervie,
 Sir Alexander Macdonald of Slate,
 Sir William Forbes of Monymusk,
 Sir William Maxwell of Calderwood,
 Sir Stair Agnew of Lochnaw,
 Sir Henry Munro of Foulis,
 Sir John Sinclair of Stevenson,
 Sir Henry Seton of Culbeg,
 Sir Alexander Stirling of Glorat,
 Sir William Stirling of Ardoch,
 Sir Alexander Dick of Prestonfield,
 Sir James Clerk of Pennycuick,
 Sir Robert Dalryell of Binns,
 Sir John Inglis of Crammond,
 Sir James Dunbar of Mochrum,
 Sir John Dalrymple of Cranstoun,
 Sir Archibald Grant of Cullen,

Sir John Gordon of Earlstoun,
 Sir John Whiteford of Blairquhan.

Proxies for

Sir John Dick of Braid,
 Sir John Cuningham of Caprington,
 Sir John Wedderburn of Ballindean,
 The Right Hon. the Earl of Lauderdale,
 Sir Ludovick Grant of Dalvey,
 Sir John Ogilvy of Innerquharity.

Letters were produced and read from the following gentlemen, who agree to the measure of wearing the badge :

Sir James Colquhoun of Luss,
 Sir Alexander Gordon of Lismore,
 Sir Alexander Ramsay of Balmain,
 Sir Thomas Burnett of Leys,
 Sir Richard Murray of Blackbarony,
 Sir James Foulis of Colinton,
 The Right Hon. the Earl of Home,
 The Right Hon. the Earl of Galloway,
 The Right Hon. the Earl of Stair,
 Sir John Sinclair of Longformacus,
 Sir Alexander Purves of Purves,
 The Right Hon. Lord Napier,
 Sir Alexander Don of Newton,
 Sir Alexander Mackenzie of Coul,
 The Right Hon. the Earl of Cassilis,
 Sir William Maxwell of Springkell,
 Sir Robert Laurie of Maxwellton,
 Sir Robert Grierson of Lag,

Sir Michael Malcolm of Lochore,
 Sir James Home of Coldingham,
 Sir James Johnstone of Westerhall,
 Sir William Augustus Cunyngham of Living-
 stoun.

Sir George Hay Macdougall of Atherston,
 Sir Roderick Mackenzie of Scatwell,
 Sir Robert Pollock of Pollock.

The meeting unanimously elected Sir Robert Gordon of Gordonstoun, the first Baronet of the Order, their President, and James Cummyng, Keeper of the Lyon Records, their Clerk.

There was laid before the meeting, and considered by them, an authentic Extract of the Royal Warrant of King Charles I, of date 17th November 1629, authorising the Baronets of Scotland to wear a medal therein described; and several original medals of the Order were produced by different Baronets, whose ancestors had worn them, together with several patents of different dates. They then unanimously RESOLVED, from respect to the Crown by which this badge was bestowed, and in duty to their families, to re-assume this privilege of their Order: And they hereby appoint

Sir Alexander Macdonald of Slate,
 Sir William Forbes of Monymusk,
 Sir Henry Moncreiff Wellwood of Tullibole,
 The Right Hon. the Earl of Hyndford,
 Sir George Preston of Valleyfield,
 Sir Robert Henderson of Fordel,

Sir Alexander Stirling of Glorat,
 Sir William Erskine of Cambo,
 Sir John Cuninghame of Caprington,
 Sir Alexander Dick of Prestonfield,
 Sir John Dalrymple of Cranstoun,
 Sir George Hay Macdougall of Atherston,
 Sir James Wemyss of Bogie,
 The Right Hon. the Earl of Lauderdale,
 Sir Archibald Grant of Cullen,
 Sir John Gordon of Earlstoun,
 Sir John Whiteford of Blairquhan,

together with such gentlemen present at this meeting, not immediately above mentioned, to be a Committee, any five of their number to be a quorum, to meet and transmit the resolutions of this meeting to those gentlemen of the Order who could not attend ; to communicate them, with a copy of the circular letter from the Lyon office, together with authenticated extracts of the Royal Warrant above mentioned from the records of the Lord Lyon's office, and of the Privy Council of Scotland, to his Majesty's Secretary of State, in whose Department this part of the United Kingdom lies, entreating his Lordship to lay their resolutions before their most gracious Sovereign ; and to do every other thing necessary to carry the resolutions of this meeting into execution.

And they recommend to the Committee to get the medals made under the inspection of the Lyon Court, conform to the model of those presented, each medal bearing the date of the creation of the Baro-

net to whom it belongs; and to write a letter of thanks to the Lord Lyon for his attention to the honours of his country.

ROBERT GORDON, *Preses.*

JAMES CUMMYNG, *Clerk.*

Note.—The papers mentioned in the above minutes were, on the 28th June 1775, presented to the Earl of Suffolk, at the levee at St James's, by Sir James Cockburn, and such Baronets as he could find in London; and his Lordship told him, he should lay them before the King, and if there was any answer, though he apprehended there could be none, it should be immediately communicated.

No. V.

To the Honourable the COMMONS of the United Kingdom of Great Britain and Ireland, in Parliament assembled,

The PETITION of ALEXANDER, Earl and Viscount of STIRLING, Viscount CANADA, &c. &c. &c. Hereditary Locum tenens of Nova Scotia, &c. &c.

Sheweth,

THAT his Majesty's Government having submitted to Parliament certain measures for the appropriation or settlement of those lands, designated the

Waste Lands in the British Colonies of the Canadas and Nova Scotia in North America, your Petitioner considers it is incumbent upon him to make known to Parliament the rights and interest which are vested in him, with regard to the territories of the Colonies aforesaid.

That for this purpose, your Petitioner must observe, that his ancestor, viz. his great-great-grandfather Sir William Alexander, Knight, of Mentrerie, in the kingdom of Scotland, Privy Counsellor to King James the First, and afterwards created Viscount and Earl of Stirling, &c. &c., having founded and established a settlement, at his own cost and expense, in a certain part of the mainland of North America, he thereupon, in consideration of the great charges he had been at and had incurred, obtained a charter from the said King James the First, dated the 10th of September 1621, whereby the said district was erected and incorporated into a colony or province, which henceforth was to be called and denominated Nova Scotia, in honour of the Founder, and of the kingdom to which by the charter it was to be attached, and thereof holden by Sir William Alexander, as Hereditary Locum tenens for the King, and with divers other great offices, privileges, administrative powers and immunities, of all which territory, offices, &c. he had possession and legal seisin accordingly.

That King James having shortly after deceased, his Majesty Charles the First, by a further charter of novodamus, dated the 12th of July 1625, reciting the former charter, and the considerations on which it

had been granted, was pleased to confirm to the said Sir William Alexander the same in its most full and ample contents: And having then instituted the Order of Knights Baronets of Nova Scotia, for the encouragement of settlers, of persons of rank and family, in the said Colony, his Majesty constituted him the premier Baronet of the Order; with power to nominate others, and apportion to them a certain quantity of lands, to be holden and enjoyed by them in free barony.

That his Majesty King Charles the First was also pleased, by another charter, dated the 2d February 1628, to grant to the said Sir William Alexander, (therein designated his Majesty's Hereditary Locum tenens of Nova Scotia,) another territory of great extent, whose limits and boundaries are therein particularly described, which thenceforth was to be called the Lordship of Canada, and to be holden and enjoyed by Sir William Alexander, with the same powers and privileges as Nova Scotia.

That these charters were afterwards confirmed in open Parliament by the King in person in 1633, the 9th of Charles the First: And moreover, Sir William, who had been created Viscount of Stirling in 1630, was by patent, dated 14th June 1633, advanced to the dignity of Earl of Stirling and Viscount Canada, the latter title being to perpetuate the name of the territory so granted to him.

That your Petitioner does not think it necessary to set forth herein *ad longum* the description of the extent and boundaries of the territories mentioned in the aforesaid charters, the said charters being mat-

ter of historical notoriety, well known to his Majesty's Government, and always admitted, brought forward and insisted upon, whenever any discussion on the subject of boundary has occurred, whether with the French, at and after the treaty of Utrecht, or more recently between Great Britain and the United States of North America, on the late dispute submitted by them to the arbitration of the King of Holland.

That your Petitioner, agreeably to the form and practice provided and required by the law of Scotland to establish heirship, was, by a jury of fifteen persons appointed, and solemnly assembled, on the 7th February 1826, found and declared, by their verdict, on their great oaths, heir-male of the body of his mother Hannah, the last surviving heir-female of her brother, Benjamin (8th Earl of Stirling,) the last heir-male of the body of Sir William Alexander, Knight, the first Earl of Stirling, his great-great-grandfather, and afterwards, viz. on 11th October 1830, your Petitioner was, by a jury similarly appointed and solemnly assembled in like manner, found and declared, by their verdict, on their great oaths, to be the nearest and lawful heir in general of the said William, the first Earl of Stirling, his great-great-great-grandfather.

Wherefore your Petitioner prays that your Honourable House will take care that, in whatsoever resolutions you may come to respecting the allotments or locations of any of those lands called the Waste Lands, either in Nova Scotia or the Canadas, such resolutions shall not affect the right of your Petitioner, the

nearest and lawful heir in general of the first grantee of the charters before mentioned. And further, your Petitioner prays, that no resolution shall be passed to affect those rights which may appertain to any other of the Baronets of Nova Scotia, whose rights may depend upon, or be derived through, the sub-grants made by your Petitioner's ancestor, the said William, the first Earl of Stirling. And, lastly, your Petitioner prays, that your Honourable House will be pleased to receive, and have this petition entered on your Journals, as a notification of his claim, right and interest in the premises in question.

And your Petitioner shall ever pray, &c.

(Signed) STIRLING.

29. *Mar.* 1831.

74.) WASTE LANDS, (Canada).

Petition of Alexander Earl and Viscount of Stirling, Viscount Canada, &c. Hereditary Locum tenens and premier Baronet of Nova Scotia, praying that in whatsoever resolutions the House may come to respecting the allotments or locations of waste lands, either in Nova Scotia or the Canadas, his rights may not be affected. To lie on the table, and to be printed. (Appendix, No. 1782.)

Supplement to the Votes and Proceedings
of the House of Commons.

Martis 29° Die Martii 1831.