

GENEALOGY COLLECTION

GENEALOGICAL HISTORY

OF

THE STEWARTS.

GENEALOGICAL HISTORY ^c

OF

THE STEWARTS,

FROM THE EARLIEST PERIOD OF THEIR AUTHENTIC HISTORY
TO THE PRESENT TIMES.

Containing

A particular Account of the ORIGIN and SUCCESSIVE GENERATIONS of
the *STUARTS* of DARNLEY, LENNOX, and AUBIGNY, and of the
STUARTS of CASTELMILK; with PROOFS and REFERENCES;

AN

APPENDIX OF RELATIVE PAPERS;

AND

A SUPPLEMENT,

Containing COPIES of various DISPENSATIONS found in the Vatican at Rome,
in the Course of a Search made by the Author in the Year 1789; particularly
Copies of Two *very interesting* DISPENSATIONS which had long been sought for
in vain, relating to ROBERT the STEWART of SCOTLAND (King ROBERT II.) his
much contested Marriages with ELIZABETH MORE and EUPHEMIA ROSS.

TO WHICH IS PREFIXED

A GENEALOGICAL TABLE RELATIVE TO THE HISTORY.

By ANDREW STUART, Esq. M. P.

L O N D O N :

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1798.

P R E F A C E.

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IT is so well known in various quarters, that much of my time and attention has been employed for many years past in collecting and arranging the materials from which the following Genealogical History has been composed, that there is little hazard of my being subject to the imputation of having finished the work too hastily; or of having proceeded with too much rapidity in the researches and inquiries necessary for acquiring sufficient information. But there is a criticism of a different tendency against which I am not so secure; some of my friends may be disposed to think that I stand in need of an apology for having bestowed so much time and labor on a work of this nature. Some of them indeed have insinuated, that the large portion of time and labor bestowed on this work might have been employed to better purpose, either by my engaging in some active pursuit of business, public or private; or by my making choice of a subject more connected with the general interests of society, and more likely to be interesting to an extensive circle of readers.

Considering myself as thus put on my defence, I must try what can be said in justification of the choice of the subject, and of the time and attention which have been dedicated to it.

Having passed many years of my life in business that required much unremitting attention, and which produced too much anxiety;

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I was sensible that any occupations attended with similar anxieties, and likely to keep the mind too much upon the stretch, ought to be avoided during the remainder of my life. On this subject I recollected an admonition of Sir William Temple's, which had probably been suggested to him by his own experience: it is in his *Miscellanea*, and is in these words: "When after much working, one's head is very well settled, the best is not to set it a-working again." In support of this advice, he adds the following observation: "The more and longer the head has worked at first, perhaps the finer and stronger; but every new working does but trouble and weaken it."

Whether the reason thus given for the admonition be well or ill founded, I shall not pretend to judge; but I felt in myself a great disposition to adopt the salutary advice proceeding from the respectable authority of Sir William Temple, who in the course of his life had been employed in many important and responsible situations; and who, besides being a man of much just observation, and of a philosophical turn of mind, had, in his own case, much experience of the anxieties belonging to certain situations of real business, and of their consequences.

At the same time it has long been a settled opinion with me, that no man whatever is entitled to pass his life in idleness, indolence, or inactivity; and that the employment of time in some useful business or pursuit which gives exercise to the faculties, affords more satisfaction and even relaxation to the mind, and certainly contributes much more to the happiness of the individual, than the abstaining from all manner of serious occupation.

With these impressions, the only thing left for me, was to select some proper object that might occupy my attention, without creating too much anxiety; in short, to discover something that, without being real business, might bear such a resemblance to it as to require a discriminating eye to discern the difference.—The work about

about which I have been engaged will be found to answer this description in all points. For histories, of the nature of that now given to the public, afford an agreeable occupation, by having for their object the discovery of truth, and the correction of error: in the pursuit of such objects, the attention must be employed, as in real business, in canvassing the truth or falsehood of asserted facts according to the laws and rules of evidence; so as that every proposition or assertion intended to stand as a part of the history may be brought to the test of a strict examination.

To discover truth, and to detect error, is, of itself, a proper object at all times, and affords a pleasing employment to the mind, without being attended with those anxieties which are incident to that species of real business, where the individual interests of parties may happen to be deeply concerned.

These reasons occurred in favor of the choice of the subject. At the same time, I must acknowledge that there were some accidental circumstances which contributed, not less than any deliberate choice, to the employment of my time and attention in the manner they have been much employed for many years past.

In the year 1787, I happened to pay a visit at Castlemilk to my near relations and particular friends, Sir John and Lady Stuart. The conversation turned upon the strange indolence or want of curiosity which so pervaded many families, that no pains had been taken to learn any thing concerning the ancestors from whom they had derived their existence, neglecting to be informed either as to what sort of persons they had been, or what characters they had enjoyed; and in frequent ignorance even of the names and other particulars concerning them. We agreed in opinion that these observations were applicable to the Castlemilk family as much as to any other; for that there was not any tolerable Genealogical History of them, nor even any accurate account of the names of the successive representatives; this negligence seemed to be a reproach upon every individual

individual belonging to the family. It was observed, that the only excuse given for it was, a traditional report, that Queen Mary having slept in the house of Castlemilk about the time of the battle of Langside fought in that neighbourhood, the party adverse to the Queen came there in a day or two thereafter, set fire to the house, demolished part of it, and burnt or destroyed the papers belonging to the family.

This was the reason given by Sir John Stuart to Sir Robert Douglas, who, when composing his *Baronetage of Scotland*, had, through me, applied for access to the family papers at Castlemilk, or for information from them concerning the Genealogical History of the family. Sir John Stuart at that time declined making any search for old papers, being persuaded they had all been burnt or destroyed in the time of the civil dissensions in Scotland about two hundred years ago.

In this conversation Lady Stuart desired me to attend to the information she had now to give to me: she said it was very true Sir John Stuart her uncle had often said, and believed, that all the old papers belonging to the Castlemilk family had been burnt or destroyed in Queen Mary's time; but that it now appeared this was a mistake, for that since his death she had discovered in the house of Castlemilk a great collection of old papers and parchments which she was impatient to communicate to me, that we might unite in our efforts for tracing the history of the family from authentic materials.

Upon this occasion Lady Stuart mentioned a report she had lately heard, that Lord Galloway had applied to me for my assistance in tracing the history of his family from the most remote times, and that I was giving him every aid in my power for placing him at the head of all the Stewarts. In mentioning this report, she, with her usual pleasantry and good humour, reproached me as an unworthy Cadet of the Castlemilk family, by thus taking part with any competitor contrary to the allegiance I owed to my real chief, Sir John Stuart, her husband.

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I acknowledged that Lord Galloway had applied to me, and that I had told his Lordship I should be very ready to assist him in tracing the history of his family, and in discovering the truth; but that any assistance I could give would be of little consequence, as I had not yet acquired a competent knowledge of facts to found an opinion upon, which opinion must depend on the evidence yet to be discovered. In answer to Lady Stuart's charge against me for taking part against my real chief, I defended myself by saying, that I had understood that the Castelmilk family was out of the question, as they, according to their own account, had no old papers to produce; and without proper materials, it was impossible to say any thing in their favor: on the other hand, that I had been accustomed to believe, because I had often heard it asserted, that Lord Galloway's family had the best pretensions to be at the head of the Stewarts after Cardinal York's death, though as yet I was ignorant of the particulars.

Lady Stuart then produced to me a bundle of old papers and charters as a specimen of what she had discovered. In that bundle I found an original charter, which had been granted near four hundred years ago by Archibald Earl of Douglas in favor of John de Park, to which *Sir William Stewart*, described of *Castelmilk*, and as *cousin to the Earl of Douglas*, was one of the witnesses.

In the same bundle there were many other ancient charters and title-deeds, and particularly a charter and precept of *clare constat* which had been granted in the year 1579 by Robert Earl of Lennox as the Superior, in favor of Archibald Stuart of Castelmilk as the vassal in the lands of Castelmilk; in which title-deeds the Earl of Lennox describes Archibald Stuart as his beloved cousin.

From these and other material papers in the collection thus produced by Lady Stuart, I soon perceived that they would be of very essential service in tracing the history of the Castelmilk family. We therefore agreed to unite our efforts from

that moment for tracing their history from the authentic materials in their possession, and from such others as could be discovered in private repositories and in the Public Records; that being the only means for obtaining an accurate Genealogical History.

Tom. viii.
P. 58, 59.

We knew from Rymer's *Fœdera*, that in a Convention held at Lochmaban on the 6th of November 1398, between commissioners on the part of England and of Scotland, in consequence of a truce then subsisting between the two kingdoms, certain articles respecting the Western Marches were agreed upon; for the fulfilling of which on the part of Scotland, *Sir William Stewart of Castel-mylke, Knight*, was one of the sureties. As near four hundred years had elapsed since that time, it was agreed that our first object should be to ascertain the successive generations of the Castelmilk family from the year 1398 to the present times. In consequence of this resolution, much research and much epistolary correspondence took place during several years subsequent to the year 1787; particularly much epistolary correspondence with Lady Stuart, which served to encourage me exceedingly in the prosecution of this business; for she has the happy talent of making every subject interesting on which she writes. Her letters contained many useful suggestions and observations proceeding from that soundness of judgment for which she is so much distinguished; and it was owing to her industry in discovering where old papers were to be found, and to the proper applications made by her for the communication of them, that I obtained access to ancient writings and documents in the possession of various individuals, which in the course of the investigation turned out to be very serviceable in connecting the proofs.

After having accomplished this first object of our investigations, it remained to discover the ancestors of the first Sir William Stuart of Castelmilk. This led me into a much wider field; for it necessarily produced the investigation of what related to the Stuarts of Derneley, Lennox, and Aubigny.

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I read every book I could find on the subject, and made many searches in the Public Repositories of Records, and elsewhere; the result of which was, a conviction that nothing could be more imperfect and inaccurate, and in many respects erroneous, than the general run of the Genealogical Histories of these families.

This gave me a desire to have those errors corrected; and my zeal on this point was much increased from being made acquainted with the characters and actions of some of the distinguished members of the families of Derneley, Lennox, and Aubigny; which, I found, had, in remote times, and in the course of many successive generations, produced some very great men, whose names and actions ought not to sink into oblivion.

When entering upon this wide field of investigation, I was not at all aware of the extent of the searches, and of the time and labor it was to cost me; but having embarked I was resolved to persist in it till brought to a conclusion, if the state of my health could admit of it.

In this resolution I was the more confirmed, from reflecting that I had then the command of my time much more than had ever fallen to my lot at any former period of my life; and having formed the resolution of passing a year or two in France and in Italy, I determined to take that opportunity of making searches in the records, and in the public or private collections of those countries, which might afford much authentic information relating to the Stuarts of Derneley and Aubigny, particularly to those members of the family who had distinguished themselves in the wars in France and in Italy; and accordingly it will appear in the course of the following work, that the result of the searches made in the records in France fully answered my expectations.—All these circumstances made me feel it to be more particularly incumbent on me to pursue this undertaking; persuaded, that if with such advantages this opportunity

tunity was lost, it was most probable that nothing of the same kind would ever be undertaken by any other person.

If Genealogical Histories can pretend to any merit, it must consist in their accuracy, for without that recommendation they would not only be void of any merit, but become even reprehensible from their tendency to mislead; my chief object, therefore, has been accuracy, and to this having sacrificed much time and attention, I must acknowledge that it has been an unfortunate employment of both if I have failed in that object.

It will not be reckoned presumptuous to say, that I am not conscious of any inaccuracies or errors in the state of facts given in these sheets; for had I been sensible of any, I certainly should not have allowed them to remain, but should instantly have corrected them, as it was my duty to do: but though not conscious of them myself, yet, in a work of this extent, errors and inaccuracies may be discovered by others, notwithstanding all the pains I have taken to avoid them: if there are such, I shall reckon myself much obliged to those who will point them out to me, that I may take the very first opportunity of having them corrected.

I must now beg leave to express my grateful acknowledgments to those Noblemen and Gentlemen who, either at the request of Sir John and Lady Stuart, or at my own request, were pleased to give me communication of their ancient papers and documents, for the purpose of assisting in the investigation of facts, and for ascertaining the truth. No one ever met with more liberality and frankness in these respects than I have experienced in the course of this undertaking: no person having refused the papers in his possession, upon being informed of the object of the request.

The perusal of this Genealogical History will shew the extent of the obligations of this sort which have been conferred by some persons

persons of the highest rank and property in Scotland, whose family archives supplied many of the material proofs therein referred to: particularly it will appear how much the Public, as well as Sir John and Lady Stuart and myself were indebted to the Duke of Montrose for the communication of the Derneley papers in his Grace's possession, which had come to his family in consequence of the acquisition made by his ancestors of great part of the property which had formerly belonged to the Stuarts of Derneley and Lennox.

The contents of the following Work will also shew the obligations conferred by similar communications from the papers belonging to the Dukes of Hamilton and Queensberry, the Earl of Glasgow, the Earl of Hopetoun, Lord Cathcart, Sir John Maxwell of Pollock, Mr. Carruthers of Holmends, the representatives of General Lockhart of Carnwath, Mr. Murray of Broughton, and others of whom mention is made in those parts of the History where the utility of the papers communicated is pointed out.

I am therefore obliged to acknowledge, that if any facts remain unexplained, or not sufficiently proved, I shall not be entitled to the excuse of the proofs being withheld from me by those to whose possession they had been traced; but must impute it to my not having yet discovered in whose possession these papers might be found; for such is the liberality which prevails in this Island, for giving every useful information in matters of this sort, that I am satisfied the most ready access would be given in all quarters to every paper or proof that could be specified as likely to be of use.

There is also great reason to be persuaded that the publication and perusal of this Genealogical History may suggest many additional researches, and induce many proprietors of estates which formerly belonged to or were connected with the Derneley family, to make diligent search among their papers for any that may be of use relative to these matters: the consequence of which would be,

the bringing to light some material papers from the repositories where they now lie concealed, and where they are at present most probably unknown even to the proprietors and possessors of them. I shall always be ready to communicate to the Public such additional pieces of evidence as may come to my knowledge, whether favorable or unfavorable to any conjectures that have been offered on my part in the course of this Work. It will, however, be found, that the number of these conjectures is confined within a very narrow compass; and where any thing is stated merely as a conjecture, subject to future inquiry or future discoveries, the distinction is usually made.

It remains now only to say a few words concerning the arrangement of the matters contained in this Genealogical History.

In order to avoid confusion in a work which embraces a period of between six and seven hundred years, and which, from the extent of the matters treated of, and the multiplicity of the proofs or articles of evidence, stands in need of every aid that can be derived from order and arrangement, it has been thought proper to divide the whole into Seven Parts, whereof the First comprehends the period from Walter the High Stewart, who lived in the twelfth century, to the time when his descendants became Kings of Scotland in the fourteenth century. In a similar manner, the other Six Parts comprehend each of them a considerable portion of time; which is subdivided according to the respective Generations of the family; stating separately each Generation, and the members of it; applying to each the evidence relating to them, and referring to the original papers themselves, the Public Records of the country, or the charter-chests of individuals, where these articles of evidence are to be found.

By

By this arrangement it will be very easy for every person who wishes to examine accurately and in the strictest manner the various articles of the Pedigrees and Genealogical History, and the proofs of them, to form his judgment, not only on the total amount and final result of the evidence, but likewise on all the intermediate branches and each article thereof, as every article is accompanied with the statement of the proofs which tend to establish it. And for assisting the reader in this examination, there is on a separate sheet a Genealogical Table, where the several Generations since the first Stewart of Scotland, with whom this History begins, are placed in their order, corresponding with the arrangement observed in the following work.

LOWER GROSVENOR-STREET,
March 1798.

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GENEALOGICAL HISTORY

OF

THE STEWARTS.

VARIOUS Historians and Genealogical Writers, in tracing the Pedigree of the HIGH STEWARTS of Scotland, have deduced them from BANCHE, Thane of Lochaber, thus :

- I. BANCHE, Thane of Lochaber, who flourished in King Duncan's reign, and was murdered by Macbeath in the year 1043.
- II. FLEANCE, son of Bancho, who, it is said, married Nesta daughter of Griffith ap Lewellin, Prince of Wales, and was murdered by some ruffians in Wales, in the year 1045 or 1047.
- III. WALTER, son of Fleance, who, being obliged to leave Wales, retired to the Saxon court of Edward the Confessor, where, it is alledged that, having quarrelled with a courtier, he withdrew to the court of Alan Earl of Brittany, a remote relation of his mother: That there this Walter married a daughter of this Earl of Brittany, and accompanied him to the battle of Hastings in the year 1066.—That falling into disgrace at William the Conqueror's court, he withdrew to Scotland, his paternal country, and was well received by King Malcolm III.—That he was made *DAPIFER DOMINI REGIS*, in reward of his services to Malcolm, and died about the year 1093.
- IV. ALAN, son of the preceding Walter. This Alan is said to have gone to the Holy War with Godfrey of Bouillon, and to have been at the taking of Jerufalem, anno 1099: That he returned home in the reign of King Edgar, and was made

Lord High Stewart of Scotland : That he died about the year 1153.

V. WALTER, the second of that name, son of the preceding Alan. This second Walter is witness to many charters in the time of David the First, under the description of *Walterus filius Alani*.

There is no manner of doubt concerning the existence or authenticity of this WALTER the HIGH STEWART last above-mentioned ; but there is great reason to suspect the truth of the four generations preceding him as above-stated ; for notwithstanding the particular account given by the Scottish Historians and Writers of Pedigrees concerning *Bancho, Fleance, Walter the First, and Alan, the son of that Walter*, there is no satisfactory authority hitherto discovered concerning any of them. The evidence relating to these four generations has been justly criticised and rejected by Sir David Dalrymple in his Annals, vol. i. p. 358 ; while at the same time Sir David acknowledges, that Walter, who lived in the twelfth century, in the reigns of David I. and Malcolm IV., and who founded the Abbey of Paisley in 1164, was *indeed* Stewart of Scotland.

Rejecting, therefore, all the fabulous stories about the ancestors of this Walter the High Stewart, until some authentic instrument shall be found for discovering who were his real ancestors ; the following Genealogical History begins with Walter, who lived in the twelfth century, and who is universally acknowledged to have been the real Stewart of Scotland.

The observations drawn up by Sir David Dalrymple on the origin of the House of Stewart, conclude with the following just remark : that “ In the reign of David the First, before the middle
“ of the twelfth century, the family of the Stewarts was opulent and
“ powerful ; it may, therefore, have subsisted for many ages previous
“ to that time, but when and what was its commencement, we
“ cannot determine.”

PART FIRST.

Comprehending the Period from WALTER the HIGH STEWART, who lived in the Twelfth Century, to the Time when the Descendants from him became KINGS of SCOTLAND, in the Fourteenth Century.

FIRST GENERATION.

WALTERUS, FILIUS ALANI SANESCHALLUS *vel*
DAPIFER REGIS SCOTIÆ.

He founded the Abbey of Paisley in 1164, and died in the year 1177.

PROOFS *concerning* WALTERUS, FILIUS ALANI.

THERE are still extant many deeds and charters of the Kings of Scotland, in which *Walterus, filius Alani*, so described, is one of the witnesses; particularly there are in the Scotch College at Paris, amongst the papers which formerly belonged to the Bishopric of Glasgow, the following charters:

PART
I.
N^o 1.

Charter by King David I. in favour of the Church of Glasgow, dated at Cadzow, without mentioning the year, the witnesses to which are, "Willielmus Cuming, Cancellarius; Hugo de Morevilla; Ferg. de Galweia; Hugh Bretone; *Walterus, filius Alani*," &c.

Other two charters by King David to St. Mungo's Church at Glasgow, wherein *Walterus, filius Alani*, is also witness.

Though these charters have no precise date, yet they must necessarily have been granted between April 1124, and 24th May 1153, being the period of King David's reign.

PART

I.

N^o I.

There is also in the Scotch College at Paris, a charter by Henricus Comes, son of King David I. in favour of the Church of St. John, of the Castle of Roxburgh; which charter is granted at Traquair, without specifying the date; and amongst the witnesses to Henry's granting it, there is *Walterus, filius Alani*, so described. The other witnesses to this charter are, Comes Gospatricius, Willielmus de Riddale, &c.

N. B. As Henry pre-deceased his father David, having died in June 1152, this charter must have been granted before that period.

There are two charters in the Scotch College at Paris granted by King Malcolm the IVth, (whose reign began in 1153, and ended in 1163,) to which charters *Walterus, filius Alani* is witness; but in both these charters he is designed *Dapifer*, though not so designed in the said charters by King David and Prince Henry. One of these charters is dated at Jedworth; the first witness named in it is the Cancellarius, and the witness named immediately after him is *Walterus, filius Alani, Dapifer*.

There is also a charter by Ricardus de Moreville, Constabularius Regni Scotiæ, in which the first witness is *Walterus, filius Alani, Dapifer*. There is no date to the charter, but from the contents, it appears that it was to take place from Pentecost 1170, and to continue for fifteen years.

King Malcolm the IVth, in the fifth year of his reign, which began on the 24th of May 1153, granted a charter in favor of Walter, the son of Alan, confirming the grant which he had received from King David, grandfather of Malcolm, of certain lands in the shire of Renfrew, and also confirming the grant he had received from King David of the Stewartry. As this is the oldest charter that can now be traced on that subject, an exact copy of it is here inserted.

“ Malcolm: rex Scottorum, Episcopis, Abbatibus, Comitibus,
 “ Baronibus, iudicibus, Vicecomitibus, Prepositis Ministris, cunc-
 “ tisque

“ tisque aliis probis hominibus Clericis et Laicis Francis & Anglis
 “ Scotis & Gallowidenfibus totius terre sue tam presentibus quam
 “ futuris salutem notum fit vobis omnibus quod priusquam arma
 “ suscepi concessi et hac mea carta confirmavi *Waltero filio Alani*
 “ *Dapifero meo*, & heredibus suis in feodo & hereditate donationem
 “ quam Rex David avus meus ei dedit scilicet Renfrew et Passeleth
 “ et Polloc et Talahec et Kerkert et Le Drep et le Mutrene, et
 “ Eglisbam et Lauchinauche et Innerwick cum omnibus istarum
 “ pertinentiis et similiter ei hereditarie dedi et hac mea carta con-
 “ firmavi Senescalliam meam tenendam sibi et heredibus suis de me
 “ & heredibus meis liberaliter in feodo et hereditate ita bene
 “ et ita plenarie *Sicut Rex David ei Senescalliam suam melius et*
 “ *plenius dedit et concessit*, et sic ipse eam melius et plenarius
 “ ab eo tenuit; preterea ego ipse eidem Valtero in feodo et here-
 “ ditate dedi et hac eadem carta confirmavi *pro servitio quod ipse*
 “ *Regi David et mihi ipsi fecit*, Prethe quantum Rex David in
 “ manu sua tenuit et Inchenan et Stemtum et Halestonefdene et
 “ Legardsuade et Birchinfyde et preterea in unoquoque Burgo meo
 “ et in unaquaque dominica Gista per totam terram meam
 “ unum plenarium Toftaim ad hospitia sibi in eo facienda et
 “ cum unoquoque Tofto viginti acras terre, quare volo et pre-
 “ cipio ut idem Valterus & heredis suus in feodo et hereditate
 “ teneant de me et heredibus meis in capite omnia prenomi-
 “ nata tam illa que ipse habet ex donatione Regis David quam
 “ illa que ex mea habet donatione cum omnibus eorum pertinentiis
 “ & reatitudinibus & per reatas divisas omnium prenominarum
 “ terrarum libere & quiete honorifice & in pace cum sacca & focca
 “ cum tol et them & infangtheeffe in villis in scallingis in campis
 “ in pratis in pascuis in moris in aquis in molendinis in piscariis.
 “ in forrestis in bosco et plano in viis in semitis sicut aliquis ex
 “ Baronibus meis liberius & quietius feudum suum de me tenet
 “ faciendo mihi & heredibus meis de illo feudo servitium quinque
 “ militum.

PART
I.
Nº I.

“ militum. Testibus Ernesto Episcopo Sancti Andreæ, Herberto
“ Episcopo de Glasgow, Johane Abbate de Kelkow, Willielmo
“ Abbate de Melros, Waltero Cancellario, Willielmo & David
“ fratribus Regis, Comite Gospatrick, Comite Duncano, Richardo
“ de Morweill, Gilberto de Wmphraweill, Roberto de Bruis,
“ Radolpho de Soulis, Philipo de Colveille, Willielmo de Sumer-
“ villa, Hugone Riddell, Davide Olifard, Valdeno filio Comitis
“ Gospatrick, Willielmo de Morweill, Baldwino de la Mar, Liolfo
“ filio Maccus, &c. Apud Arcem de Roxburgh in festo St.
“ Johannis Baptistæ, Anno Regni nostri 5^{to} *.”

George Crawford, in his History of the Stewarts, page 3, says, that Walter, High Stewart of Scotland, founded the Monastery of Paisley in the year of our Lord 1160, the 7th year of the reign of King Malcolm the IVth; and in pages 3 and 4, Mr. Crawford gives a complete copy of the charter of foundation, which, he says, he transcribed from the register of the Paisley Monastery, communicated to him by John Earl of Dundonald.

The introductory part of that charter of foundation is in these words: “ Sciant præsentēs et futuri quod ego *Walterus filius Alani*
“ *Dapifer Regis Scotiæ*, pro anima *Regis David*, *Regis Heurici* et
“ *Comitis Heurici*, necnon pro salute corporis et animæ Regis
“ *Malcolmi*, et mei ipsius, et uxoris meæ, et hæredum meorum,
“ etiam pro animabus omnium parentum et benefactorum meorum,
“ ad honorem Dei et Beatæ Virginis Mariæ, constitutam quandam
“ domum Religionis infra terram meam de Pafelet (ordinis fratrum
“ de Wenlock), viz. Secundum ordinem Cluniacensem communi

* The above charter is accurately copied from a manuscript in the Harleian collection at the British Museum, N^o 4693, 4694, and 4697, consisting of three Parts, whereof Part First, containing 49 folios, is described to be in the hand-writing of Sir James Balfour, and on folio 45 of that manuscript, the above charter is inserted at full length, where it also appears, (folio 44,) that this, and some other charters in that book, had been taken from a manuscript of the hand-writing of Sir John Skene, Clerk-Register of Scotland, who had copied them from the originals.

“ confensu conventus de Wenlock, et ad domum illam construen-
 “ dam habeo de domo de Wenlock tredecem fratres et prior qui
 “ de illis tredecem procedere. Domum regendæ perficiatur per me
 “ et per meum concilium elegatur *,” &c.

PART
 I.
 N^o I.

There are seventeen witnesses to this charter of foundation, but no date. In the course of the charter mention is made of Alan the son of the granter of the charter.

Sir David Dalrymple in his *Annals of Scotland*, vol. i. p. 298, has the following paragraph at the date of the year 1164:

“ Walter, the Stewart of Scotland, founded (in the year 1164)
 “ an abbey at Paisley in the shire of Renfrew, for the monks of
 “ Clugny, a remarkable monument of his opulence and liberality.—
 “ He died in 1177.”

Spottiswoode's
 Religious
 Houses, v. viii.
 p. 1.
 Chron.
 Melros, 174.

In the *Chronicle of Melros* there is the following article: “ Anno
 “ Domini 1177, obiit Walterus, filius Alani, Dapifer Regis Scotiæ,
 “ qui fundavit Pafleto, cujus beata anima vivit in gloria.”

* In the Appendix subjoined to an *Essay on the Origin of the Royal Family of the Stewarts*, by Richard Hay of Drumboote, published in the year 1722, there are two charters; the one, a charter granted by Walterus, filius Alani, in relation to his foundation of the monastery of Paisley, by which he promises, that in consideration of certain liberties to be obtained for the proposed monastery of Paisley by the prior and convent of Wenlock, from the abbot of the monks of Clugny, he the said Walter son of Alan shall give to the said house of Wenlock, in perpetuum elemosinam unam plenariam maysuram in burgo meo de Renfrew et unum rete piscatorium ad salmones capiendos per proprias aquas meas et sex retia ad allecia capienda et unum batellum.

To this charter, dated at Fodrigem, one of the witnesses is Simon, brother of Walter the son of Alan.

The other charter in the said Appendix, is a charter granted by Eschina, wife of Walterus, filius Alani, Dapifer Regis Scotiæ, by which she gives to the prior and monks of Paisley, for the souls of the several persons therein named, one carucat of land in Moll, and the pasturage of five hundred sheep, &c.

Amongst the witnesses to this grant there is her husband Walterus filius Alani, described, Dominus Meus, and Alanus filius ejus.

SECOND GENERATION.

ALAN, Son and Heir of the preceding WALTER
the HIGH STEWART.

This ALAN succeeded to his Father WALTER in 1177, and
died in the year 1204.

PROOFS *relating to* ALAN.

PART
I.
No II.

TWO charters, at the Scotch College at Paris, granted by King William the Lion, to which one of the witnesses is Alanus, Dapifer.

Charter by King William the Lion, confirming an agreement between the Bishop of Glasgow and Robert de Brus, concerning certain lands and churches in Annandale; which charter of confirmation is dated at Lanerk, and one of the witnesses to it is Alanus, Dapifer.

Convention or agreement between the Bishop of Glasgow and Roger de Vallens, concerning the Church of Kilbride, to which the witnesses are: "Hiis testibus Domino Rege, Comite Patricio, Roberto Capellano, Hug. Clerico, Ric. de Moreville, Conf. Regis; Alano, Dapifero Regis; Philippo de Vallen; Adam filio Gilberti, Waltero de Berkeley Cam. Regis."

Charter by King William, confirming the above agreement, to which charter, dated at Traquair, Alanus, Dapifer, is witness.

All the preceding charters are in the old Chartulary of the Bishopric of Glasgow, kept at the Scotch College at Paris. Of which a complete and certified copy was in the year transmitted by that College to the University at Glasgow.

There

There are various other charters extant, wherein Alanus is described Filius Walteri, Dapifer; and particularly he is so mentioned in the Foundation Charter of the Abbey of Paisley, and in several other charters recorded in the Chartulary of Paisley.

PART
I.
No II.

This Alan died in 1204, in the 40th year of the reign of William the Lion, and was buried at Paisley, leaving a son, Walter, who succeeded him*.

* There is reason to believe that this Alan the High Stewart must have left another son besides Walter, his heir and successor, and that the name of that other son was *David*; for it appears from Rymer's *Fœdera*, vol. i. p. 241, that *David Senescallus* was one of the guarantees of Alexander II. King of Scotland, for the performance of an engagement, which he, Alexander, in the year 1219, came under to the King of England, obliging himself to marry Joan, eldest daughter of John King of England, if she could be obtained; if not, to marry her sister Isabella.

David Stewart, who was thus one of the guarantees of the King of Scotland in an engagement of this nature, must certainly have been a man of high rank; and the name of Stewart having at that time been confined to the family of the High Stewarts, he most probably was a son of Alan above-mentioned, and a younger brother of Walter the High Stewart, who succeeded him.

This David Stewart had escaped the attention of all the Genealogists, until he was first taken notice of by Sir David Dalrymple in his *Annals*, vol. i. p. 147.

THIRD GENERATION.

WALTER, Son and Heir of the preceding ALAN.

He succeeded to his Father in the year 1204, and died in the year 1246.

PROOFS concerning this WALTER.

PART
I.
N^o III.

CHARTER by King William the Lion, dated at Dunfrez, (without mentioning the year,) to which the witnesses are, Ricardus de Moreville, Constabularius; *Walterus, filius Alani, Dapifer*; Walterus Olifar; Robertus de Quinci; Willielmus de Veteri Ponte.

Original charter, with the Great Seal of Scotland to it, in possession of the Scotch College at Paris, granted by Alexander II. in favor of the Church of Glasgow, dated at Air, 8th May, in the 9th year of his reign (which was the year 1223). In the testing clause of the charter, the first witness mentioned is *Walterus, filius Alani, Senescallus**; and there are eight other witnesses named after him.

The same person appears to have been at the same period designed *Dapifer*; which proves, that *Senescallus* and *Dapifer* were at that time descriptive of the same office.

The proof, that the same person was at the same period designed *Senescallus* and *Dapifer*, is furnished completely by the papers in the Scotch College at Paris; for the same Walter, who in the above-mentioned charter by King Alexander II. is designed *Senescallus*,

* The other witnesses in this charter named after Walterus, filius Alani, Senescallus, are "Walterus Olifard Justiciarius Laod. Rod. Capellanus, Ingelram de Baliol, "Henricus de Baliol Camerarius, Henricus de Stivel filius Comitis D. D. Joannis "de Macafwell, Reginaldus de Crawford Vicecomes de Ar, Walterus Bisset."

granted a charter in favor of the Church of St. Mungo at Glasgow, wherein he describes himself thus: "Walterus, filius Alani, Dapifer " Regis Scotiæ." This charter is in the Chartulary of Glasgow, called the Red Book, fo. 38.

PART
I.
No III.

Original charter by King Alexander II. dated 8th February, in the 23d year of his reign, (1237,) in favor of the Church of Glasgow. The witnesses to which charter are, "Walterus, filius Alani, Senescallus, Justiciar. Scotiæ." The other witnesses mentioned after him are, "Walter Cumyn, Comes de Menteth; Walt. Olifard Justic. Laodem. Alan Hofier, Walt. Byffet, Roger Avenel, David Marfcall*."

From this charter it appears that Walter, in or before the year 1237, had been made Justiciary of Scotland. Duncan Stewart, in his history, fixes the 24th of August 1230 as the date on which Walter got the high office of Justiciary of Scotland.

This Walter was, after the death of King Alexander's first Queen, (who died 4th March 1239,) sent to France as Ambassador, to negotiate a marriage for the King with Mary, daughter of Ingerlam Lord of Coucy; in which negotiation having succeeded, the nuptials of the King with that Lady took place in the year 1239.

Winton's
Chronicle,
vol. i. p. 373.

Walter the High Stewart died in the year 1246, leaving issue several sons: 1st, Alexander, who succeeded him; 2d, John, said to have been killed at the taking of Damietta in Egypt in 1249, and died without issue; 3d, Walter, who is first designed in charters Walterus Senescallus, filius Walteri, Senescalli Scotiæ; and afterwards Walterus Senescallus, Comes de Menteith; 4th, William, mentioned in some charters, of whose issue there is no account.

The above account of the sons of Walter is taken from Symson, pp. 43, 44. After naming these four sons, Symson adds

* All the charters referred to in N° III. are in the Scotch College at Paris, either in original, or in the old chartularies.

PART
I.
No III.

these words: " Our Historians and Genealogists, &c. have foisted
" in a Robert, another son of this Walter, and make him ancestor
" to *Darnley* and *Lennox*, but without ground, as shall appear in
" the Appendix to the next Chapter."

The Appendix thus referred to by Symson relates to Sir John Stewart of Bonkyl, whom Symson has proved in a satisfactory manner to have been the ancestor of the Stewarts of Derneley and Lennox, as will be made manifest in the sequel.

This Walter died in the year 1241, according to the Chronicle of Melros; but George Crawford, in his History of the family of Stewart, maintains that he died in the year 1246, and refers to the Chartulary of Paisley, for the proof of his not having died before that time.

FOURTH GENERATION.

ALEXANDER the HIGH STEWART, Son and
Heir of WALTER.

This ALEXANDER succeeded to his Father WALTER in
1246, and died in the year 1283.

PROOFS.

No IV.

FROM Rymer's *Fœdera*, tom. ii. it appears, that in 1255, this Alexander the Stewart, was one of the Counsellors to King Alexander III. of Scotland; and from Dalrymple's *Annals*, vol. i. p. 168, it appears, that he was appointed one of the regents of the kingdom*.

At

* Sir David Dalrymple, in his *Annals*, vol. i. p. 165, observes, that at this period, in 1255, the Cumyns held the principal sway in Scotland; and that two
Barons

At the battle of Largs in Cunningham, 2d October 1263, Alexander the Stewart commanded the Scottish army, (Fordun, vol. ii. p. 98,) where a victory was obtained that day over the Norwegians and their leader Haco.

In the same year, 1263, on the 30th of November, according to Symfon and Duncan Stewart, in their Histories, Alexander the Stewart obtained from King Alexander III. a charter of the Barony of Garlies, then in the Shire of Dumfries, now in the Stewartry of Kirkcudbright; which lands went afterwards to Sir John Stewart of Bonkyl, the second son of this Alexander, and to his posterity*.

It was this same Alexander the Stewart who, according to Symfon, p. 55, and Duncan Stewart, p. 50, invaded and subjected the *Isle of Man*, and annexed that island to the Crown of Scotland.

The account given by Sir David Dalrymple, concerning the acquisition of the Isle of Man, in his Annals, vol. i. pp. 176, 177, is, that in 1264, Magnus, son of Olave King of Man, despairing of assistance from Norway, did homage to King Alexander of Scotland at Dumfries, and became bound to furnish to his Lord Paramount five galleys with twenty-four oars, and five with twelve oars.

That in 1266, after long negotiations with Magnus King of Norway, it was agreed that Norway should yield to Scotland all right over the *Æbudæ* and *Man*, and in general over all islands in the Western Seas of Scotland.

Barons of their party, Robert de Ros and John de Baliol, had the name of Regents; but that their opponents were numerous and mighty, the chief of whom were Patrick Earl of March, Malice Earl of Stratherne, Neil Earl of Carrick, Robert de Brus, *Alexander the Stewart of Scotland*, and Alan Dureward; and further, that Henry III. of England espoused the interests of this party.

* In the Genealogical and Historical Account of the Stewarts by Symfon, anno 1712, p. 56, he says, that the original evident (or conveyance) by Alexander the Stewart to his son Sir John, was in the hands of Alexander, third Earl of Galloway, and was for some months in the custody of John Stewart of Phifgill, a cadet of that family, who had frequently in conversations with him (Symfon) attested that fact.

This

PART

I.

No IV.

This Alexander the Stewart gave many charters, confirming the former deeds of his father Walter and his ancestors to Paisley and other abbeys and churches; particularly at the feast of the Annunciation of the Blessed Virgin, anno 1266, in presence of King Alexander III. and many noble witnesses, he gave to the abbot and convent of Melros a new grant, ratifying to them certain lands they stood possessed of, and granting to them many exemptions and privileges. In this charter he is designed "Alexander, Senescallus Scotiæ, filius Walteri Senescalli."

In the year 1276-7, January 20, this Alexander the High Stewart, and his son and heir James, are witnesses to a charter granted by King Alexander III. the twenty-seventh year of his reign, confirming a deed by Nigel the deceased Earl of Carrick, to Roland Carrick and his heirs after him, declaring him chief of his tribe, and arbitrator in all pleas, differences, and other affairs of that progeny.

In the year 1281, July 25, at Roxburgh, on the final agreement of the matrimonial contract between Margaret daughter of King Alexander III. of Scotland, and Erick King of Norway, by his proxies, this Alexander the Stewart was one of the great men of the Scottish privy council, who swore for the performance of the articles agreed upon on the part of the King of Scotland.

Historians are not agreed as to the precise time of the death of this Alexander the Stewart; but Symfon and Duncan Stewart fix the time of his death to have been in the year 1283, in the sixty-ninth of his age, and the thirty-third of the reign of King Alexander III.; and that he was interred at Paisley.

His issue were:

- I. James, his eldest son and heir.
- II. John, known by the description of Sir John Stewart of Bonkyl*.
- III. Elizabeth, married to William Lord Douglas, Knight, surnamed the Hardy.

* From whom sprung the *Stuarts of Derneley, Lennox, and Aubigny*, as will appear in Parts II. and III. of this Genealogical History.

FIFTH GENERATION.

JAMES the HIGH STEWART, Son and Heir of
ALEXANDER.

This JAMES succeeded to his Father ALEXANDER in 1283; died the 16th of July 1309, in the fourth year of the reign of King ROBERT DE BRUS, and was buried at Paisley.

P R O O F S.

JAMES the STEWART is frequently mentioned in the Acts preserved in Rymer's *Fœdera*.

P A R T
I.N^o V.

Fordun ix. 1.
3, and Dalrymple's
Annals, vol. i.
p. 185.

After the death of King Alexander III. which happened on the 19th of March 1286, the estates of Scotland, assembled at Scone on the 11th of April 1286, to provide for the security of the government during the infancy of Margaret the Queen, grand-daughter of King Alexander III. chose six regents under Queen Margaret, of which regents James the High Stewart was one.

Queen Margaret having died in Orkney in the year 1290, Scotland was involved in scenes of misery and blood for many years; during part of which time James the High Stewart continued one of the guardians or governors of the kingdom.

In 1291, he was one of the auditors on the part of Robert de Brus, in presence of Edward King of England, as appears from the list published in Rymer's *Fœdera*, vol. ii. p. 556.

In the year 1297, James the High Stewart, with his brother John, Robert Wishart, bishop of Glasgow, Sir Andrew Moray of Bothwell, &c. associated with Sir William Wallace and Sir William

Dalrymple's
Annals, vol. i.
p. 246.

Douglas

PART
I.
N^o V.

Douglas in their struggles against the dominion of the English in Scotland.

In 1302, this James and other six ambassadors were sent to France to seek assistance from King Philip, and to watch over the national interests.

On the 8th of June 1303, these ambassadors wrote a letter from Paris, which is published in Rymer's *Fœdœra*, vol. ii. p. 927.

On the 16th of March 1309, many of the earls and barons of Scotland, of which James the Stewart was one, wrote to Philip King of France, that they had recognized King Robert Bruce's right to the crown.

James the High Stewart died the 16th of July 1309, in the sixty-sixth year of his age, in the fourth year of the reign of Robert I., and was interred at Paisley.

He married Cecilia, daughter of Patrick Earl of Dunbar and March, by whom his issue were,

I. Walter * his successor.

II. Sir John, killed at the battle of Dundalk in Ireland, with Edward Bruce, Earl of Carrick, in the year 1318.

III. Sir James of Durisdeer; he is mentioned by Barbour, b. xix., as having survived his brother Walter (who died on the 9th of April 1326); and it there appears that in the following

* In the accounts given by Symfon, George Crawford, and Duncan Stewart, of the sons of James the High Stewart, they all concur in mentioning only Walter as his son and heir, and two other sons, John and James; but it appears clearly from Sir David Dalrymple's *Annals*, tom. ii. p. 11., and from the authorities there referred to, that there was another son, Andrew, who was the eldest son of James the High Stewart. This Andrew had been given by his father as an hostage to Edward I. of England, who placed him with the Bishop of St. Andrew's. Sir David further states, "that on hearing of the slaughter of Comyn, Edward demanded back the youth, probably with a view of securing the fidelity of the father, but that the Bishop, instead of restoring his charge, put him into the hands of Bruce."

It does not appear what afterwards became of this eldest son Andrew, but he must have died without issue, as the next brother, Walter, succeeded to all the possessions of the High Stewart, and carried on the line of the family.

year after his brother's death, he, James, commanded his troops, and accompanied Thomas Earl of Moray and Sir James Douglas in an hostile expedition they made into England.

PART
I.
No V.

SIXTH GENERATION.

WALTER the HIGH STEWART, Son and Heir of
JAMES.

This WALTER, born in the year 1293; succeeded to his Father JAMES on the 16th of July 1309; married MARJORY the daughter of King ROBERT DE BRUS in 1315; and died the 9th of April 1326.

PROOFS *concerning this* WALTER.

THE first account of him in history is in the year 1314, in the twenty-first year of his age, when at the assembling and array of the Scottish army at Torwood, a little before the famous battle of Bannockburn, Walter the young Stewart brought a noble body of men to the aid of Robert de Brus against Edward II. of England*.

No VI.

In the arrangement made of the forces of the Scottish King, they were divided into four battails or divisions; the command of the

* "Walter Stewart of Scotland fyne
"That then was but a beardless hyne,
"Came with a rout of noble men,
"That might by countenance be ken."

BARBOUR, p. 228.

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first was given to Thomas Randolph Earl of Moray; of the second, to Edward Bruce, the King's brother; the command of the third battail or division was given to Walter the young Stewart, and to his kinsman Sir James Douglas*; and the command of the fourth, or rear guard, was reserved for King Robert himself. The young Stewart was thus trusted with a command at an early period of his life, and was a sharer of the glory of the victory obtained at the battle of Bannockburn over the army of King Edward.

About the end of the year 1314, Walter the High Stewart was appointed to receive, on the borders between England and Scotland, the illustrious Scots prisoners then released from captivity in England, viz. Elizabeth the wife of King Robert Bruce, Marjory Bruce, his daughter, Christian, his sister, Donald Earl of Marre, her son, and Robert Bishop of Glasgow.

In the year 1315, King Robert de Brus gave his daughter Marjory in marriage to Walter the Stewart, then at the age of twenty-two; to whom King Robert gave in frank-marriage the barony of Bathcote, the lands of Ricartoun and Rathow, and various other lands.

In the year 1316, Lady Marjory died, leaving issue of the marriage one son, Robert, born on the 2d March 1316, who afterwards became King of Scotland.

When King Robert de Brus passed over to Ireland, in the year 1316, to assist his brother Edward then King of Ireland, he appointed

* " And syne the third battle they gave
 " To Walter Stewart for to lead,
 " And to Douglas doughty of deed,
 " They were cousins in near degree,
 " Therefore to him betraught was he;
 " For he was young but not forthy,
 " I trow he shall so manlily
 " Do his devoir, and work so well
 " That he shall need no more zounseil."

BARBOUR, p. 232.

Walter

Public records, roll of charters by Robert I. Crawford's History of the Stewarts, p. 14.

Walter the Stewart and Sir James Douglas, governors of Scotland in his absence. (Dalrymple's Annals, vol. ii. p. 67.)

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Edward de Brus had gone to Ireland in the year 1315, where he landed at Carrickfergus on the 25th of May with 6000 men, and after great vicissitudes of fortune was killed at Dundalk in Ireland, with many brave men, who fell in battle on the 14th of October 1318.

While Edward de Brus, the brother of King Robert, was alive, and before his setting out on the expedition to Ireland, there was a solemn settlement made of the succession to the crown of Scotland, in the event of the death of King Robert; and by that settlement, which is dated at Air on Sunday the 26th of April 1313, it was, in presence of the clergy and nobility there assembled, settled and agreed, that in case of the death of King Robert without heirs male of his body, Edward de Brus, the King's brother, "tanquam vir strenuus et in actibus bellicis, pro defensione juris et libertatis regni Scotiae quam plurimum expertus, et heredes sui masculi de corpore suo legitime procreandi, ipsi domino regi in regno ipso succedant:" and failing the said Edward Brus, and the heirs male of his body, that the succession of the kingdom of Scotland should belong to Marjory the daughter of the said King Robert. That settlement appears to have been prior to the marriage of Marjory.

Fordun, vol. ii. lib. xii. cap. 24. p. 257. Anderson's Independence of Scotland, Appendix, No 24.

But after the death of Edward de Brus without leaving lawful heirs male of his body, a new settlement for regulating the succession to the crown was made in a parliament held at Scone upon the 3d of December 1318, in presence of King Robert and of the states of parliament there assembled, when it was enacted, that in the event of King Robert's death, without leaving a lawful heir male descended of his body, in that case Robert the son procreate of the marriage between the Lady Marjory, daughter of the said King, and a noble person, Walter Stewart of Scotland her husband, should

Fordun, lib. xiii. p. 290. Harleian Manuscripts, No 4694. Anderson's Appendix, No 25.

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succeed to our said Lord the King as his nearest and lawful heir in the kingdom of Scotland. And by the same act it was declared, that if Robert, or the heir succeeding to the crown, should happen to be under age at the time of the decease of the King, then the tutory or curatory of him, and the guardianship of the whole kingdom and people, should be committed to Thomas Randolph, Earl of Moray and Lord of Mann; and failing of him, to James Lord of Douglas.

To this act of settlement at Scone, the seals of many of the then clergy and great men were appended, one of which is that of Walter the Lord Stewart, who was called from Berwick to be witness to that solemnity at Scone.

In the year 1318, the town of Berwick was taken from the English, and the charge of this important acquisition was committed to Walter the Stewart, who made preparations for sustaining a siege, and assembled his own kindred, vassals, and followers to aid him in the discharge of his trust*.

In the year 1319, Walter defended that important frontier with signal bravery against a royal army commanded by the King of England in person, who was obliged to abandon the siege of Berwick after exerting his utmost efforts to no purpose †.

On

* The particulars relating to the capture of Berwick (on the 28th of March 1318) are stated in Dalrymple's Annals, vol. ii. p. 78. where the author mentions, that the garrison of the castle, and the men who had fled into it from the town, perceived that the number of the Scots was small, and made a desperate sally; but that they were repulsed chiefly by the extraordinary valour of a young knight, *Sir William Keith of Galstoun*.

† In Dalrymple's Annals, vol. ii. pp. 88, 89, 90, an account is given of the animated efforts made by the English for regaining the town and castle of Berwick, and the no less animated and resolute efforts of the Scotch for defending it; this is well

On the 6th of April 1320, the nobles and barons of Scotland, &c. assembled at the monastery of Aberbrothock, wrote a famous letter to Pope John, recorded by various historians. One of the nobles who signed this letter was Walter the Stewart.

In 1321, the lands of Nisbett and others possessed by Sir William Sowles, the baronies of Kelly and Methven, which were Sir Roger de Mowbray's, were given to Walter the High Stewart, upon the forfeiture of Sowles and Mowbray, who had been concerned in a conspiracy against Robert de Brus, for which they were tried in a parliament held at Scone, in August 1320. (Annals, vol. ii. p. 96.)

In 1322, Walter the Stewart was engaged in the same enterprise with Douglas and Randolph, when by a forced march they endeavoured to surprize Edward II. at Beland Abbey in Yorkshire. Edward with the utmost difficulty escaped to York. The author of the Annals (vol. ii. p. 104.) says, that the Stewart with five hundred men pursued the English to York, and in the spirit of chivalry, remained at the gates until evening, waiting for the enemy to come forth and renew the combat*.

The

well described by him, p. 96, where the merit of Walter the young Stewart appears to have been conspicuous. His words are :

“ Nevertheless, the English, eager to retain their ancient reputation in arms, continued the assault with unremitting ardor. The Stewart, with a reserve of a hundred men, went from post to post and relieved those who were wounded or unfit for combat. One foldier alone remained with him of the reserve, when the alarm came that the English had burnt a barrier at a port called St. Mary's, possessed themselves of the drawbridge and fired the gate. The Stewart hasted thither, called down the guard from the rampart, ordered the gate to be set open, and rushed through the flames upon the enemy, a desperate combat ensued, and continued until the close of the day, when the English commanders withdrew their troops on every quarter from the assault (13th September).”

* “ Walter Stewart that great bountie

“ Set ay upon by chivalry

“ With five hundred in company

“ Unto

P A R T

I.

N^o VI.

Annals,
vol. ii. p. 116.
Fordun,
vol. viii. p. 12.
Barbour, 402.

The author of the Annals states, that Walter Stewart the King's son-in-law, died the 9th of April 1326; and adds, that "had he lived, he might have equalled Randolph and Douglas, but his course of glory was short."

According to Symson, Duncan Stewart, and some other historians, this Walter the Stewart was thrice married: 1. To Alice, daughter to Sir John Erskine of Erskine; of which marriage there was one daughter, Jean, married to Hugh Earl of Ross. 2. To Marjory de Brus, of which marriage there was an only child, Robert, afterwards King of Scotland. 3. To Isabel, sister of Sir John Grahame of Abercorne; of which marriage there was one son, Sir John Stewart of Ralston, who was father of Sir Walter Stewart of Ralston, who died without issue.

The events relating to Walter the High Stewart are vouched not only by historians, but by Rymer's *Fœdera*, by Fordun, and by many written documents in the records in Scotland.

"Unto York's gates the chace can ma
 "And there some of their men can fla
 "And there abade while near the night
 "To see if any would ish and fight."

BARBOUR, p. 393.

SEVENTH GENERATION.

ROBERT the STEWART, afterwards KING of
SCOTLAND.

This ROBERT, born on the 2d of March, 1315-16, of the marriage between WALTER the Stewart and MARJORY, daughter of King ROBERT DE BRUS, succeeded to the estates and possessions of the Stewarts of Scotland, in the year 1326, upon the death of his Father WALTER, and to the Crown of Scotland in February 1370-1, upon the death of his Uncle King DAVID DE BRUS, the Son of King ROBERT I.

PROOFS *relating to* ROBERT the STEWART; *and* Historical Sketch *of the situation of* SCOTLAND *in his time.*

UPON the 7th of June 1329, Robert de Brus, the restorer of the Scotch monarchy, died at Cardross, in the 55th year of his age. PART
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By the Act of Settlement, made at Scone in the year 1318, the succession to the kingdom was, in the first place, limited to the heirs male of the body of King Robert; the right of succession devolved therefore upon David, the son of Robert de Brus by his second marriage, who being only about six years of age at the death of his father, the character of regent of the kingdom was assumed by Randolph Earl of Moray, to whom that charge was given by the Act of Settlement 1318.

While Randolph lived, the duties of the office were performed with that wisdom, activity, and vigour which belonged to his character;

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character; but Scotland was deprived of the abilities of this great man in an early part of his administration, and at a critical time, in the year 1332, when the disinherited English barons, who by the treaty of Northampton had been deprived of their possessions in Scotland, were preparing to invade that country to recover their antient possessions, and to subvert that government which the valor and policy of King Robert de Brus had established.

In consequence of the English preparations Randolph assembled an army, and marched northwards for the defence of the interior parts of the kingdom; but on the 20th of July 1332, he expired on the march, which he had entered upon amidst the excruciating pains of bodily disease.

By the settlement 1318, James Lord Douglas had been appointed to succeed to the Earl of Murray, as guardian of the kingdom, in the event of his surviving Randolph; but in the year 1330, soon after the death of King Robert, Douglas, in compliance with the dying request of his beloved sovereign and faithful friend, had set out for Jerusalem with Robert de Brus's heart, in order to deposit it in the Holy Sepulchre. In his way to Jerusalem he visited Spain; and having given his aid to the King of Spain in a combat with the Saracens, he fell, on the 25th of August 1330, surrounded and overwhelmed by superior numbers.

Upon the death of the regent Randolph Earl of Murray in 1332, the Scottish Parliament assembled at Perth for choosing a successor, when after great diversity of opinions, the choice fell upon Donald Earl of Marr, nephew of the late King Robert; an unhappy choice (as observed by the author of the Annals); for this new regent, destitute of civil abilities and experience in war, had assumed the reins of government at a most critical juncture, and amidst perils which it would have required the genius of Douglas, Randolph, and Bruce, effectually to oppose. At the same time it is admitted, that it was difficult to make a fit and unanimous choice

Annals, vol.
ii. p. 147.

of a regent, most of the surviving companions of the victories of Bruce were far advanced in years; his grandson the Stewart was under age; and the pretensions of the other great lords were nearly equal.

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Edward Baliol, with his associates from England, appeared in the Frith of Forth (31st July 1332): he landed in the neighbourhood of Kinghorn, 6th August; marched next day to Dumfermline, proceeded northwards, and encamped in the Miller's Acre at Forteviot, with the river Earn in front, on 11th August 1332.

The Earl of Marr the regent, with a numerous army encamped on the opposite bank of the river Earn in the neighbourhood of Duplin.

Then ensued the battle of Duplin Moor, (12th August 1332,) where the troops of the Scottish nation, from the bad conduct of their leaders, received an overthrow equally calamitous and disgraceful.

Many Scotchmen of eminent rank were slain; amongst these was Donald Earl of Marr the regent, whose ignorance of military discipline was the chief cause of this national disaster; Thomas Earl of Moray, the son and heir of the great Randolph; the Earl of Monteith; Robert Earl of Carrick, &c.

The loss of this battle, and the course of events unpropitious to Scotland, was so rapid and decisive, that Edward Baliol, within the space of three weeks from his landing, found himself in quiet possession of Scotland, and was crowned at Scone on the 24th September 1332, in presence of the clergy and people of Fife and of the Low Country of Perthshire, who submitted to a power they could not resist.

Such of the Scotch as still adhered to David their infant sovereign, conferred the office of regent on Sir Andrew Moray of Bothwell, husband of Christian, the sister of Robert de Brus. He, though

brave and active, had not force sufficient to attempt any thing considerable.

On the news of the sudden change of affairs in Scotland, Edward III. repaired to York, having been counselled by his parliament, *for the safety of the realm*, to draw near the Scottish frontiers. And it appears that he remained at York and in its neighbourhood from 26th October 1332, to 9th March 1333.

Meanwhile Baliol came to Roxburgh, and there made a solemn surrender of the liberties of Scotland. He acknowledged the English King for his liege lord, and became bound to put him in possession of the town, castle, and territories of Berwick, and of other lands on the marches, extending in all to the yearly value of 2000*l.*

Edward having engaged to maintain Baliol in possession of Scotland, Baliol engaged to serve him in all his wars without exception (23d November 1332).

About this period many of the Scottish barons, either through despair, or from ancient attachment to the Baliol line, submitted to the conqueror, and acknowledged his title.

In the month of December 1332, John, the second son of Randolph, now become Earl of Moray by the death of his elder brother; Archibald, the youngest brother of the renowned Sir James Douglas; together with Simon Frazer, assembled a body of horsemen at Moffat in Annandale, and suddenly traversing the country, assaulted Baliol at Annan, where he lay in thoughtless security. Henry, the brother of Baliol, and many other persons of distinction in the interest of Baliol, were there slain. Baliol himself escaped almost naked, and with hardly a single attendant, and took refuge in England.

About the end of the year 1332, the Scots began to make excursions into the English borders.

Baliol, having been joined by many English barons, returned to Scotland 9th March 1333; and establishing his quarters in the neighbourhood of Roxburgh, began to make preparations for besieging Berwick.

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Sir Andrew Moray of Bothwell, the regent, resolved to attack Baliol before the arrival of reinforcements from England. A sharp conflict ensued at the bridge of Roxburgh, where the regent, ill-seconded by his troops, fell into the power of the enemy. He was conducted to King Edward at Durham, and detained in close custody. Thus Scotland was deprived of one of its ablest commanders, Sir Andrew Moray of Bothwell; and, a little before that time, had been deprived of the assistance of Sir William Douglas, the famous Knight of Liddesdale, who was defeated and made prisoner near Lochmaben towards the latter end of March 1333.

Upon the captivity of Sir Andrew Moray of Bothwell, Archibald de Douglas became regent.

In May 1333, King Edward, meaning to circumscribe the territories of Scotland, as well as to chastise the Scots, ordered possession of the Isle of Man to be taken in his name, and soon after made it over to William de Montague, who had some claim of inheritance upon it.

The chief purpose of the English King was to gain the town and castle of Berwick, already ceded to him by Baliol. To the Scots, the preservation of Berwick appeared no less important. The Earl of March was appointed to the command of the castle, and Sir William Keith of Galston to the command of the town.

Baliol with his forces came before Berwick. Edward arrived soon after with the English army, and established his quarters at Tweed-mouth, opposite to Berwick, on the south bank of the Tweed (May 1333).

The siege was vigorously prosecuted on the part of the English, and obstinately resisted on the part of the Scots. During a

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general assault the town was set on fire, and in a great measure consumed. The inhabitants having experienced the evils of a siege, and dreading the worse evils of a storm, implored the Earl of March and Sir William Keith to seek terms of capitulation. A truce was obtained, and it was agreed, that the town and castle should be delivered up on terms fair and honourable, unless succours arrived before the hour of vespers on the 19th July 1333.

By the treaty Sir William Keith was permitted to have an interview with the regent Archibald Douglas. He found him with his army in Northumberland; urged the necessity of his return; and shewed him that Berwick, if not instantly relieved, was lost forever. Persuaded by his importunities, the regent resolved to combat the English, and either to save Berwick or lose the kingdom.

On the afternoon of the 13th of July 1333, the regent prepared for battle. He divided his army into four bodies: the first was led by John Earl of Moray, the second son of Randolph, whose eldest son Thomas had been killed at the battle of Duplin Moor; the second body was led by the Stewart of Scotland, under the inspection of Sir James Stewart of Rosyth; the third body was led by the regent Archibald Douglas himself, having with him the Earl of Carrick, and other barons of eminence; the fourth body, or reserve, was led by Hugh Earl of Ross.

The English were advantageously posted on a rising ground at Halidon, with a marshy hollow in their front; and Baliol had the command of one of the wings.

The Scottish army rushed on to a general attack, but they had to descend into the marshy hollow before mounting the eminence of Halidon. After having struggled with the difficulties of the ground, and after having been incessantly gauled by the English archers, they reached the enemy; and although fatigued and disordered in their ranks, they fought as became men who had conquered under the banners of Robert de Brus. The English, with equal valour, had

had great advantages of situation, and were better disciplined than their antagonists. The result was disastrous to the Scottish army. The regent Archibald Douglas received a mortal wound, and the Scots every where gave way. In the field, and during a pursuit of many miles, the number of slain and prisoners was so great that few of the Scottish army escaped. The regent, mortally wounded and abandoned on the field of battle, only lived to see his army discomfited and himself a prisoner.

In this battle many persons of eminent rank in Scotland were killed; and amongst others, Alan Stewart of Dreghorn, the ancestor of the Stewarts of Derneley and Lennox, and two brothers of his, John and James.

According to capitulation, the town and castle of Berwick surrendered, and the English King took hostages for the fidelity of the citizens.

In relating these events, it is said by an English historian, "That Annals, vol. ii, p. 163. it was the general voice that the Scottish wars were ended; for that no man remained of that nation who had either influence to assemble, or skill to lead an army."

Some castles however still remained in the possession of the friends of Scotland. Malcolm Fleming, having escaped from the carnage of Halidon, secured the castle of Dumbarton. Alan de Vipont held the castle of Lochleven: Robert Lauder, the castle of Urquhart in Inverness-shire; and Christian Brus, the sister of King Robert, Winton's Chronicle, vol. ii. pp. 172, 173. and mother of the deceased Earl of Marr the regent, held the castles of Kildrummy and Marr.

In such circumstances, it became necessary to provide a safe place of refuge for the young King David and his consort. Malcolm Fleming found means to convey them from the castle of Dumbarton into France in the year 1333; where they were honourably entertained, and where they remained till the year 1341.

About

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About the beginning of October 1333, Baliol held a parliament, to which many Englishmen, now become possessed of estates in Scotland, repaired.

In February 1334, Baliol held another parliament in Edinburgh, when Jeffrey Scroope, Chief Justice of England, demanded in the name of Edward III. that the treaty between Baliol and his liege lord should be ratified; and to this, Baliol and his parliament consented. He became bound to serve with all his forces in the wars of Edward; and, for performing in part the conditions covenanted, made an absolute surrender of the town, castle, and territory of Berwick, to be annexed for ever to the English crown.

The humiliation of the unhappy kingdom of Scotland became complete when Baliol, by a solemn instrument, dated at Newcastle-upon-Tyne 12th June 1334, surrendered great part of the Scottish dominions to be annexed for ever to England. In that instrument Baliol said, that he had formerly become bound to make a grant to Edward of lands on the marches to the amount of 2000*l.*; and the Scottish parliament had ratified these obligations; and that he had accordingly surrendered Berwick and its territories: and now for completing and discharging his obligations, he made an absolute surrender to the English crown, of the forests of Jedburgh, Selkirk, and Etrick; of the counties of Roxburgh, Peebles and Dumfries, together with the county of Edinburgh and constabulary of Linlithgow and Haddington; and of all the towns and castles belonging to the several territories thus surrendered.

Edward immediately regulated the government of his new dominions. He appointed a sheriff for each district; a chamberlain or general steward, and a justiciary of Lothian.

Upon the 18th of June 1334, Baliol presented himself before his liege lord, did homage and swore fealty for the whole kingdom of Scotland, and the isles adjacent.

In

Ry. Feod. iv.
614—616.

Feod. iv. 616
—618.

In the same year, 1334, Baliol conferred on David Hastings de Strathbogie, Earl of Athole, the *whole estates of the young Stewart of Scotland*. PART
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Such was the situation of affairs in Scotland in the year 1334, which may be considered as the commencement of the career of Robert the young Stewart of Scotland. Winton's
Chronicle, vol.
ii, pp. 176, 177.

It has been thought necessary to give this general short sketch of the affairs of Scotland, from the death of King Robert de Brus in 1329, to the year 1334, in order that the difficulties, and the course of unpropitious events which immediately preceded the exertions of Robert the young Stewart, for the preservation of the rights and liberties of his country, may be justly felt and appreciated*.

In the course of the year 1334, Sir Andrew Moray of Bothwell having been set at liberty, returned to his native country; and with his antient zeal for the public, began to assemble the surviving friends of Scotland. He was joined by Alexander de Moubray, formerly attached to Baliol, but alienated from him and from his supporters by their behaviour in a dispute concerning the succession to the inheritance of his deceased brother. Geoffrey de Moubray also, whom Edward had appointed governor of Roxburgh, revolted to the Scots.

Richard Talbot, attached to Baliol, was in the north when these disturbances began. He endeavoured to pass into England, but was interrupted by Sir William Keith of Galfoun, defeated and made prisoner. Walsingham,
134.
Fordun, xiii,
40.
Winton's
Chronicle, vol.
ii, p. 209.

The Stewart of Scotland had lain concealed in Bute ever since the battle of Halidon, (19th July 1333,) where at the age of fifteen he had commanded one of the bodies of the Scottish army. He now, in the succeeding year 1334, found means to pass over to Fordun, xiii,
29.

* The representation of the facts has been chiefly taken from Sir David Dalrymple's Annals, as the source that may be the most depended upon for an impartial relation of facts.

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the castle of Dumbarton, and resolutely stood forth in the public cause.

Affisted by Dugald Campbell of Lochow, he made himself master of the castle of Dunoon in Cowal. His tenants of the island of Bute attacked and slew Alan de Lile the governor, and presented his head to their master. John, the son of Gilbert, was made prisoner in the action where de Lile fell. This man was governor of the castle of Bute; he ordered the garrison to surrender, and attached himself to the Scottish interest. Encouraged by these successes, the Stewart invaded the territory of Renfrew, his antient inheritance, and by military execution compelled the inhabitants to acknowledge the sovereignty of David. In accomplishing which, it is said by Fordun, lib. xiii. cap. 32., that the Stewart was joined by William Carruthers and his relations from Annandale, and by Thomas Bruce from Kyle.

The exertions and the rapid progress made by the young Stewart are well stated by Fordun*, lib. xiii. cap. 32, 33. pp. 316, 317; and

Fordun, lib.
xiii. cap. 32,
33. pp. 316,
317.

* “ Crebrescente quotidie rumore aridentis fortunæ Juvenis Senescalli Scotiæ,
“ Williclmus de Carrutheris cum fratribus, nepotibus ac cognatis suis, probis viris et
“ probatis Scotis, qui ad partem Regis Angliæ pro nulla amissione temporalium
“ deflekti potuerunt, quique in Valle de Annandia latitantes, et in maxima penuria,
“ tanquam Silvestres, hinc inde vagantes sese demum unanimiter, quasi examen
“ apium, congregantes, spectabili fati cuneo se committunt Senescallo. Qui de
“ eorum adventu jocundatus, sibi, eodem tempore, Thomas de Bruce cum melioribus
“ de Kyle adjunctus est. Catervatim igitur ad eum hinc inde confluentibus, cœpit
“ viriles quoque allicere, et cordatos Scotos ad se trahere exercitum suum quotidie
“ augmentare, et ipsorum animos, vicaria dilectione et firmitate fida, sibi conglutinare.
“ Qui quidem pubescere tunc cœpit adolescens, speciosus forma præ filiis hominum,
“ corpore largus et procerus; omnibus affabilis et modestus; largus, hilaris, et
“ honestus; in quo tantam gratiam innata bonitas præstiterat, ut a cunctis fere populis
“ fidelibus Scotis avide amaretur.

“ Inter hæc a transmarinis partibus et a Rege Scotorum David Johannes Ranulphi,
“ Comes Moraviæ repatriavit, et apud Dunbretan applicuit incolomis; quem
“ gratanter recepit Senescallus. Et quia tunc magna potentia accrevit Senescallo, nec
“ res aut negotium pati poterat otium, misit, quasi omni die, trans Clydum valentium
“ catervas

and he describes him thus: "He was a comely youth, tall
 "and robust, modest, liberal, gay, and courteous; and for the
 "innate sweetness of his disposition, generally beloved by true-
 "hearted Scotsmen."

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John Earl of Moray, the second son of the great Randolph, had escaped into France after the battle of Halidon. He now returned to Scotland. The Scots acknowledged him and the young Stewart as regents, under the authority of their infant and exiled sovereign. The Earl of Moray speedily collected a body of troops; invaded the country of the Earl of Athole, and constrained him to retire into Lochaber, where, deprived of all means of resistance, he was compelled to surrender, and embraced the party of the conqueror.

On this rapid change of things, Baliol again retired into England and implored the protection of his sovereign. Edward led his troops against the insurgents (14th November 1334). With one part of the army Baliol wasted Evandale and the adjacent territories (December). He celebrated Christmas in royal state at the castle of Renfrew; and distributed lands and offices among his guests.

Edward led the rest of his army into the Lothians, and ruled at pleasure in a desolate and defenceless country.

At this juncture Patrick Earl of March formally renounced the fealty which he had sworn to England.

"catervas hominum, qui, hac illacque discurrentes, patriam populantur, prædas
 "diripiunt, captivos ducunt, vel ad fidem Scoticanam convertunt. Et sic infra
 "breve inferiorem partem de Clyddisdale, velint nolint habitatores, sibi subjugales
 "eos efficiunt. Ad Senescallum dehinc baroniales de Renfrew adveniunt, et sibi,
 "tanquam proprio domino, humiliter se offerunt. Ad quorum exemplum Godefridus
 "de Ros, Vicecomes de Ayre, post tamen aliqualem resistentiam, cum universitate de
 "Carrick, Conyngham et Kyle attractus sive coactus, placuit Senescalli se subdere
 "legi. Placuit etiam proceribus et communitatibus eligere Senescallum et Comitem
 "Moravie in regni custodes, promittentes assistentiam et personale obsequium ad
 "quoque imperata." Fordun, lib. xiii.

In 1335, (April,) the Stewart and the Earl of Moray, regents, assembled a parliament at Dartsey near Cupar in Fife; at which assembly there appeared the Earl of March, Sir Andrew Moray of Bothwell, Alexander de Moubray, William Douglas of Liddesdale, and many other barons; and the Earl of Athole was also there with a formidable train of attendants, and bore himself with a haughtiness of demeanor which the Scottish Lords could ill brook. This ambitious and fickle young man set up his party in opposition to the Earl of Moray, and is by some historians said to have wrought on the inexperience and facility of the young Stewart, to join with him in perplexing and thwarting the national councils of that parliament. The deliberations were influenced by private interests, animosities, and mutual disgusts, and at length the barons, without having concerted any general plan of defence, separated themselves in confusion.

In July 1335, Edward again invaded Scotland.

In August 1335, John Earl of Moray the regent, in returning from the borders, to which he had escorted the Count of Namur, was attacked by William de Preffen, Warden of the castle and forest of Jedburgh; his party was routed, the Earl himself was made prisoner, and conveyed into England, where he remained prisoner till the year 1341, when he was exchanged for the Earl of Salisbury.

The captivity of the one regent, and the inexperience of the other, seemed to precipitate the ruin of the Scottish nation. Alexander de Moubray, Geoffrey de Moubray, and certain other persons, having, as they said, full powers from the Earl of Athole and Robert the Stewart of Scotland, concluded a treaty with Edward III. at Perth, 18th August 1335.

Upon 24th August 1335, Edward III. granted a special pardon to the Earl of Athole, restored him to his English estates, and conferred on him the office of lieutenant in Scotland.

Sir Andrew Moray of Bothwell, with the Earl of March and William Douglas of Liddesdale, had collected 800 men, natives of the Lothians and Merse, and with the assistance of 300 men brought to them from Kildrummy, surpris'd the Earl of Athole in the forest of Kilblain, where his troops, seiz'd with a panic, were dispers'd, and he himself slain (November 1335).

After the death of the Earl of Athole, Sir Andrew Moray of Bothwell assembled a parliament at Dumfermling, and was acknowledged by that assembly in the character of regent.

Edward endeavour'd to sustain himself in his new acquisitions, by making grants of them to his principal lords. With this view, he bestow'd the town and sheriffdom of Peebles, the town, sheriffdom, and forest of Selkirk, and the forest of Etrick, on William de Montague and his heirs (10th October 1335).

In the former year, he had acquired from Henry de Percy the Pele of Lochmaben, with Annandale and Moffatdale, and had given him in exchange the town, castle, constabulary, and forest of Jedburgh, with some other places in that neighbourhood.

The contest between the English and the Scotch was carried on with various fortune during the years 1335 and 1336.

In the year 1337, the military operations against the Scots began to languish. Edward, busied in preparing for war with France, could not bestow much attention on the affairs of Scotland. He publicly asserted his claim to the crown of France, and being engaged in that contest, relaxed his military operations against his weaker neighbours in Scotland.

In 1338, Sir Andrew Moray of Bothwell, regent of Scotland, died.

Robert the Stewart of Scotland, succeeded him in the office of sole regent, and began his administration by preparing for the siege of Perth, which had been the head-quarters of the English for many years, and might be termed the seat of government, as Baliol

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had chosen it for the seat of his usual residence, and it was supposed to be of exceeding importance.

In the beginning of 1339, the Stewart appeared before Perth with his army. Ughtred, the governor, made a gallant resistance. The Scotch prepared to storm Perth; Ughtred capitulated, and was conducted with his garrison into England (17th August 1339).

Winton's
Chronicle,
vol. ii. p. 237.

The Stewart's next enterprise that same year was against the castle of Stirling, which surrendered upon conditions similar to those which had been granted to the governor of Perth. In the siege of Stirling, Sir William Keith of Galston lost his life.

Dalrymple's
Annals,
vol. ii. p. 206.
Winton's
Chronicle,
vol. ii. p. 238.

After dislodging the enemy from every post to the north of the Firth of Edinburgh, the Stewart undertook a progress through Scotland, administered justice, redressed grievances, and established good order.

Ibid. p. 239.

The fortresses of Edinburgh, Roxburgh, Berwick, Jedburgh, and Lochmaben, with several less considerable castles in the south, still remained under the power of the English, and the lands of Tiviotdale remained subject to them. But in the year 1341, (17th April,) the castle of Edinburgh was surpris'd, and the garrison thereof was overpowered and expelled.

In the year 1341, King David II. with his consort Johanna landed from France, (at Inverbarvy in Kincardineshire, 4th May 1341,) after having been an exile from his kingdom since the year 1333.

From the time that King David returned to Scotland in 1341, he assumed the reins of government himself; and as it is not here meant to give an historical account of the events during the reign of King David, but merely to take notice of some of the principal events with which Robert the Stewart was connected during the absence and minority of David the sovereign, so it is unnecessary to enter into any detail of the occurrences from 1341 to the time of King David's death in 1371, when the succession to the crown opened to Robert the Stewart.

It will be sufficient to mention that at the battle of Durham on the 17th of October 1346, the right wing or van of the Scottish army was commanded by John Earl of Murray, the second son of Randolph, and Douglas the knight of Liddefdale; the centre by King David in person; and the left by Robert the Stewart and the Earl of March.

The English began the attack on the right wing of the Scots, where their leaders the Earl of Murray was slain, and the knight of Liddefdale made prisoner. The Scots, bereaved of their leaders, gave way, and were totally routed on that side. The English attacked the centre, where David commanded, not only in front, but also with their archers on the flank, now exposed by the defeat of the right wing. The contest, even on terms so unequal, was maintained for several hours; the chief officers of the crown and many of the nobility fell at the side of their sovereign. He, although dangerously wounded, still encouraged his few surviving companions, and fought like the son of Bruce; at length he was overpowered and made prisoner.

The Stewart and the Earl of March, who commanded the left wing, made their retreat good, although not without loss.

Such was the disastrous event of the battle of Durham, where the loss of the vanquished was exceedingly great.

The King of Scots, with his faithful and favourite servant Malcolm Fleming, Earl of Wigton, was conducted to a long and dreary captivity in the Tower of London, 2d January 1346-7.

The English entered Scotland; the fortresses on the borders made no resistance, and they became masters of the whole country on the borders from the East to the West Sea, and advanced their forces to the neighbourhood of the Vale of Lothian.

The Stewart was elected to the office of regent under the title of
“ Robertus Senescallus Scotiæ locum tenens serenissimi Principes David,

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Annals,
vol. ii. p. 227.

“ *Dei Gratia Reges Scotiæ illustris.*” The author of the Annals observes, that “ notwithstanding the national calamities, he supported the cause of his absent sovereign, and maintained a shew of civil government in Scotland.”

In 1355, Baliol, weary of being the nominal sovereign of a people among whom he had no authority, resolved to renounce Scotland for ever.

He surrendered to Edward III. all his private estates in Scotland (at Rokesburgh, 20th January 1355-6).

On the same day he made an absolute surrender to Edward III. of the kingdom and crown of Scotland, “ by delivery of a portion of the earth of Scotland, and also by the delivery of his golden crown.” These were considered as the proper feudal symbols of possession (given at Rokesburgh, 21st January 1355-6).

During many successive years Robert the Stewart exerted himself, and employed all his power and influence for recovering from captivity his sovereign David de Brus; many treaties for that purpose were entered upon, and at last they were brought to a happy conclusion in the year 1357. In that year a treaty was concluded between the two nations at Berwick, the 30th of October 1357, by which the King of Scots was released, after a captivity of *eleven* years. The Scottish nation agreed to pay one hundred thousand marks sterling, as the ransom of their sovereign, by yearly payments of ten thousand marks (on the 24th of June). Twenty young men of quality, and among them the eldest son of the Stewart, were to be given as hostages; and for further security three of the following great lords were to place themselves in the hands of the English: the Stewart, the Earls of March, Marr, Ross, Angus, and Sutherland; Lord Douglas, and Thomas Moray of Bothwell. It was provided that a truce should continue between the two nations until complete payment of the ransom.

Treaty of
Berwick 1357,
October 30.

The

The King of Scots, the nobility, and the boroughs ratified this treaty (5th of October), and the bishops ratified it on the following day (6th of October).

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David immediately after his release summoned a parliament, laid the treaty before the three estates, obtained their approbation, and then ratified the treaty anew (at Scone, 6th of November).

Fœd. vol. vi.
p. 68.

November 6.

Upon the 22d of February 1370-1, King David II. died in the castle of Edinburgh, in the forty-seventh year of his age, and the forty-second of his reign. Upon his death the succession opened to Robert the Stewart of Scotland, who, by the settlement made by Robert de Brus, and by repeated acts of the Scottish parliament, had been declared the heir to the crown of Scotland, on the failure of the heirs male of the body of Robert de Brus.

This title was recognised in the most solemn manner at the time of his coronation at Scone on the 26th of March 1371, when a solemn act was passed in presence of the Prelates, Earls, Barons, and others, declaring in what manner the said Robert had succeeded and ought to succeed to David King of Scotland, his uncle and predecessor, both by the proximity of blood, and by the declaration contained in a certain instrument drawn up in the time of Robert King of Scotland, grandfather and predecessor of the said Robert, which instrument was exhibited and read in the parliament then assembled.

Coronation of
King Robert
II. on the 26th
of March
1371.

The act states that the usual homage and oaths of fidelity had been received from the Prelates, Earls, Barons, and others of the clergy and people there present; and then it proceeds to declare, that in the event of the death of Robert, now become King of Scotland, *his first-born son, John, Earl of Carrick and Stewart of Scotland*, shall be, and ought to be his true and lawful heir, and shall succeed to him in the kingdom of Scotland, and shall sit and ought to sit upon the throne of that kingdom. The words of the declaration made by King Robert upon this occasion, as stated in the act, are

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as follows: “ Volens more et exemplo celebris memorie ejusdem
 “ boni Regis Roberti avi sui coram clerico et populo successorem et
 “ verum heredem suum declarare ibidem licet de ipso clare constitit
 “ atque constet ex habundanti et unanimi consensu et assensu dic-
 “ torum prelatorum, comitum procerum et magnatum indicavit
 “ asseruit et recognovit declaravit et voluit quod cum ipsum conti-
 “ gerit pro dispositione divina ab hac luce migrari Dominus
 “ Johannes, filius suus primogenitus comes de Carrick et *Senescallus*
 “ *Scotiae* erit et esse debet verus et legitimus heres suus ac sibi post
 “ mortem suam in regno Scotiae, dño disponente succedet et succe-
 “ dere debet et post cum sedebit et federe debebit super folium
 “ regni sui.”

To the declaration thus made by the sovereign concerning his eldest son and heir, each of the Prelates, Earls, Nobles, and others there present, severally gave their assent, and became bound that the said John the eldest son of the King, if he survived his father, should become King of Scotland, as the true and lawful heir of his father, and that they should maintain and defend him to the utmost of their power against all mortals*.

* The original instrument drawn up on this occasion is still preserved in the records of Scotland at the Register-office in Edinburgh, with the seals of many of the Prelates, Nobles, and others thereto appended. The writing is still very legible, and in a very fair character; but lest it should suffer from the injury of time, or other accidents, the present Lord Register of Scotland, Lord Frederic Campbell, has very lately been at the expence of getting a very elegant *fac simile* copy made and engraved of this curious monument of antiquity.

GENEALOGICAL HISTORY

OF

THE STEWARTS.

INTRODUCTION to PART SECOND.

IN Part First it has been shewn, that Alexander the Stewart, who died in the year 1283, left two sons, James and John; and that James, the eldest son, succeeded his father in the Stewartry of Scotland, and was succeeded by his eldest son Walter, who married Marjory, daughter of King Robert Bruce; of which marriage there was only one child, Robert, who, on the death of his father Walter in 1326, succeeded to the office and possessions of the High Stewart; and afterwards, upon the death of King David Bruce, in March 1371, succeeded to the crown of Scotland.

The Genealogical History of the eldest branch of the Stewart race, from the time that they became Kings of Scotland, is so well known, that it would be superfluous to pursue it minutely in this Genealogical History; it shall here only be briefly noticed, that Robert II. who succeeded to the crown in 1371, died in 1390, and was succeeded by his son John Earl of Carrick, who having laid aside the name of John took that of Robert, and was afterwards known by the name of King Robert III. father of King James I. of Scotland, whose male descendants of the name of James enjoyed the crown of Scotland for four successive generations; but King James V. was the last of the male descendants from James the Stewart, eldest son of Alexander the Stewart above-mentioned.

Upon the death of King James V. in 1542, the crown of Scotland devolved upon his only child Mary Queen of Scots, then an infant but six days old. In the year 1564, she married her cousin Henry Stewart Lord Derneley, son of Matthew Earl of Lennox; of which marriage, King James VI. of Scotland, and I. of England, was the only child, and the heir of every thing that pertained to his father or to his mother: he, therefore, not only succeeded to the crown of Scotland in right of his mother, but was in right of blood the complete representative of the High Stewarts of Scotland in the male line of succession: by his mother he was descended from James the *Stewart*, (the eldest son of Alexander the High Stewart above-mentioned,) whose male issue failed on the death of King James V.; and by his father Henry Lord Derneley, he was the lineal descendant and heir male of the said Alexander the High Stewart, as being descended from Sir John Stewart of Bonkyl, the second son of the said Alexander.

The object of the Genealogical History now to be given is, to trace through all the successive generations the male descendants from Sir John Stewart of Bonkyl, the second son of Alexander the High Stewart, for the purpose of shewing that this Sir John Stewart of Bonkyl was the ancestor, not only of the Stewarts *Earls of Angus*, but also of the Stewarts of *Derneley*, *Lennox*, and *Aubigny*, and the paternal ancestor likewise of King James VI. of Scotland and I. of England, and of all the monarchs of the Stewart race who succeeded him.

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Beginning with Sir JOHN STEWART of BONKYL, second Son of ALEXANDER, and immediate younger Brother of JAMES the High Stewart before-mentioned; which Sir JOHN STEWART, ancestor of the Stewarts of Angus Derneley and LENNOX, was killed at the battle of Falkirk in 1298. This PART SECOND ending with Sir ALEXANDER STEWART of Derneley, who died between the years 1400 and 1404.

 FIFTH GENERATION RESUMED.

1. JAMES the HIGH STEWART, eldest Son of ALEXANDER. Concerning whom and his descendants an account has already been given in PART FIRST.
2. Sir JOHN STEWART, second Son of ALEXANDER the STEWART.

PROOFS *concerning* Sir JOHN STEWART, the second Son of ALEXANDER.

IN Nisbet's Heraldry, vol. i. p. 49. there is the following paragraph: " Sir John Stewart of Bonkyl, second son to Alexander, High Stewart of Scotland, born in the year 1246. He married Margaret, daughter to Sir Alexander Bonkyl of that ilk. She bore

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“ to him several sons, heads of great families of the name of Stewart; which families were known by the fefs chequé, bend, and buckles; the figures which Sir John Stewart carried in right of his wife, viz. or, a fefs chequé, azure and argent, surmounted of a bend, gules, charged with three buckles of the first for Bonkyl.”

There are many documents wherein Sir John Stewart is described as brother of James the Stewart of Scotland: amongst others, there is a charter of confirmation, dated “ apud Nigram Aulam, anno 1294, die Dominica infra octavas Epiphaniæ Domini,” by James the Stewart of Scotland, confirming certain privileges granted to the Monastery of Paisleth; to which charter one of the witnesses is “ Johannis Seneschalli Frater meus.”

This charter is in the Chartulary of Paisley, p. 147—151.

In the year 1286, a contract was entered into between the Earls of Gloucester and Ulster on the one part, and James the Stewart of Scotland and *his brother John Stewart*, and others, on the other part; by which, they agreed to stand by each other in all questions and causes, saving their allegiance respectively to the Kings of England and of Scotland; which agreement is dated at Turnberry in Carrick, 20th September 1286. This contract is referred to, not only by Symson, p. 78, and Duncan Stewart, p. 51, but by Dugdale in his *Baronage*, vol. i. p. 216, where he refers to the original contract as in the possession of Augustine Stewart of Lackinketh in the county of Suffolk, in the year 1575.

In the Record kept at the Tower of London of those who swore fealty to King Edward I. on the 15th of May 1296, the first person mentioned on the roll, where there are about 16 or 1700 names, is *James Seneschal of Scotland*, and next to him *John Stewart his brother*, so described. The oaths taken by them on that occasion, with the seals of James the Stewart and his brother

Sir John appended to these oaths, are still extant and have been preserved entire in the Chapter-house at Westminster*.

The following article, relating to a grant made by Sir John Stewart to the Convent of Melros, is verbatim copied from a manuscript in the British Museum, No. 4707, of Harleian Collections, titled, "Mr. David Symfon, Historiographer of Scotland, his Adversaria and Collection, in his own hand, of Matters relating to that Kingdom."

"1296. On Christmas-day, at Blackhall, before these witnesses, James Senefcal of Scotland, brother to the Granter, Walter Lindefay, Reginald Crosbi, William Abyrnythyn, and James Lindefay, Knights; Walter and Bernard, Abbots of Pafesley and Kilwenyn, and others, John Senefcal brother to James Senefcal of Scotland, for the health of his own soul and all his ancestors and successors, and for the health of Margaret his wife and his children, gives to Melroes and to the proper canons of St. Waleve Abbot, 'ad inveniendum unum cereum ad cenobium ipsius Sancti,' two pound of wax at the fairs of Roxburgh, to the honor of the said Saint, to be paid yearly, or the price thereof at the said term, out of his lands by him and his heirs."

It is material to observe, that from the above charter it is proved that Sir John Stewart, at the date of it in 1296, had children, and that the name of his wife was Margaret; which in so far agrees with the account given by the historians, who say that he married Margaret, daughter and heiress of Sir Alexander Bonkyl, and who say that he had by her several children.

Sir David Dalrymple, in his Annals, vol. i. p. 256, has the following paragraph relating to the events of the year 1298: "Mean-

* Of these original seals of James the Stewart and of his brother Sir John, a fac simile copy has been taken and engraved, as will be found in the Genealogical Table of the Stewarts relative to this History.

"while

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“ while the Scots were assembling all their strength in the interior
 “ part of the country. Few barons of eminence repaired to the
 “ national standard. They whose names are recorded were John
 “ Comyn of Badenoch the younger; *Sir John Stewart of Bonkyl*,
 “ *brother to the Stewart*; Sir John Graham of Abercorn; and
 “ Macduff, the grand-uncle of the young Earl of Fyfe.”

When Sir David Dalrymple thus positively described *Sir John Stewart of Bonkyl* as the *brother of the Stewart*, and mentions his name as recorded, no person acquainted with Sir David's accuracy could entertain a doubt but that he had seen sufficient evidence and authority for thus describing him.

In p. 260 of the same Annals, Sir David gives an account of the battle of Falkirk, fought on the 22d July 1298, where he mentions that Sir John Stewart, while giving orders to his archers, was thrown from his horse, and slain; that his archers crowded round his body and perished with him. Sir David here refers to Hemmingford's account, which is in these words: “ Inter quos frater
 “ Senescalli Scotiæ, cum ordinasset viros sagittarios de foresta de
 “ Selkyrke, casu ex equo cecidit, et inter eosdem sagittarios
 “ occisus est. Circumsteterunt enim eum iidem sagittarii et cum eo
 “ corruerunt, homines quidem elegantis formæ et proceræ staturæ.”
 T. i. p. 165.*

The

* Having stated for many respectable authorities for what relates to Sir John Stewart of Bonkyl, and for his being the same person with Sir John Stewart, the brother of James the Stewart of Scotland, it may be thought superfluous to give any additional proofs on that subject: but the Author, while engaged in this work, had occasion to know that doubts were in some quarters entertained as to Sir John Stewart, the brother of James the Stewart, his having married the heiress of Bonkyl, or his having been at any time described as *Sir John Stewart of Bonkyl*. Those who doubted of, or disbelieved the accounts given by Symon, Crawford, Nesbit, Duncan Stewart, and Sir David Dalrymple, concerning Sir John Stewart of Bonkyl and his family, maintained that no contemporary author had ever mentioned a *Sir John Stewart of Bonkyl*, and that there was no evidence of an ancient date mentioning that Sir John Stewart, the brother of the Stewart of Scotland, had ever married the heiress

of

The only daughter of the marriage between Sir John Stewart and the heiress of Bonkyl was Isabel, who married the celebrated
Thomas

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of Bonkyl, or that there were sons of that marriage. The concurring testimony of the various authors who had agreed with regard to the facts concerning Sir John Stewart of Bonkyl and his family, had satisfied me that the fact was as stated by them; however, I thought it incumbent on me to persist in making every practicable search and inquiry that might lead to additional proofs, such as might remove every possible doubt in any quarter. Accordingly, in the course of these continued researches, I have very lately been conducted to a very unexpected and decisive piece of evidence with regard to the points on which the doubts had been entertained. It is as follows:

In the year 1305, on the death of Sir Robert de Depyng, the rector of the parish of Ulndale in the county of Cumberland, Sir David de Brigham, Knight, presented Hugh de Rouceffre, clerk, to the rectory of Ulndale; while at the same time Thomas de Lucy presented to that rectory Sir David de Cringledike, chaplain; whereby the church became litigious, which gave rise to an inquisition being taken thereupon by the clergy of the deanry of Allerdale at Wigton, at the chapter held there on the 20th July 1305. Upon which inquisition the return made by the jury was as follows: "The jurors say, that the said church is void, and hath been void from the feast of St. Dunstan last past by the death of Sir Robert de Depyng late rector of the said church; and they say, that Sir Alexander de Bonkyl last presented the said Robert to the said church. That it is worth *communibus annis* 18l. a-year. Also they say, that the said *Sir Alexander had a daughter, Margaret, who is now lately dead, and that in her father's lifetime she was married to Sir John, brother of the Stewart of Scotland, to whom she had children (as is said); and so it seemeth to them, that the eldest son of the said John and Margaret ought of right to be the true patron thereof*: but that the church is litigious; for that Sir Thomas de Lucy has presented Sir David a chaplain, a man sufficiently known, honest, and of good behaviour to the said church, which presentee asserts the right of presentation for that time to belong to the said Thomas, because the manor of Ulndale is in his hand by reason of the death of the said Margaret, daughter and heir of the said Alexander, who held the said manor with the appurtenances of the said Thomas de Lucy by the service of cornage, which yields wardships and relief; and that Sir David de Brighyn, who now presents the said Hugh to the said church, was never married to the said Margaret in face of the church. The said Hugh in like manner proclaims, that the said Sir David de Brighyn is patron, and ought to present to the same by the law and custom of England; for that he did marry the said Margaret, and during the marriage had children by her; in evidence whereof he produced certain letters and transcripts of the Bishops of St. Andrew, Dunkeld, and Brechyn, and a transcript of the Bull of the late Pope Benedict of blessed memory, under the

" seals

Thomas Randolph Earl of Moray, nephew of King Robert de Brus; and with that Lady he got from Sir John Stewart the lands of

“ seals of the Archdeacon of St. Andrews and the Official of Brechyn; by which it appears, that, notwithstanding the affinity and consanguinity between the said Sir David and Margaret, the said Pope Benedict dispensed, that they might marry. Of the condition of the said Hugh, as to his birth, they know nothing; and that he is an Acolyte, and otherwise of good behaviour, as they believe. Other things touching the said inquisition they leave to your fatherly goodness.”

The above particulars are taken verbatim from the History of the Counties of Westmoreland and Cumberland, by Joseph Nicholson, Esq. and Richard Burn, LL.D. vol. ii. p. 31, 32. That History of Cumberland was indicated to me by Mr. Pinkerton the historian, who, in the course of his extensive reading, had noticed the above article relating to Sir John Stewart; and as he had some time ago learned from me that there were persons who doubted of Sir John Stewart of Bonkyl being the brother of James the Stewart, he, Mr. Pinkerton, very obligingly communicated the above passage in that history, which affords such decisive evidence upon the contested points.

It must be admitted, that an inquisition taken in the year 1305, affords what may be called contemporary and unexceptionable evidence of what related to Sir John Stewart, who died in the year 1298; and of what related to his wife Margaret, heiress of Bonkyl, who survived him, and died only very recently before the date of the inquisition. And as the return made by the jurors was, that Margaret the heiress of Bonkyl had, during her father's lifetime, married *Sir John, the brother of the Stewart of Scotland*, to whom she had children; it is scarcely possible that any doubts can now be entertained as to these facts, though the knowledge of them has been incidentally acquired by an inquisition, whereof the principal object was to ascertain the right to the presentation of the rectory of Ulndale, which had once belonged to Sir Alexander de Bonkyl, and thereafter to his daughter and heiress Margaret, who it appears was first married to Sir John Stewart, the brother of the Stewart of Scotland, and afterwards to Sir David de Brigham, and had children by both marriages.

A search among the records in the Tower of London has afforded additional evidence in confirmation of the same facts, *viz.*

1. An inquisition taken at Carlisle on Wednesday next after the feast of St. Mark the Evangelist, in the twenty-eighth year of King Edward I. (which was the year 1300) by a jury who upon their oaths declare, that the deceased Sir Alexander de Bonkyl held at the time of his death the manor of Ulndale with the pertinents of Thomas de Lucy, by homage and service; and that the advowson of the church of Ulndale pertained to the said manor of Ulndale, and that the said manor was taken into the hands of our sovereign lord the King by the escheator of his Majesty in the county of Cumberland, on account of a certain *Margaret, daughter and heir of the said Sir Alexander,* because

of Garlies, which were afterwards given by John, the son and heir of Thomas Earl of Moray, to Sir Walter Stewart of Dalwhinton, PART
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because that she resided in Scotland with the enemies of our sovereign lord, who are against the King's peace.

2. Another inquisition taken at Ulndale in the eighth of Edward II. (which was the year 1315,) by a jury who upon their solemn oaths declare, that *Alexander le Senefball* was seized as of fee of a certain manor of Ulndale, upon the day on which he departed from the fealty due from him to our sovereign lord the King.

The brieves issued by Edward I. and Edward II. upon which the two inquisitions abovementioned proceeded, are still extant in the Tower of London, and attached to the inquisitions; they were directed to the escheator for the King beyond the Trent, and ordered him to ascertain by a jury the facts relating to Sir Alexander de Bonkyl and to Sir Alexander Stewart, concerning their interest in the manor of Ulndale, and to set forth in what manner and for what causes these lands had been seized and taken into his Majesty's hands.

3. A grant by Edward II. in the twelfth year of his reign, (1319,) by which he gave to Bartholomew de Badlesmere in fee, the manor of Ulndale, with the pertinents, which belonged to the deceased Alexander Stewart, a Scotsman, enemy and rebel to the King of England; and the grant recites that, on account of his enmity and rebellion aforesaid, the said manor of Ulndale had become escheated to his Majesty.

4. There is in the Rotuli Scotie in the Tower, a charter by Edward III. in the fourteenth year of his reign, (1341,) which recites and confirms a charter which had been granted by Edward Baliol while King of Scotland, on the 28th of October in the first year of his reign, (1332,) by which he granted to Thomas Ughtred, Knight, the manor of *Bonkhill*, together with all lands and tenements which had belonged to John Stewart, Knight, and which had come into the King's hands by the forfeiture of the said Sir John Stewart.

The above papers from the Tower prove and establish the following facts: 1. That Sir Alexander de Bonkyl, the father of Margaret the wife of John Stewart, died in or about the year 1300, and probably but a little before the date of the inquisition in that year; also that he died possessed of the manor of Ulndale and the advowson of the church of Ulndale in Cumberland; and that they had been seized into the hands of the King because Margaret the daughter and heir of the said Alexander resided in Scotland with the enemies of the King. This, therefore, proves that Margaret was the daughter and heir of Alexander de Bonkyl, and as such was entitled to the manor of Ulndale, &c. of course she must equally have been entitled to the lands of Bonkyl in Scotland upon her father's death.

ton, his uncle, as appears by an original charter in the possession of the Earl of Galloway.

Though

The other inquisition taken in the time of Edward II. in the year 1315, shews that Alexander Stewart was, upon the day when he withdrew his allegiance from King Edward, seized as of fee in the said manor of Ulndale, and in several other lands in Cumberland therein mentioned; though it does not appear in what manner these lands had reverted to the family after they had been escheated to the crown during the life of his mother Margaret, as mentioned in the preceding inquisition.

The grant by Edward II. in the year 1319, to Bartholomew Badlesmere, of the manor and advowson of Ulndale, shews that Alexander Stewart was then dead, and that by his rebellion the said lands became again forfeited to the King, who, in consequence, gave them to Bartholomew Badlesmere.

The circumstance of the lands of Ulndale in Cumberland having been enjoyed first by Sir Alexander de Bonkyl, then by his daughter and heiress Margaret, and then by Alexander Stewart, would of itself be sufficient to prove that there had been issue of the marriage between Sir John Stewart and Margaret the heiress of Bonkyl, and that Alexander Stewart had succeeded to these lands as the eldest son of that marriage. By the same rule he must have succeeded to the lands of Bonkyl in Scotland; but as the Scotch records of inquisition of that period have not been preserved, it is not known in what manner he made up his titles to the lands of Bonkyl, though it does appear from Barbour and other authorities, that he was known and described by the title of Sir Alexander Stewart of Bonkyl.

It appears from the preceding documents, that Sir John Stewart, the brother of the Stewart of Scotland, had married Margaret the daughter and heir of Sir Alexander de Bonkyl, during her father's life; and as he Sir John Stewart was killed at Falkirk in 1298, while his surviving father-in-law Sir Alexander de Bonkyl lived till the year 1300, and his wife Margaret lived till about the year 1305, it is highly probable that the estate of Bonkyl never actually belonged to Sir John Stewart the husband of Margaret. It may therefore be very true that Sir John Stewart never was in his own lifetime designed Sir John Stewart of Bonkyl, either in any legal instrument, or described as such by any contemporary author: but as the marriage of Sir John Stewart with the heiress of Bonkyl had brought that estate of Bonkyl to his family, and was long enjoyed by his descendants during many generations; it was very natural that those historians or genealogists who wrote subsequent to the death of Sir John Stewart, should, by way of distinguishing him from other persons of the name of Stewart, have described him as *Sir John Stewart of Bonkyl*.

The question is not whether Sir John Stewart, the brother of the Stewart of Scotland, ever was the legal or actual proprietor of the estate of Bonkyl; but whether that

Though authors are in general agreed that there were many sons of the marriage between Sir John Stewart of Bonkyl and his wife Margaret, yet they are not agreed as to the precise number of those sons.

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Symson, in his History of the Stewarts published in the year 1712, p. 64, gives the following account of the sons of Sir John Stewart of Bonkyl:

- “ 1st son, Sir Alexander Stewart of Bonkyl, father to John Earl
“ of Angus, of the race of Stewart.
- “ 2d son, Sir Alan Stewart, of whom the *Lords of Derneley*,
“ *Earls and Dukes of Lennox*, and their several cadets.
- “ 3d son, Sir Walter Stewart, to whom King Robert Bruce gave
“ a charter of the barony of Dalwinton, as did John Ra-
“ nulphe Earl of Moray give another of the barony of
“ Garlies; from whom the Earl of Galloway by an heiress.
- “ 4th son, Sir James Stewart, ancestor to Innermeath and Craigh-
“ hall; and from Innermeath, Lorn, Durisdeer or Rossyth;
“ from Lorn or Innermeath, the Earls of Atholl and
“ Buchan, the Stewarts of Gairntully, &c. Kinnaird and
“ Alpin, and Innerduning. From the Earl of Buchan is the
“ Earl of Traquair, &c.
- “ 5th son, Sir John Stewart, of whose issue I have discovered
“ nothing from charters.
- “ 6th and 7th sons, Sir Hugh and Sir Robert, mentioned by
“ Hollinshed in his Chronicle of Ireland, anno 1318, whose
“ existence I am not to defend.”

Sir John Stewart did marry the heiress of Bonkyl, and by that marriage acquired to his family the estate of Bonkyl, so as to justify the description of *Sir John Stewart of Bonkyl* given to him by various historians and genealogists. Upon these points it is apprehended that no doubt can now remain in any quarter.

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Duncan Stewart, in his History of the Stewarts published in 1739, p. 149, says, that Sir John Stewart of Bonkyl, brother of James the High Stewart, had by his wife Margaret, seven sons and a daughter, viz.

- “ 1. Sir Alexander of Bonkyl, of whom Angus.
- “ 2. Sir Alan of Dreghorn, of whom Lennox.
- “ 3. Sir Walter of Dalwinton, of whom Galloway.
- “ 4. Sir James of Preston and Warwickhill, of whom Lorne.
- “ 5. Sir John, killed with his two brothers, Alan and James,
“ at Halidonhill in 1333, and supposed to be predecessor to
“ Castelmilk.
- “ 6. Hugh; and 7, Robert.”

Duncan Stewart here adds: “ It is not discovered who are come of the two last brothers, or if there are any come of them, unless it be allowed that Allantoun is come of one of them; for by their own traditional account, their predecessor was an immediate younger brother of Castelmilk.

“ Isabel, daughter to Sir John Stewart, married Thomas Randolph Earl of Moray, to whom she brought the barony of Garlies. These families above carried the arms of Bonkyl, as descended of Sir John Stewart.”

Having given this general view of the several sons of Sir John Stewart of Bonkyl, with an indication of the families derived from them; the subsequent Parts of this Genealogical History will relate only to the two eldest sons of Sir John Stewart of Bonkyl, to wit, Sir Alexander Stewart of Bonkyl, and Sir Alan Stewart of Dreghorn, and the male descendants from these two eldest sons; as that will be sufficient for tracing completely the Genealogical History of the Stewarts *Earls of Angus*, and of the Stewarts of *Derneley*, *Lennox*, and *Aubigny*; and thereby ascertaining the nearest heir male

of

of these families, and at the same time the nearest heir male of the High Stewarts of Scotland.

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The male descendants from Sir Alexander, the eldest son of Sir John Stewart of Bonkyl, failed in the year 1377; but as there were several generations of them before that failure, it is thought proper here to state these several generations, and the proofs of them.

N^o I. Of the STEWARTS EARLS OF ANGUS.

Concerning Sir ALEXANDER STEWART of Bonkyl, eldest Son of Sir JOHN, and the Male Descendants from him.

THIS Sir Alexander is mentioned in Rymer's *Fœdera*, and in several transactions of those times.

Sir James Dalrymple, in his *Collections*, p. 394, says, "That in the time of King Robert Bruce the lands of Carnwath were in possession of the Bairds, who were forfeited for their adherence to Baliol, and these lands were granted by that King to Sir Alexander Stewart, probably the person afterwards created Earl of Angus."

John Barbour's *Life of King Robert Bruce* was written about the year 1370, which was so near to the time of the events related by him, that on that account, as well as on account of the character of the author, great reliance is generally placed upon the facts contained in his *History*.

This author, Barbour, tells us, that Sir Alexander Stewart of Bonkyl and Sir Thomas Randall were taken prisoners by James Lord of Douglas in an adventure therein mentioned, which is ascertained to have been in the year 1308; at the same time he takes occasion to mention, that this Sir Alexander Stewart was son to the uncle of the said James Lord of Douglas, which shews that he was son to Sir John Stewart of Bonkyl, the brother of James

Annals, vol. ii.
p. 25. 1308.
Barbour, pp.
192, 193.

the

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the Stewart of Scotland; for Sir John was uncle to James Lord of Douglas, whose father William Lord of Douglas, furnamed the Hardy, married Elizabeth Stewart sifter of James the High Stewart and of Sir John Stewart of Bonkyl, as mentioned in the preceding Part First*.

Sir Alexander Stewart of Bonkyl is supposed to have been created Earl of Angus by King Robert de Brus about the year 1327; for in that year he is mentioned by John Barbour as Earl of Angus, p. 421 of the black letter edition.

The author of the Historical Remarks on Prynne's History, p. 2 of these Remarks, which are subjoined to Nisbet's Heraldry, says, that Sir Alexander Stewart designed of Bonkyl was in the year 1327, upon the forfeiture of the English family of the Umphravilles, created Earl of Angus †.

This

* In Barbour's History, pp. 192, 193, of the black letter edition, this adventure is thus related:

“ For of Bonkyl the Lord there was
 “ Alexander Stewart hight he,
 “ With other twa of great bountie,
 “ Thomas Randall of great renowne,
 “ And Adam also of Gordoun.”
 “ That night the good Lord of Douglas
 “ To Sir Alexander made, that was
 “ *His esme's* (a) son right gladfome chear,
 “ So did he also withouten weir
 “ To Thomas Randall for that he
 “ Was to the King in near degree
 “ Of blood, for him his sifter bare,
 “ And on the morn forouthen mare
 “ Toward the noble King he rade
 “ And with him both these twa he had.”

† The authorities above cited inclined me for some time to the opinion of those who maintained that the first person of the Stewart line created Earl of Angus was this Sir Alexander Stewart, and that he had been so created about the year 1327; but the recent

(a) *Esmc* signifies Uncle in the old Scottish language.

This Sir Alexander Stewart left two children, a son and a daughter. The son was Sir John Stewart of Bonkyl (who according to some authors was the first Earl of Angus of the Stewart line). The daughter was Isabel, married first to Donald Earl of Marr; and 2dly, she married John Randall (or Randolph) Earl of Moray, second son of Thomas Randolph Earl of Moray, and who upon the death of his eldest brother Thomas, killed at the battle of Dupplin Moor, 1332, succeeded to the Earldom of Moray.

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The precise time of the death of Sir Alexander Stewart of Bonkyl is not known; but it must have been before the year 1329, for in that year his son John is described Earl of Angus and Lord of Bonkyl in a charter granted by him to Gilbert Lumsden of the Lands of Blanerne, dated 15th June 1329.

recent discovery in the records in the Tower of London of the grant beforementioned by Edward II. in the twelfth year of his reign, 1319, by which he gave to Bartholomew de Badlesmere in fee the manor of Ulndale, with the pertinents, which are there stated to have belonged to *the deceased* Alexander Stewart, a Scotman, enemy and rebel to the King, and to have been escheated to his Majesty on account of his enmity and rebellion, seems to prove that Alexander Stewart had died before the date of that grant in 1319. If this fact had been ascertained by a jury on an inquisition *post mortem*, complete credit would have been due to it; but the recital in a grant by King Edward in favour of the person on whom he was bestowing the estate of Sir Alexander Stewart, is not, perhaps, entitled to the same degree of credit. It is, however, of little consequence whether the first created Earl of Angus of the Stewart line, was Sir Alexander Stewart, or his son Sir John Stewart, as some authors have alleged: but it has been thought proper here to state the evidence for and against the creation of the Earldom of Angus in favour of Sir Alexander.

P A R T

II.

N^o V.N^o II. Of the STEWARDS EARLS OF ANGUS.

Sir JOHN STEWART, Earl of Angus and Lord of Bonkyl, only Son of Sir ALEXANDER, succeeded to his Father before the year 1329.

In the possession of Mr. Lumden of Blanerne.

CHARTER of the lands of Blanerne in the shire of Berwick in favor of Gilbert Lumden, dated 15th June 1329, wherein this John Stewart was designed Earl of Angus, Lord of Bonkyl, by which the Earl is bound to infeft the said Gilbert Lumden in certain parts of the lands of Blanerne, wherein he had not formerly been infeft.

This John Earl of Angus married Margaret, daughter of Alexander of Abernethy, Knight, as appears from a dispensation granted by Pope John XXII. dated in the month of November in the 13th year of his Pontificate, which was the year 1329, by which he gave permission to *John Stevyard, Lord of Bonkyl*, to marry Margaret, daughter of Alexander of Abernethy, Knight, (*Miles*,) notwithstanding they were related in the fourth degree of consanguinity*.

He died in the year 1331, on the 5th of the Ides of December. Fordun, lib. xiii. p. 303.

* Symfon, in his Genealogical History of the Stewarts, p. 66, and Duncan Stewart, in his History, p. 150, mention a charter dated in the year 1330, granted by Thomas Randolph Earl of Moray in favor of John Stewart Earl of Angus, of the reversion of the barony of Morthington and Longformacus; in which charter, John the Earl of Angus is described nephew to Thomas Randolph Earl of Moray the granter of the charter, who had married Isabel the daughter of Sir John Stewart of Bonkyl. This charter would therefore of itself be sufficient to prove, that Sir Alexander Stewart the father of John Stewart, Earl of Angus, was son of Sir John Stewart of Bonkyl; but neither Symfon nor Duncan Stewart have mentioned where that charter is to be found.

N^o III.

N^o III. Of the STEWARTS EARLS of ANGUS.


N^o V.

THOMAS STEWART, Earl of Angus, Son of the said JOHN Earl of Angus, succeeded to his Father in the year 1331, and married MARGARET SAINT CLARE, daughter of Sir WILLIAM SAINT CLARE, of Rofslyn.

THIS marriage, and the time of it, appear from a dispensation found in the Vatican at Rome, dated in the year 1353; by which Pope Innocent VI. in the first year of his Pontificate (1353) allowed them to marry, notwithstanding their being related in the fourth degree of consanguinity. The dispensation further mentions, that the Pope had been humbly supplicated for that purpose by John King of France, who declared himself the faithful friend of the said Thomas Earl of Angus, “*Ipsum Thomam suum fidelem amicum afferentis**.”

In a manuscript collection of charters, called “Macfarlane’s Manuscript,” which is kept in the Advocates’ Library at Edinburgh, p. 209, there is a charter by Thomas Stewart Earl of Angus and Lord of Bonkyl, to which charter John Stewart Lord of Crookifton is one of the witnesses, and he is there described as cousin of Thomas Stewart Earl of Angus, the granter of the charter. This is agreeable to and confirms the generally received history of the descendants from Sir John Stewart of Bonkyl; for John Stewart Lord of Crookifton (of whom in the sequel) was eldest son and heir of Sir Alan Stewart, who was the second son of Sir John Stewart of Bonkyl, and the

* This dispensation, and the other dispensation before-mentioned for the marriage of his father John Stewart, Lord of Bonkyl, were found by the Author in the Vatican at Rome in the year 1789; and he has in his possession authenticated copies of both of them, which were delivered to him by Monf. de Marigni, the keeper of the Archives in the Vatican.

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immediate younger brother of Sir Alexander Stewart of Bonkyl, grandfather of Thomas Stewart Earl of Angus; consequently John Stewart Lord of Crookiflon, the fon of Sir Alan, was coufin of Thomas Stewart Earl of Angus*.

This Thomas, Earl of Angus, died of the plague while a prifoner in the caſtle of Dumbarton in the year 1361.

He left iſſue one fon, Thomas, who ſucceeded him, and two daughters, to wit :

Margaret, who married firſt, Thomas Earl of Marr, without iſſue; and ſecondly, William Earl of Douglas, to whom ſhe was ſecond wife, and by whom ſhe had George Douglas, who, in right of his mother, became afterwards Earl of Angus.

Elizabeth, the ſecond daughter, married Sir Alexander Hamilton of Innerweek, and left iſſue.

N^o IV. Of the STEWARDS EARLS OF ANGUS.

THOMAS, laſt Earl of Angus of the Stewart line, Son of the preceding THOMAS, ſucceeded to his Father in the year 1361, and married MARGARET Daughter and Coheir of DONALD Earl of Marr, but died in the year 1377 without iſſue.

THE proof of this Thomas Earl of Angus having died without iſſue is, that the eſtate and honors of Angus went upon his death to his ſiſter Margaret Counteſs of Marr and her fon George Douglas, of which there are many written documents in the poſſeſſion of the

* The charter referred to is a charter by Thomas Stewart Earl of Angus, to Sir Robert de Erkyne, milite, of the lands of Adamtoun, within the barony of Kyle Stewart, to which the witneſſes are, the Biſhops of St. Andrews and Glaſgow, Domino Noſtro Domino Roberto Senefcallo Scotiæ, Wilhelmo de Douglas Domino ejuſdem, *Domino Johanne Senefcalli Domino de Crokyſton, conſanguineo noſtro*, Wilhelmo de Conyngame, Johanne de Douglas, Johanne de Lindefay, Domino de Thoryfroun, et Adam de

the Douglas family, and in the public records; particularly there is a charter by King Robert II. dated in the year 1389, in favour of George de Douglas, son of Margaret Countess of Marr and of Angus, sister of the last Thomas Earl of Angus, by which charter the Earldom of Angus, with the Lordships of Abernethy in the shire of Perth, and of *Bonkill* in the shire of Berwick, were, upon the resignation of the said Margaret, granted to the said George de Douglas and the heirs lawfully to be procreate of his body, whom failing, to Sir Alexander de Hamilton and Elizabeth his wife, sister of the said Margaret, and the heirs procreate or to be procreate between them.

Hence it appears that these lands of Bonkill, composing part of the Earldom of Angus, had been uniformly enjoyed by the male line of the Stewarts Earls of Angus, down to the year 1377, and that they were transferred to the Douglas family by the marriage of Margaret, sister and heir of Thomas Stewart the last Earl of Angus. These lands of Bonkill have continued in the possession of the Douglas family from the year 1389 even to the present times.

Thus the male line from Sir Alexander Stewart of Bonkyl, the eldest son of Sir John Stewart of Bonkyl, failed in the year 1377.

We, therefore, now return to *Sir Alan Stewart of Dregborn*, the second son of Sir John Stewart of Bonkyl; which Alan belongs to the Sixth Generation of the descendants from Walter the first Stewart before-mentioned.

de Foulerton, Militibus, Willielmo Symple, Normanno de Lesley, Reginalde de Crawford, et multis aliis.

This charter has no precise date, but there is a confirmation of it by King David II. dated at Scone the last day of February, in the twenty-third year of his reign, which if the commencement of it is to be reckoned from the death of his father Robert Bruce, who died on the 7th of June 1329, was the year 1352.

The charter by Thomas Stewart Earl of Angus, and the charter of confirmation thereof by King David, are both to be found in Macfarlane's Collections in the Advocates' Library at Edinburgh. I. 5. 4. 29. p. 245.

SIXTH GENERATION RESUMED.

Sir ALAN STEWART, second Son of Sir JOHN STEWART of Bonkyl.

Born towards the end of the Thirteenth Century; served in the wars of King ROBERT BRUCE, to whose interests he was much and uniformly attached; received from King ROBERT a grant of the lands of Dregern, or Dreghorn, in the shire of Air, and from ROBERT the Stewart of Scotland a permission to purchase the lands of Cruickisfee, or Cruickifton, in Renfrewshire, held of the Stewart, being the first possession acquired by the STEWARDS of Derneley in that county.

PROOFS *concerning* Sir ALAN STEWART.

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IN the expedition to Ireland in the year 1315, Alan Stewart, having accompanied Edward Bruce the brother of King Robert, and Thomas Randolph Earl of Moray, who was brother-in-law to Alan Stewart, had his share in the military exploits of that kingdom. He is particularly mentioned in John Barbour's History of the Irish Expedition, p. 300, in the chapter intitled "Earl Thomas (Randolph) his Enterprize against the Victuallers from Conyers," in the following lines:

“ And when Earl Thomas perceiving
 “ Had of their coming and ganging,
 “ He got him a great company
 “ Three hundred horsemen wight and hardy;
 “ There was Sir Philip de Moubray,
 “ And Sir John Stewart also perfoy,
 “ And *Sir Alan Stewart* also,
 “ Sir Robert Boyd and others moe.”

In Hollinshed's Chronicles of Ireland, he mentions that, "in 1315, Edward Bruce entered the north part of Ireland with 6000 men;" and in the course of tracing Edward's progress in Ireland, Hollinshed, p. 67, says, that "on the 5th of December 1316, *Sir Alan Steward*, that had been taken prisoner in Ulster by John Logan and Sir John Sandell, was brought to the castle of Dublin." — P. 68, that "in 1318, Lord John Birmingham, general of the field on the part of the English, led forth the King of England's power, being 1324 able men, against Edward Bruce, who, being accompanied with the Lord Philip Moubray, Lord Walter de Soules, the *Lord Alane Steward* with his three brethren; Sir Walter and Sir Hugh, Sir Robert and Sir Amery Lacey, and others, was encamped not past two miles from Dundalk with 3000 men, there abiding the Englishmen to fight with them if they came forward; which they did with all convenient speed, being as desirous to give battle as the Scots were to receive it."

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Charter by King Robert Bruce, recorded in Roll I. N^o 41, of the charters of his reign, by which he granted "*Alano Senescallo dilecto et fideli suo pro homagio et servitio suo omnes et singulas terras et tenementum de Dregorn cum pertinentiis quæ fuerunt Johannis de Baliol, Willielmi de Ferraris, et Alani la Suce, Militum; tenendas et habendas dicto Alano et heredibus suis de nobis, et hæredibus nostris in feodo et hæreditate per omnes rectas metas, &c. Reddendo servitium duorum archetenentium in exercitu nostro et tres sectas ad curiam vicecomitatus nostræ apud Air annuatim,*" &c.

In the Public Records,
Roll I. N^o 41.

These lands of Dregorn or Dreghorn lie in the shire of Air, and continued for many succeeding generations to belong to the Stewarts of Derneley and Lennox, descended from this Sir Alan Stewart, as will appear in the sequel.

In the British Museum, N^o 4609 of the Harleian Manuscripts, there are lists or inventories of several rolls or records of charters, granted

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granted by King Robert Bruce and David II. &c. and in those lists there are the two following articles:

“ Charter by King David to *Alan Stewart, father to John Stewart of Derneley*, of the lands of Crosswell, Drochdreg, 8 part of Glen-gary called commonly Knockill in Rinns of Galloway.”—“ Air.”

“ Charter of confirmation of a charter by John Ranulph Earl of Murray to Walter Stewart Knight, father to John Stewart of Dalswinton, of the lands of Garlies, Glenmanack, Corfocke, and Kirkornock in the shire of Dumfries.”

Neither of these two charters have hitherto been found in the records of Scotland; there can be no doubt, however, that such charters existed, especially as the Earl of Galloway has in his possession the original charter referred to in the second article above, being charter by John Ranulph Earl of Moray, Lord Annandale and Mann, in favor of Sir Walter Stewart, therein designed his uncle, (*avunculus noster charissimus*), by which charter the Earl of Moray granted to him and to his heirs the lands of Garlies, Glenmenock, and Curfock.

Indenture, dated in the month of November 1327, entered into between Dominum Alanum Senescalli Militem ex parte una, et Dominum Alanum de Glafsfrith Militem ex altera; by which Dominus Alanus de Glafsfrith concessit et ad fermam demisit eidem Domino Alano Senescalli totam terram suam de Argeden cum pertinen' usque ad terminum 35 annorum incipiendorum ad festum Sⁱ Martini 1327.—The place where this indenture was executed between the parties was at *Derneley*, “ Apud le Derneley,” as mentioned in the deed itself*.

* A copy of this indenture is inserted at full length in a collection of charters in the Advocates' Library at Edinburgh; which collection once belonged to the Laird of Macfarlane. It is a thin folio, intitled “ Collection of Charters.” And it there appears, that the original was in the Earl of Morton's custody. The indenture bears that it was sealed with the seals of Sir Alan Stewart and Sir Alan de Glafsfrith.

Original

Original charter, dated at Tarbart 4th June 1330, granted by Robert, Stewart of Scotland, with consent of Sir Thomas Randolph Earl of Moray, Lord of Annandale and of Mann, and of Sir William Lindfay, Archdeacon of Saint Andrews and Rector of the church of Air, and of Sir James Stewart, joint guardians or governors of the kingdom of Scotland; by which Robert the Stewart gave to *his beloved cousin Sir Alan Stewart*, the liberty of purchasing heretably from Adam de Glafsfrith, all his lands of Cruckisfe, with the pertinents lying within the said Robert's barony of Renfrew, according as they could best agree thereupon.

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In the possession
of the Duke
of Montrose.

N.B. These lands of Cruckisfee appear to have been the first possession enjoyed by the Stewarts of Derneley in the shire of Renfrew, and they continued with the successors of Sir Alan Stewart during many generations. His successors were promiscuously designed Stewarts of *Cruxtoun* or *Cruickiflon*, (which meant the same lands as *Cruckisfee*,) or Stewarts of *Derneley*.

All authors who have wrote on the subject agree, that Alan, James, and John Stewarts were brothers, and that these three brothers were killed at the battle of Halidonhill in the year 1333; but some of these authors have been guilty of a strange blunder in the description of their pedigree, as appears from the following particulars.

Fordun, in the *Scotichronicon*, lib. xiii. cap. 28. gives an account of the most distinguished persons killed at the battle of Halidonhill, which begins thus: "Nomina nobilium occisorum ex parte Regis David sunt hæc; tres incliti fratres Jacobus, viz. Joannes et Alanus Stewart, filii nobilis Walteri et fratres Roberti postea Scotorum Regis, Archibaldus de Douglas tunc custos Scotiæ," &c.

Winton, in his *Chronicle*, vol. ii. p. 170, mentions James, John, and Alan Stewarts as killed at the battle of Halidonhill anno 1333,

and

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and positively states that these three were brothers, but supposes them to have been brothers also of Robert the Stewart of Scotland.

Bellenden, in his Translation of Boethius, book xv. of his Chronicles, folio 223, in his account of the battle of Halidonhill, writes thus: "In the third battal was the Douglefs Governor, having
" with him James, John, and Alan, *sons of Walter great Stewart of Scotland.*"

The same author, in his account of the slain, says "Thir are
" the principal men that were slain, Archibald Douglas Governor,
" John Stewart, James Stewart, and Alan Stewarts, sons of Walter
" Stewart."

Buchanan, in his account of the same battle, book ix. of the English translation, says, "That the chief persons who fell there,
" were the General Archibald Douglas himself, James, John, and
" Alan Stewarts, *uncles of Robert who reigned next after the Bruces.*"

Thus Fordun, Winton, Boyce, and Bellenden, have supposed the three brothers of the name of Stewart killed at Halidonhill to have been sons of Walter the High Stewart; but this could not possibly be true; for of Walter's marriage with Marjory Bruce there was but one child, Robert, his heir; and that marriage, which took place in the year 1315, was dissolved by the death of Lady Marjory Bruce in the year 1316.

The account given by Buchanan is equally erroneous. He states the three Stewarts killed at Halidonhill to have been uncles of Robert II. that is to say, brothers of Walter the High Stewart; but Walter had no brother of the name of Alan—he had a brother of the name of John who was killed at the battle of Dundalk in the year 1318.

The inaccuracies of these historians with regard to the parentage of the three Stewarts killed at Halidonhill, were perceived and corrected by subsequent historians, who agree in the same fact, that

Alan,

Alan, John, and James Stewarts were killed at Halidonhill, but have restored to them their true father, Sir John Stewart of Bonkyl.

Not only Symfon, Craufurd, Nisbet, Duncan Stewart, and Douglas, have concurred in this corrected account, but Sir David Dalrymple, an author deserving of the highest credit on account of the great accuracy of his investigations, and his impartiality in the relation of facts, has in his *Annals*, vol. ii. p. 307, made the following remark concerning Alan Stewart killed at that battle: "The person meant is Alan Stewart of Dreghorn, son of Sir John Stewart of Bonkyl, slain at Falkirk in 1298. He was the ancestor of the Derneley family." The same author, in the immediate preceding paragraph, takes notice of the gross error into which Fordun had fallen, in supposing James, John, and Alan Stewarts to have been brothers of Robert the Stewart of Scotland. Sir David's observation is in these words: "It is said in Fordun, *most absurdly*, that James, John, and Alan Stewarts were brothers of Robert the Stewart of Scotland."

Sir David in his said *Annals*, vol. ii. p. 167, in a note at the bottom of that page, makes the following remark upon the incidents at the battle of Halidon:

"It may be remarked, that at Halidon two Stewarts fought under the banner of their chief; the one, Alan of Dreghorn, the paternal ancestor of Charles I.; and the other, James of Rosslyth, the maternal ancestor of Oliver Cromwell."

Sir Alan Stewart, killed at the battle of Halidonhill 19th July 1333, left three sons:

1. Sir John Stewart of Cruckifston or Derneley.
2. Sir Walter Stewart.
3. Sir Alexander Stewart, who, on the failure of his two elder brothers without issue male, afterwards succeeded to all the estates which had belonged to their father Sir Alan.

Sir Alan also left a daughter, Elizabeth Stewart, who married John de Hamilton, second son of Sir Walter de Hamilton, the ancestor of the Duke of Hamilton's family. In consequence of which marriage he got from Sir John Stewart of Derneley a charter of the lands of Ballincrieff in West Lothian, wherein Sir John describes Elizabeth as his sister.

SEVENTH GENERATION.

1. Sir JOHN STEWART of Derneley or Cruickifton, eldest Son of Sir ALAN STEWART.
2. Sir WALTER STEWART, second Son.
3. Sir ALEXANDER STEWART, youngest Son of Sir ALAN.

Concerning the existence of these Sons of Sir ALAN STEWART, and what related to them, there are the most unquestionable PROOFS, as will appear from what follows:

N^o VII. JOHN Stewart, the eldest son, is particularly mentioned in Rymer's *Fœdera*, vol. v. p. 200, where he is described "Johan Steward Fitz Monsieur Allein Steward," in a convention, dated 1st August 1340, for the liberation of John Randolph Earl of Moray, who had been taken prisoner by the English at the battle of Kilblain in the year 1335. From that convention it appears that the King of England, Edward III. had given liberty to the Earl of Moray to go into

into Scotland amongst his friends, to try what he could prevail upon them to do for his ransom or deliverance from captivity; and that it was agreed that certain hostages should be left in England during the Earl's absence, as a security for his return. The indenture of convention, dated 1st August 1340, published by Rymer, shews, that upon this occasion there were five hostages for the Earl of Moray, thus named and described:

- “ Johan Stewart Fitz Monfieur Allein Stewart,
- “ Patrick de Dunbar Earl of March,
- “ Monfieur Alexander de Seytoun,
- “ Monfieur William de Levyngston,
- “ Patrick Heryng.”

These hostages were all of them men of distinction, and some of them nearly related to the Earl of Moray. The first named of the hostages, John Stewart, was first cousin of John Randolph Earl of Moray, whose mother Isabel was the sister of Sir Alan and the aunt of the said John Stewart the hostage. Patrick de Dunbar Earl of March, another of the hostages, was brother-in-law of the Earl of Moray, having married his sister Agnes, who was daughter of Thomas Randolph Earl of Moray.

The above indenture of convention proves that John Stewart was the son of Sir Alan Stewart; and proves likewise that this John was alive in the year 1340, which was but seven years after his father had been killed at Halidonhill. It will appear from other documents hereinafter mentioned, that the same John Stewart was designed of Derneley, and that he lived till about the year 1369.

Original deed, dated 11th July 1342, by Robert de Graham Lord of Wighton in the barony of Walter his Kyle, within the tenement of Torbolton, whereby he granted to the monastery of Melros, the patronage of Torbolton. To this deed the first witness is,

- “ Dominus Robertus Senescallus Scotiæ, Miles, Dominus
- “ Capitalis de Torbolton.”

In the possession of the Duke of Montrose.

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Then follow these witnesses:

“ Domini Johannes et Johannes Seneschall de Prewyc et de
 “ *Dederneley*, Milites.”

Charter before-mentioned, p. 57, granted by Thomas Stewart Earl of Angus and Lord of Bonkyl; to which charter John Stewart Lord of Croockifston is one of the witnesses, and is described as cousin of Thomas Stewart Earl of Angus, granter of the charter, which is confirmed by King David in the year 1352, the 23d year of his reign.

From Rymer's *Fœdera* it appears, that in the years 1354 and 1357 several conventions on the part of England and of Scotland took place concerning the ransom of King David Bruce, who had been taken prisoner by the English at the battle of Durham in the year 1346. At these conventions several of the principal persons of Scotland were given as hostages for the payment of the ransom agreed upon; and particularly at the three conventions held on the 13th July 1354, August and 3d October 1357, the son and heir of John Stewart of Derneley was one of the hostages given on these occasions.

In the convention of 13th July 1354, one of the hostages is thus described:

“ Le fils et heir Monsieur Jehan Stewart de Derneley.”

In the convention of August 1357, he is thus described:

“ Johan fils et heir Seigneur Johan Stewart de Derneley.”

And in the convention of 3d October 1357, the hostage on the part of the Derneley family is thus described:

“ Robert Filz et heir Monsieur Jehan Stewart de Derneley.”

In all these cases John Stewart of Derneley had given his eldest son and apparent heir as one of the hostages; in the same manner as Robert the High Stewart gave his eldest son and apparent heir as the hostage on his part. But it is to be remarked, that in the interval between August and October 1357, John, the eldest son and apparent heir of the said John Stewart of Derneley, must have died,

Rymer's *Fœdera*, vol. v. p. 791.

vol. vi. pp. 34, 35.

vol. vi. pp. 46, 47, 48.

died, for the hostage given at the convention in October 1357 was Robert son and heir of John Stewart of Derneley, in the room of that John Stewart who, at the convention in August 1357, had been given as the hostage under the description of "John *son and heir* of John Stewart of Derneley." The description of son and heir could only be applicable to the eldest son in life at the time; it could not be applicable at the same instant to one son of the name of John, and to another son of the name of Robert; therefore, the change of the name of the heir apparent must have arisen from John the eldest son in August 1357, having died before 3d October 1357, when his next brother Robert succeeded to the description of *son and heir* of John Stewart of Derneley.

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In further confirmation of this reasoning, there is a charter (to be hereinafter mentioned more particularly) dated in January 1361-2, granted by Robert the Stewart of Scotland, whereby he granted the lands of Crookisfee and others, to Sir John Stewart of Derneley his beloved cousin, and to *Robert Stewart his son and heir*, and the heirs male of his body, &c.

That Sir John Stewart of Derneley himself, the son of Sir Alan, was alive at the times of the conventions 1354 and 1357, and that he long survived these periods, there is very satisfactory evidence.

The charter before-mentioned, by Thomas Stewart Earl of Angus, to which his cousin John Stewart Lord of Crookiston was one of the witnesses, and the charter of confirmation thereof by King David in the year 1352, shew that John Stewart of Crookiston was alive at that period.—But further,

From Rymer's *Fœdera*, vol. viii. p. 108, it appears, that in the year 1358, letters of safe conduct were granted by the King of England (Edward III.) to *John Stewart of Derneley*, Walter de Leiley, and several other persons of distinction in Scotland, by

which

which they were permitted to come from Scotland into England with certain retinues, and to pass through the kingdom of England and the dominion thereto belonging towards parts beyond the seas, on their own proper affairs, &c. The article relating to Sir John Stewart of Derneley and his retinue is expressed in the safe conduct, dated 24th October 1358, in these words:

“ Johannes Stewart de Derneley Chevalier cum sexaginta
“ equitibus et peditibus.”

There are three original charters still extant, dated in the years 1356 and 1361, which afford still more direct evidence concerning the situation and members of the Derneley family at these periods, and particularly in what relates to Sir John Stewart the proprietor of the estates of Derneley and Crookifton, and his two brothers Walter and Alexander Stewarts.

In the possession
of the Duke
of Montrose.

The first of these is a charter dated at Rothfay (in the isle of Bute) in the year 1356, by which Robert the High Stewart of Scotland (afterwards King Robert II.) granted to his beloved cousin *Sir John Stewart of Crookifton Knight*, and to the heirs male of his body; whom failing, to his brothers *Walter and Alexander*, successively, and the heirs male of their bodies; all the lands held by the said John Stewart in capite of the Stewart of Scotland. And in this charter there is a specific declaration and destination by which Robert the Stewart, the granter of the charter, declares that failing the *heirs male* descended of the three brothers *John, Walter, and Alexander*, the said lands shall go and descend for ever (in eternum) to their nearest relations in blood of the surname of Stewart, and to *their heirs male in all time coming*.

Also in the
Duke of Mont-
rose's posses-
sion.

By another original charter, dated 10th January 1361, (which according to modern stile would be 1362,) the same Robert, describing himself Stewart of Scotland and Earl of Strathern, recites that his beloved cousin Sir John Stewart of Derneley, Miles, (Knight,) had

had in the place of his habitation at *Derneley*, in the presence of him the said Robert Stewart of Scotland, and in the presence of John Stewart Lord of Kyle his eldest son and heir, and others of his council, personally resigned, according to the usual forms, all his lands of Crokisfou, of Inchennan, and of Perthwyckscott, with their pertinents, within the Stewart's barony of Renfrew, which he held in capite of the Stewart of Scotland; therefore, the said Robert thereby granted these lands to the said Sir John Stewart of Derneley his beloved cousin, and to *Robert Stewart his son and heir*, and the heirs male of his body; whom failing, to the other heirs male of Sir John's body; whom failing, to *Walter Stewart, immediate next brother to Sir John*, and the heirs male of his body; whom failing, to *Alexander Stewart the youngest brother*, and the heirs male of his body; whom failing, to Sir John's nearest heirs male.

In this charter there is a clause declaring that failing these three brothers, and the heirs male of their bodies, "*The nearest heir male that can be found of the blood and name of the said Sir John Stewart, and the heirs male always of such heirs male, shall succeed to the said Sir John Stewart and his brothers for ever thereafter.*"

By another charter, of the same date in January 1361, John Stewart Lord of Kyle Stewart, eldest son of Robert the Stewart of Scotland, granted the lands of Torbolton and Drumley in the shire of Air to his cousin the said Sir John Stewart of Derneley; and to his brothers Walter and Alexander successively, and to their heirs male, precisely in the same terms with the above-mentioned charter granted to them by his father Robert the Stewart of the lands held of him in the shire of Renfrew*.

The three original charters above-mentioned came into the possession of the Duke of Montrose's family about the beginning of the present century, when they purchased the Derneley and Lennox

* Vide these three charters in the Appendix.

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estates; and upon that occasion, many of the archives and old papers belonging to the Stewarts of Derneley were delivered over to the Montrose family, where they still remain.

The most material of these three charters, to wit, that granted by Robert the Stewart on 10th January 1361, was in the month of January 1511, enrolled in the Public Records at Edinburgh; because at that time Matthew Earl of Lennox, the heir male descended from Alexander Stewart, the youngest of the three brothers above-mentioned, had occasion to make up his titles to the lands contained in the said charter of the year 1361, as being the heir in tail of the settlement and destination therein contained; wherefore he obtained from King James IV. a charter under the great seal confirming the charter which had been granted by Robert the Stewart in 1361; in which charter of confirmation dated 18th January 1511, the charter of 1361 is verbatim inserted.

The three charters of the years 1356 and 1361, furnish very authentic evidence for ascertaining various material particulars relating to the Stewarts of Derneley in the fourteenth century.

These charters clearly prove, that in the beginning of the year 1362, there were of the Stewarts of Derneley then alive, Sir John Stewart of Derneley and his two brothers, Walter and Alexander, and likewise Robert Stewart the son and heir apparent of Sir John Stewart of Derneley, the eldest brother. And they also prove, that Alexander was the youngest of the three brothers; and as it is a certain fact (which will be proved in the sequel of this Genealogical History), that Alexander, the youngest of the three brothers, succeeded to the Derneley estate and title, it necessarily follows, that John and Walter the two elder brothers, and likewise Robert the son of John, had all of them died without leaving any male posterity; for in terms of the limitations contained in the charters 1356 and 1361, granted by Robert the High Stewart, Alexander, the youngest of the three brothers, could not possibly have succeeded to the estate while

there existed any elder brother, or any heir male descended from such brother.

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George Crawford, in his History of the Stewarts, pp. 72, 73, has fallen into a remarkable error, by supposing two successive Sir John Stewarts of Derneley, the one the son, and the other the grandson of Sir Alan Stewart of Cruickifton and Derneley. Some other genealogical writers, copying after Crawford, have been led into the same error. But the true state of the fact is, that Sir John Stewart of Derneley, and Walter and Alexander Stewart, were all of them the immediate sons of Sir Alan Stewart of Dreghorn, without any intermediate generation.

It has already been shewn from Rymer's *Fœdera*, vol. v. p. 200, that John Stewart was in the year 1340, August 1, expressly described and designed *son of Sir Alan Stewart*; and if he was the immediate son of Sir Alan, his two brothers, Walter and Alexander, must necessarily also have been the immediate sons of Sir Alan Stewart of Dreghorn.

Of this fact there happens to be a strong confirmation; for there is satisfactory evidence that Alexander Stewart, the youngest of the three brothers, was in an authentic charter expressly designed "Alexander Stewart, Knight, son of the deceased Sir Alan Stewart, Militis (Knight)." The instrument in which Alexander Stewart was thus designed was a charter granted by King David Bruce, dated 26th December 1345, (in the seventeenth year of his reign,) which charter there will be occasion in the sequel to state more particularly.

The description thus given of Alexander Stewart, as son of the deceased Sir Alan Stewart, affords double evidence that Sir John Stewart, Walter, and Alexander, were all of them the immediate sons of Sir Alan Stewart, without any intervening generation; for the relation of brothers, in which they stood to each other, being

incontestably proved, the description of John the eldest, as son of Sir Alan Stewart, or the description of Alexander the youngest of the three brothers, as son of Sir Alan, would necessarily infer that all the three brothers were the immediate sons of Sir Alan; but in the present case it so happens that there are separate proofs of both John the eldest and Alexander the youngest of the three brothers, being each of them separately described as sons of Sir Alan Stewart; therefore there cannot remain a particle of doubt, that these three brothers, John, Walter, and Alexander, were all of them the immediate sons of Sir Alan Stewart of Dreghorn.

The preceding detail has been judged necessary for two reasons: one is, that by a strange inaccuracy in the genealogical writers, some of them, as has already been observed, have imagined that there was an intermediate generation between Sir Alan Stewart, who was killed at Halidon in 1333, and Sir John Stewart of Derneley, in whose favour the charters by Robert the Stewart were granted in 1356 and 1361; and from that erroneous fact they have formed false conclusions with regard to the state of the Derneley family.

The other reason is, that some authors have supposed that John Stewart of Derneley, the eldest son of Sir Alan Stewart, had been killed at the battle of Durham in 1346.

This last supposition acquired some degree of credit, from a *conjecture* thrown out by that very accurate historian, Sir David Dalrymple, in his Annals, vol. ii. p. 325, where, after giving the names of persons killed at the battle of Durham, 17th October 1346, Sir David in his remarks upon these names, has, in a note at the bottom of the page, bearing reference to the name of a John Stewart killed in that battle, made use of these words: "I *conjecture* that Sir John Stewart of Dreghorn is meant, whose father Alan was killed at Halidon." In this passage, Sir David Dalrymple has stated what occurred

occurred to him merely as a *conjecture*; but from his well-established character for accuracy, more attention is due even to his *conjectures* than to the positive assertions of many other authors on genealogical subjects; and therefore, it has been thought proper to state at some length the evidence which completely establishes the facts, and proves that in this instance Sir David Dalrymple's conjecture was ill-founded; he never had an opportunity of seeing the original charters and other articles of evidence above referred to, otherwise he would have been the first to correct his own mistaken conjecture about Sir John Stewart of Derneley having been killed at the battle of Durham in 1346.

The following original charters have been found in the possession of the Earl of Hopetoun, amongst the papers of the Ballincrieff estate, which in old times belonged to the said Sir John Stewart of Derneley, *viz.*

No. 1. Charter by Robert, Stewart of Scotland, by which he gave and granted to his beloved cousin Sir John Stewart, Lord of Crookifton, Knight, for his homage and service, "totam terram nosfram de Ballyncreff cum molandino ejusdem, Balbarde et Ynche, Coufland, Eifton, et Torbane, infra Baroniam nosfram de Bathketh in *vicecomitatu de Lawdoniæ*; tenend' et habend' dictas terras cum pertinentiis prefato Domino Joanni et hæredibus de nobis et hæredibus nostris in feodo et hereditate."

To this charter there is no precise date, but there are several witnesses to it, whose names may be of use in leading to a discovery of the period about which it was granted; at any rate, it was granted before Robert succeeded to the crown of Scotland. The witnesses to the charter are, "Maurice of Moray, Earl of Stratheryn, John Stewart, our brother, William of Conynghame, Robert of Erskyne, et Hugh of Eglinton, Knights; William Sympill, Reginalde of Crawford, Robert de Burgh, Thomas de Carrutherys, John de Roos, et multis aliis."

N. B. This charter must have been granted before the year 1346, for Maurice of Moray Earl of Strathern, one of the witnesses to it, was killed at the battle of Durham anno 1346, as mentioned in a manuscript of George Crawford's, and mentioned likewise by Sir David Dalrymple, vol. ii. p. 219. George Crawford says, that Sir Maurice Moray of Drumsfargart was created Earl of Strathern, and was so designed in a charter by King David II. to William Earl of Sutherland; and in another to Sir Alexander Stewart of Derneley.

No. 2. Charter granted by John Stewart *Dominus de Crooksfoun*, (which was a title promiscuously used with that of Derneley,) by which he grants "Dilecto confederato nostro Johanni filio Walteri diçti de Hamilton et Elizabethæ sponfæ fuæ forori nostræ et eorum diutius viventi, totas terras meas de Ballincriff, Elliotston, et Coufland cum pertinen' infra Baroniam de Bathgate in vice-comitatu Laudoniæ constitutas; tenend' et habend' diçtas terras cum pertinen' pifat. Johi et Elisabæth sponfæ fuæ et eorum alter diutius viven' et heredibus ipsius Johis et suis assignatis de nobis et heredibus nostris in feodo et hereditate in perpetuum." To this charter, which has no date, the witnesses designed in the testing clause, are:

"Dominus Robertus de Erskine Dominus ejusdem.

"Dominus *Alexander Senefballus, frater noster, vicecomes à Lanark.*

"Dominus David filius Walteri diçti de Hamilton.

"Johannes de Levingston Dominus ejusdem.

"Willielmus de Liddale.

"Willielmus de Cairnes, cum multis aliis."

Though the charter has no date, the names of these witnesses may be of use for ascertaining the date, and most probably it was granted not long before the year 1369, as the charter of confirmation thereof by John Stewart Earl of Carrick, superior of the lands, was granted in 1369, viz.

No. 3. Charter of confirmation, dated 15th January 1369, granted by John Stewart Earl of Carrick, (eldest son of Robert the High Stewart,) as superior of the lands, by which he confirms the charter which had been granted by John Stewart of Crookifton (or Derneley) to John de Hamilton and his wife, Elizabeth Stewart; and in this charter John Stewart of Crookifton, the grantor of the charter confirmed, is described as then deceased. The words used in mentioning him in the charter of confirmation are, "*Quond* nobilis " vir ac noster consanguineus Dominus Johannes Seneschallus miles " Dominus de *Derneley*."

Hence it is evident that Sir John Stewart of Derneley, the eldest of the three brothers, had died before the 15th of January 1369. It must then have been at some period between the 10th of January 1361, the date of the first mentioned charter by Robert the Stewart in his favour, and the date of the above-mentioned charter in January 1369.

It will now be shewn, under the title of what relates to Alexander Stewart, the youngest of the three brothers, who succeeded to the Derneley estate, and carried on the line of the Derneley family, that Robert the son of John, and Walter, the immediate elder brother of Alexander, also died before the year 1371, without leaving issue male.

CONCERNING Sir ALEXANDER STEWART of Derneley, son of Sir ALAN STEWART of Dreghorn, and youngest brother of Sir JOHN STEWART of Derneley, who on the failure of his two elder brothers, Sir JOHN and Sir WALTER without issue male, succeeded to the Derneley estates, and carried on the line of the family.

THE first mention that has hitherto been discovered of this Alexander Stewart is in a charter from King David Bruce, dated 26th
of

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of December, in the seventeenth year of his reign, (which was the year 1345,) by which he gave "*Alexandro Senescalli, Militi, filio quond' Domini Alani Senescalli, Militis, dilectæ et fideli nostro pro homagio et servitio suo tempore quo eum accinximus gladio militari, totam firmam bladi nostris debet de Baronia de Cambusnethan cum pertinen' infra vicecomitatum de Lanark una cum tenandriis sive servitiis libere tenentium Baroniæ predictæ quæ quidem Baronia cum pertinentiis fuerunt quond' Roberti Baird Militis.*"

These are the very words of King David Bruce's charter to Alexander Stewart, as stated in a manuscript of the deceased Mr. Crawford of Cartsburn, brother of Mr. George Crawford the historian. Mr. Crawford of Cartsburn refers to the original charter as in the possession of Lord Sommerville, among the old papers belonging to that family; and from the manner in which Mr. Crawford so particularly relates the terms of it, with the precise date, and the place where it was to be found, it is presumable that he had himself seen that charter.

This original charter has somehow been mislaid, at least is has not hitherto been found amongst Lord Sommerville's papers. But besides the evidence arising from the manuscript of Mr. Crawford of Cartsburn, who died many years ago, and could have no interest to invent that charter by King David Bruce in favour of Sir Alexander Stewart, there is strong collateral evidence to establish its reality.

In the British Museum, No. 4609, of the manuscripts of the Harleian Collection, there is an inventory of charters which had been granted by King Robert Bruce and King David Bruce his son; and in that inventory, under the head of Charters granted by King David Bruce, there is the following article:

"No. 24. Carta to Alexander Stewart of an annual furth of the
"barony of Cambusnethan in vicecomitatu de Lanerk."

In further confirmation of the same thing, there is in Haddington's Collections in the Advocates' Library at Edinburgh, p. 577, the following article:

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“ Carta Alexandri Senescalli de Baronia de Cambusnethan.”

In Haddington's Collections he refers to a roll of 50 charters where the above article is to be found.

There is no room therefore left to doubt of the reality of the charter of the lands of Cambusnethan granted by King David Bruce to Sir Alexander Stewart of Derneley, therein described son of the deceased Alan Stewart, Knight; and as in that charter granted in the year 1345, Alexander Stewart was himself described as a Knight, *Miles*, he must have been of age at that time, and probably had been of age several years before that period; for in the charter King David refers to some service that had been performed by Alexander Stewart at the time when he begirt him with the military sword. The precise time when that happened is not known, but it must have been prior to 1345, and Alexander Stewart must then have been of age.

The next mention of Alexander Stewart now to be stated, is in a charter to which he was one of the witnesses, and wherein he is described “ Dominus Alexander Senescallus Dominus Cruick-“ iftoun,” viz.

Charter by Robert the High Stewart, and by his son John Lord of the barony of Kyle, in favor of the monks of Paisley, inserted in the chartulary of Paisley, folio 127 of the copy thereof in the Advocates' Library at Edinburgh.

The charter itself has no date, but Mr. Hay, in whose book a copy thereof is inserted, has supposed it to have been granted in the year 1367.

Amongst the papers belonging to Lord Ross's family in the charter room at Halket, there are two original charters granted by Robert Stewart

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Stewart of Scotland Earl of Stratherne, in favor of John Logan.

To the first of these charters, one of the witnesses is "*Nobilis vir Jobannis Senefcball, Miles, Dominus de Cruickiflon*;" and to the last of them, one of the witnesses is "*Dominus Alexander Senefcbal Dominus de Derneley, Miles**."

There was probably not much distance of time between the granting of these two charters, as they were both of them granted by Robert, while Stewart, in favor of the same person, John Logan. They prove, however, that in the interval between the one and the other, Sir John Stewart Lord of Cruickiflon or Derneley, the elder brother, had died, and that he had been succeeded by his youngest brother Sir Alexander Stewart then described Lord of Derneley. Unluckily, according to the prevailing custom of those times, there is no precise date specified in either of these charters; but the witnesses to them may perhaps lead to a discovery of the times at which they were granted, which would go far to ascertain the precise time of the succession of Sir Alexander Stewart to the Derneley estate. At any rate, it is certain, from all the three charters above-mentioned, that they must have been granted before March 1371, when Robert the Stewart succeeded to the crown of

* The witnesses to the first above-mentioned charter, besides Sir Alexander Stewart, Lord of Cruickiflon, are "*Dominus Robertus Abbas de Kilwinning, Dominus Heugo de Eglinton Dominus ejusdem, Dominus Joannes de Danielfton Dominus ejusdem, Dominus Adam de Fullarton Dominus de Crosbey, Milites, Thomas Semple Dominus de Elliotfton, Joannes de Maxwell Dominus de Pollock, Cosmo de Cowran, cum multis aliis.*"

The witnesses to the charter in favor of John Logan, where Sir John Stewart Lord of Cruickiflon is mentioned, are "*John Abbot of Paisley, a noble person, Sir John Stewart, Knight, Lord of Cruickiflon, Thomas Semple Lord of Elliotfton, John Tait, John de Monteacuto, John Gray de Estwood, et multis aliis.*"

The witnesses to the last of the charters in favor of John Logan, are "*Sir Alexander Stewart Lord of Derneley, John de Danyelfton Lord of the same, Knights, Thomas Semple Lord of Elliotfton, John de Maxwell Lord of Pollock, William de Cochrane, John de Pare, Stephen Poller, et multis aliis.*"

Scotland,

Scotland, as they were granted by him in the character of *Stewart of Scotland*, which he ceased to be after becoming King of Scotland; for from that period the title and office of Stewart of Scotland devolved upon and was enjoyed by his eldest son John Earl of Carrick, afterwards known under the description of King Robert III.; and as Alexander Stewart was in one of these charters designed *Lord of Cruickiston*, and in the other *Lord of Derneley*, which meant the same thing; so it follows, that before the year 1371, not only Sir John Stewart of Derneley, the eldest of the three brothers, and his son Robert, but likewise Sir Walter Stewart, the second of the brothers, had all of them died without leaving issue male; for it was their deaths that opened the succession to Sir Alexander Stewart, the youngest of the three brothers. It has already been shewn by the crown charter 15th January 1369, that Sir John Stewart of Derneley died before the date of that charter, wherein he is mentioned as then deceased. His son Robert, and his brother Walter must have died at some period between 10th January 1361, and 27th March 1371, when Robert the Stewart succeeded to the crown of Scotland.

These three last mentioned charters likewise afford evidence that the titles of Crookiston and Derneley were synonymous; of which there are many other proofs.

Another proof concerning Sir Alexander Stewart, and the relation in which he stood to Sir John Stewart of Derneley, arises from the charter before-mentioned, granted by the said Sir John Stewart in favor of John, son of Walter de Hamilton, and Elizabeth Stewart his wife, of the lands of Ballincreeff; to which charter one of the witnesses is *Sir Alexander Stewart*, designed *Sheriff of Lanark and brother of Sir John Stewart*, the grantor of the charter; which was confirmed by the superior John Stewart Earl of Carrick on 15th January 1369.

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The next mention of Sir Alexander Stewart hitherto discovered in the Public Records, is in the Letters of Safe Conduct published by Rymer, vol. vii. p. 45, dated 26th August 1374, granted by King Edward III. of England to *Alexander Stewart, Miles*, and to Walter Leslie, Miles, (who was much connected with the Derneley family,) allowing them with their men and servants, and all goods whatsoever pertaining to them, to come into England, to stay there, and to return from thence into Scotland; which safe conduct was to last till the feast of Easter then next to come.

In that safe conduct Alexander Stewart is thus described, “*Dictus Confanguineus Regis Alexander Stewart, Miles;*” which description was perfectly applicable to Alexander Stewart of Derneley, as being Confanguineus Regis Scotiæ Robert II. who about three years before the date of that safe conduct had ascended the throne of Scotland.

It has not as yet been learnt at what precise time this Alexander Stewart, the son of Sir Alan, and the younger brother of Sir John Stewart of Derneley, died; but it is certain that he left a son and heir of the same name, Alexander Stewart of Derneley, who succeeded him, as will appear under the next Article, Generation VIII.

EIGHTH GENERATION.

Sir ALEXANDER STEWART of Derneley, Son and Heir of the preceding Sir ALEXANDER STEWART of Derneley.

CHARTER granted by John Earl of Carrick, wherein he is described "Johannes Illuſtris Regis Scotorum Primogenitus Comes de Carrick et Senefcallus Scotiæ." Under that deſcription he grants and confirms Dilecto Confanguineo ſuo Alexandro Senefcalli, filio Alexandri Senefcalli de Derneley, Milites, manerium capitale de Gaſtoun, turrim et ortos pertinen' eidem, &c. in Baronia noſtra de Kyle infra vicecomitatum de Air—"quodquidem manerium turris, &c. fuerunt *Janetæ de Ketb*, et quæ omnia et ſingula antediſta *Janeta ſua pura et libera viduitate* in preſentia plurimorum nobis tanquam Domino ſuo ſuperiori ſurſum reddidit, pureque et ſimpliciter reſignavit pro ſe et hæredibus ſuis in perpetuum; tenend' et habend' prædiſto eidem *Alexandro, prædiſtæ Janetæ ſponſæ ſuæ* et eorum diutius viventi, hæredibus inter ſe ipſos legitime procreatis ſeu procreandis, quibus forte quod abſit deficientibus, veris legitimis hæredibus diſtæ Janetæ quibuſcunque*."

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II
No VIII.

This

* This charter has no date, but the witneſſes to it are,

1. Alanus Senefcalli Dominus de Hauchilker :

(N.B. There is reaſon to believe that the perſon here meant was Sir Alan Stewart of Ughletree or Ochiltree, who was alive at that period; which Sir Alan Stewart was ſon of Sir James Stewart of Pearlton, who was one of the younger ſons of Sir John Stewart of Bonkyi:)

2. Johannes Senefcalli filius diſti Alani :

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This charter is at full length inferted in the Register of Tranfumptis, or Records of Council in the Record Office at Edinburgh, where it appears that upon the penult. of March 1527, the original charter had been produced to the Lords of Council, who ordered this and fome other charters to be inferted in their books, and authentic copies thereof to be delivered to the parties who had prefented the fame *.

From the contents of the charter, it is perfectly evident, that the hufband of Janet Keith of Galfoun was Alexander Stewart, the fon of Sir Alexander Stewart of Derneley, and the grandfon of Sir Alan Stewart; that the lands of Galfoun were her eftate and property; that fhe had

3. Willielmus Cunnyngham:

4. Adam de Fullarton; Militibus, et multis aliis.

The names of one or other of thefe witneffes may affist in afcertaining the date of the charter. At any rate it muft have been fubfequent to the 22d of February 1371, when Robert the Stewart fucceeded to the crown of Scotland, as John his eldeft fon, the granter of the charter, s in it defigned fon of the King of Scotland; but there is reafon to believe that the date of it was either in, or foon after the year 1371.

* It is to Meftrs. Robertfons of the General Register Houfe at Edinburgh, that the author was indebted for the difcovery of thofe papers in the Register of Tranfumptis, which fo incontestibly prove that there were two fucceffive Sir Alexander Stewarts of Derneley; thereby affording the means of correctg the falfe and erroneous accounts hitherto given by hiftorians and genealogifts, concerning the different generations of the Derneley family; for all of them had in their accounts omitted one generation entirely.

The author is happy to take this opportunity of acknowledging his obligations to Meftrs. Robertfons, and of doing that juftice which is due to their public fpirit, ability, and difintereftednefs. He knows that in the moft liberal manner thefe gentlemen are not only always ready to give infpection of the valuable public records in their cuftody, for promoting the intereffs of knowledge, and for affifting thofe who are engaged in purfuits tending to eftablifh the truth of hiftorical facts, or to correct errors relating to them; but that further, they have often given the benefit of their own knowledge and induftry without either demanding or accepting of any pecuniary recompence. During feveral years the author had accels to every record that he called for at the General Register Houfe for affifting him in the investigations in which he was engaged, and it has never been in his power to prevail on Meftrs. Robertfons to accept of any gratuity or recompence for the communications thus received from them.

been formerly married; and that Alexander Stewart, the son of Sir Alexander Stewart of Derneley, had married her in her widowhood, some time before the date of this charter, by which the lands were granted to them, and the longest liver of them, and to the *heirs procreated* or to be procreated between them.

N. B. Though it appears that Janet Keith had in her widowhood resigned the lands in the hands of the superior, yet it seems probable that the above charter by John Earl of Carrick, Stewart of Scotland, the superior of the lands, was not granted till some time after the marriage, as the lands were given by him to the husband and wife, and to the children *procreated* or to be procreated of the marriage.

It is presumable that Sir Alexander Stewart of Derneley, the father, was alive at the time when the above-mentioned charter in favour of his son and Janet Keith was granted by John Earl of Carrick; though the precise time of his death has not hitherto been discovered.

There is in the Public Records, Roll 10, N^o 11, a charter dated in the year 1391, granted by King Robert III. in favour of Thomas de Sommerville, and Janet Stewart his wife, of the *lands and barony of Camnetban*; in which charter it is mentioned that these lands had been resigned in their favour by his Majesty's *beloved cousin Alexander Stewart of Derneley*, and Johanneta his wife: and the charter contains the following clause: "Reserving always to the said Alexander Stewart and Joneta his wife, and longest liver of them for the whole days of their lives, the free enjoyment of the whole of the foresaid lands."

As Alexander Stewart, the husband of Janet Keith, was in this charter designed of *Derneley*, and was in possession of the estate of Camnetban, it is evident that his father, Sir Alexander Stewart of Derneley, had died previous to that period, and probably many years before, being then at an advanced age. The lands of Cam-

nethan

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nethan were the same estate which had been granted in the year 1345, by King David Bruce to Sir Alexander Stewart of Derneley, Militi, as before mentioned, and it affords an additional proof of the reality of that grant.

Janet Stewart, the wife of Thomas de Sommerville, in whose favour the said charter of the year 1391 was granted, was daughter of Sir Alexander Stewart, and of his wife Janet Keith of Galfoun.

All the genealogical writers agree, that Janet Keith of Galfoun, the wife of Sir Alexander Stewart of Derneley, was the daughter of *Sir William Keith of Galfoun*.

As it will in the sequel be found of some consequence to ascertain what relates to Janet Keith of Galfoun, the wife of the second Sir Alexander Stewart of Derneley, it may be proper here to dedicate a few pages to that subject under a separate title.

CONCERNING JANET KEITH or KETH, of Galfoun, the wife of the second Sir ALEXANDER STEWART of Derneley, and the daughter of Sir WILLIAM KEITH of Galfoun.

Sir Lewis Stewart, in his manuscript collections kept in the Advocates' Library at Edinburgh, p. 285, under the title of "Lord Derneley," has the following paragraph concerning Sir William Keith, and the lands of Galfoun :

"The Lord Galbraith was lord of the hail Galfoun Parochin and Ricartoun, as the water of Cefnok runs; whilke Lord hade four daughters aires-portioners of the lands. The eldest wes marret to ane sone of the Lord Mershelle called Sir William Keith, wha had the lands of Bathgait be his father, and fourtie pound lande of Galfstoun by his wyfe, and had na bairnes, but ane daughter, wha wes marriet with the Lord Dernlie, and airt the landes of Darnlie;—which aire of Darnlie marrit the aire of Lennox, anc heretrix."

Sir

Sir William Keith of *Galsfoun*, so described, is mentioned upon different occasions by Fordun, by Barbour, by Winton in his Chronicles, and by Sir David Dalrymple in his Annals. In these Annals, Sir David, in giving an account of the siege of Berwick in the year 1318, has the following paragraph: "The garrison of the castle, and the men who had fled into it from the town, perceived that the number of the Scots was small, and made a desperate rally; but they were repulsed, chiefly by the extraordinary valour of a young Knight, *Sir William Keith of Galsfoun*."

It was most probably the same Sir William Keith, who, in the year 1330, accompanied Sir James Douglas in his expedition towards Palestine with the heart of Robert de Bruce. *Vide* Barbour, p. 438, where he mentions "Good Sir William Keth" as having been detained at home by a broken arm on the day when Sir James Douglas fell in battle, fighting against the Saracens in Spain. And in p. 442, it is mentioned, that Sir William of Keth brought home the bones of Sir James Douglas, and the heart of King Robert de Bruce.

This Sir William Keith was in 1333 appointed to the command of the town of Berwick (Dalrymple's Annals, p. 193); and from the same authority it appears that he was killed at the siege of Stirling, anno 1336. It is there said, "That Sir Andrew Moray earnestly pressed on the siege, but *Sir William Keith, the favorite of the army, having been slain*, the Scots abandoned their enterprise."

But Winton, in his Chronicles lately published, from p. 231 to p. 238, gives an account of the siege of Stirling undertaken by Robert the Stewart in 1339, and expressly says, that Sir William Keth of the *Galsfoun* was at that siege, and fell there in the year 1339, at an assault that was made a little before the castle surrendered to Robert the Stewart. The account given by Winton is very precise, and has the appearance of being accurate.

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The age of Janet Keith at the time of her father Sir William Keith's death, in 1336 or 1339, has not as yet been discovered; but as Sir William Keith distinguished himself at the siege of Berwick in 1318, and was at that time a Knight, which he could not be before the age of twenty-one, and as he was killed in the year 1336, or at the latest in 1339, it may reasonably be supposed that his daughter Janet was at the time of his death, of an age to be marriageable in a few years thereafter; allowing ten years after her father's death, may in the circumstances of the case be thought more than a sufficient allowance—that would bring the time of her being marriageable to the year 1346 or 1349.

It is certain that Janeta Keith, the daughter of Sir William Keith of Galfoun, was twice married; first to a person of the name of Hamilton, and afterwards to Alexander Stewart, the son of Sir Alexander Stewart of Derneley; and that she had several children by each of these marriages. And from the known ages of her children by Alexander Stewart of Derneley, her second husband, she must have been married to him before the year 1371. But supposing her to have been marriageable, and married to her first husband of the name of Hamilton about the year 1346, or even several years after that period, there was sufficient time for the children of her first marriage, and after the death of her first husband of the name of Hamilton, for her second marriage to Alexander Stewart, before the year 1371, and for the children of that second marriage.

By the inaccuracy and blunders of some of the genealogical writers, a degree of confusion has been introduced with regard to the two marriages of Janet Keith, and particularly with regard to the person of the name of Hamilton who was her first husband. These inaccuracies require to be cleared up and corrected.

Several of these genealogical writers, copying one after another, have stated, that the first husband of Janet Keith of Galfoun, was

Sir

Sir David Hamilton of Cadzow, the ancestor of the Duke of Hamilton's family; and that she had five sons of the first marriage, and precisely the same number of sons by the second marriage. One of these writers indeed, *viz.* Sir Ludovic Stewart, in his Collections, p. 285, has said, that she was first married to Sir Alexander Stewart of Derneley, to whom she had five sons, and afterwards to the Lord Hamilton of Cadzow, to whom she bore six sons. This account is sufficiently refuted by the proof already stated, of Alexander Stewart's having married her in her widowhood, and, by the proof to be hereinafter stated, of her surviving her second husband Alexander Stewart.

Duncan Stewart and Sir Robert Douglas have said, that Sir David Hamilton of Cadzow, the ancestor of the Duke of Hamilton, was her first husband. But it is quite inconsistent with established dates and facts to suppose that she ever was married either to the first or to the second Sir David Hamilton of Cadzow. She could not possibly have been the widow of the first Sir David Hamilton of Cadzow, according to the accounts given by Crawford and by Sir Robert Douglas themselves; for Crawford says, that the first Sir David Hamilton of Cadzow married *Margaret daughter of Walter Lesley Earl of Roß*; and that he, Sir David, left two sons, 1. Sir David, his eldest son and successor; 2. Walter Hamilton; and that the son, Sir David, succeeded to his father in the year 1373.

Sir Robert Douglas agrees with Crawford, that the first Sir David Hamilton of Cadzow married Margaret Lesley, daughter of Walter Earl of Roß; and he further adds, that this first Sir David died in the year 1374.

It appears therefore that if Janet or Johanna Keith was ever married to either of the Sir David Hamiltons of Cadzow, it could not have been to the first Sir David Hamilton, who had for his wife Margaret Lesley, daughter of the Earl of Roß.

Crawford says, that the second Sir David Hamilton married Janet Keith, by whom he received a great fortune, and had by her five sons and one daughter. And Douglas says, that the second Sir David Hamilton of Cadzow married Janet or Johanna Keith, daughter and heiress of Sir William Keith of Galsfoun.

But Crawford, in his account of the second Sir David Hamilton, mentions a grant which he received in the year 1376 (in the seventh year of the reign of Robert II.) of the lands of Bothwell Muir; and Sir Robert Douglas refers to two charters from the crown in favour of the second Sir David Hamilton, dated in the years 1375 and 1378, and adds in general terms, that he died before the year 1395.

These dates, particularly the dates of the charters in 1375 and 1378, make it impossible that the widow of this Sir David Hamilton could have been the person who married Sir Alexander Stewart of Derneley; for of the marriage between Sir Alexander Stewart and Janet Keith, the daughter of Sir William Keith of Galsfoun, there were many children who had attained the years of maturity before 1391, and in that year the daughter of that marriage was married to Thomas Sommerville, son of William de Sommerville of Carnwath.

If any person, taking it for granted upon the authority of these genealogical writers, that Sir David Hamilton of Cadzow really was the first husband of Janet Keith, should from thence argue that we must doubt of Janet Keith's being the mother of John Stewart of Derneley, and of the other children of Alexander Stewart of Derneley, because the time at which Sir David Hamilton of Cadzow, her supposed first husband, died, does not admit of it; the answer is obvious, that the ascertained facts with regard to the children of the marriage between Alexander Stewart and Janet Keith, and the marriage of one of them in 1391, afford sure ground for concluding, that Sir David Hamilton of Cadzow was not the first husband of Janet Keith; but the random assertions of some inaccurate genealogical writers,

writers, without appealing to any evidence in writing, cannot establish the fact of Sir David Hamilton's having ever been the husband of Janet Keith, the daughter of Sir William Keith of Galfstoun, in opposition to the weight of evidence on the other side.

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But further, it will appear that this supposition of the genealogical writers abovementioned, has taken its rise from a mistake occasioned by a simularity of names. Sir David Hamilton of Cadzow, the second of that name, the ancestor of the Duke of Hamilton, married indeed a person of the name of *Janet Keith*, but it was not Janet Keith the daughter of Sir William Keith of Galfstoun, but *Janet Keith daughter of Sir William Keith Marishall of Scotland*; and by her he had five sons and a daughter. It is expressly stated by Crawford in his Peerage, p. 188, that Sir David Hamilton of Cadzow married Janet Keith, *daughter of Sir William Keith Marishall of Scotland*; while the same author, p. 258, under the title of Stewart Duke of Lennox, states that "Alexander Stewart of Derneley married *Janet daughter and heir of Sir William Keith of Galfstoun.*"

Thus it is plain that Janet Keith, the daughter of Keith Marishall of Scotland, was a different person from Janet Keith daughter of *Sir William Keith of Galfstoun.*

The tree of the family of Hamilton, kept in the Duke's house at Hamilton, expressly says, that "David Lord Hamilton, (that is, Sir David Hamilton of Cadzow,) son of the former David Lord Hamilton, married Lady Janet Keith, *daughter of the Right Honourable Earl Marishall of Scotland.*"

A manuscript history of the family of Hamilton, in the possession of Mr. Hamilton of Dalkeek, agrees in the same account, that Sir David Hamilton married Dame Janet Keith, daughter to the Lord Keith.

And another manuscript pedigree of the house of Hamilton, which seems to have been drawn up with great precision by a Mr.

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Hamilton of the Withaw family, and was furnished to the author by Dr. Anthony Hamilton of that family, specifies that the second Sir David Hamilton married Janet daughter of Sir Edward Keith, Lord Marishall of Scotland.

In Nisbett's Heraldry, vol. ii. Appendix, p. 1. there is a genealogical account of Keith, Marishall of Scotland, from the genealogical history of the family, and other documents, and in p. 5. of that account there is the following article: " Sir Edward Keith, Marishall, the second of that name, was by King Robert II. created Lord Keith about the year 1380, as appears from charters yet extant in the family, all his progenitors being made knights on account of their office. We have no certain account whom he married, only by a note of the initial letters of all the chiefs of this family and their ladies painted in a hall of the castle of Dunoter, we find her pointed out thus, ' D. M. M. ;' by her he had Lord William, who succeeded, and Janet, who married Sir David Hamilton, predecessor to the Duke of Hamilton."

All these authorities concur in the material fact, that Sir David Hamilton of Cadzow, the ancestor of the Duke of Hamilton, married a Janet Keith, daughter of Keith Marishall of Scotland; though some of them have given to her father the name of William, and others that of Edward. Upon the whole, therefore, there can be no doubt that Sir David Hamilton of Cadzow did not marry Janet Keith, *the daughter of Sir William Keith of Galsfoun.*

Neither can there be any doubt that Janet, the daughter of Sir William of Galsfoun, had married for her first husband a person of the name of Hamilton, who most probably was of one of the various collateral branches of the Hamiltons of Cadzow*.

There

* There is authentic evidence of many collateral branches of the Hamiltons of Cadzow; particularly it appears from the different trees of the Hamilton family, that Sir Gilbert de Hamilton, who obtained from Robert de Brus a grant of the barony

There is positive and unquestionable evidence of Janet Keith's having had two sons by that first marriage, to wit, Andrew and William; but there is no certain evidence of her having had more than these two sons, unless it be admitted that John de Hamilton of the Ross was also a son of her's.

That Janet Keith of Galfstoun had of her first marriage two sons of the names of Andrew and William Hamilton, is positively proved by two charters in the Public Records at Edinburgh, *viz.*

Charter, dated 10th February 1406, by Robert Duke of Albany Governor of Scotland, confirming a charter dated 11th December 1406, granted by Johanna Keith de Gallystoun, to *Andrew de Hamilton son of the said Johanna*, of certain parts of the lands of Gallystoun in the barony of Kyle and shire of Air. The charter confirmed is verbatim inserted in the charter of confirmation; it begins thus: "Omnibus hanc cartam vidaris vel auditoris Johanna

Records,
Roll xi. No 17.

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barony of Cadzow, and who was killed at Bannockburn in 1314, had two sons, whereof the eldest was Sir Walter de Hamilton, and the second was Sir John de Hamilton of Rossaven, who in some of the Genealogical Histories is described as ancestor of the Hamiltons of Preston and its branches. Sir Gilbert had also a son of the name of Hugo, who is witness to a charter granted by John Logan, to which charter the witnesses are Walterus filius Gilberti, et Hugo frater ejusdem. This charter is in the possession of the Robertsons of Earnock.

Sir Walter de Hamilton, the son of Gilbert, who succeeded to his father in 1314, and who obtained from Robert de Brus, a grant of the barony of Kinniel in 1324, and who appears to have been at the battle of Halidonhill in 1333, had also two sons, whereof the eldest was Sir David Hamilton of Cadzow, and the second, John Hamilton, who before the year 1369, as appears from two charters hereinbefore mentioned, had married Elizabeth Stewart, sister of Sir John Stewart of Derneley; and of that marriage the son and heir was Sir Alexander Hamilton, who married Lady Elizabeth Stewart daughter of Thomas Stewart Earl of Angus; from whom are descended the Hamiltons of Innerweck, and the Earl of Haddington, &c.

There is reason to presume that the first husband of Janet Keith of Galfstoun was the first mentioned John de Hamilton of Rossaven, second son of Sir Gilbert de Hamilton, or his brother Hugo, or one of that family.

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“ de Keth, Domina de Gallyfton salutem :—Noveritis me in libera viduitate mea, &c. dediffe et concessiffe, et hac presenti carta mea confirmaffe, *chariffimo filio meo Andreae de Hamilton*, pro suo fervitio et auxilio mihi impensis et impendendis, omnes et fingulas terras meas de Gallyfton infra fcriptis, feilicet terras de Tholock de Uermomunde, terras de Langfyde cum fervitio tenend’ de Golgoff, terras de Bryntwood, terras de Sorne, terras de Kylfton, terras de Dundebane cum pertinen’ in baronia infra vicecomitatum de Arc.” The tefting claufe of the charter is in thefe words: “ In cujus rei teftimonium figillum meum præfenti cartæ meæ eft appenfum apud Dalkeef, undecimo die menfis Decembris, anno Dõmini 1406. His teftibus, Domino Willielmo de Cuningham, tempore illo vicecomite de Arc, Willielmo Baillie domino de Barnburne, Willielmo de Dalziell domino ejuſdem, *Willielmo de Hamilton filio meo*, Militibus, Hugone Cambell domino de Loudoun, *Johanne Senefcall filio meo domino de Cruickſtoun*, Jacobo de Conyngnam, Johanne Campbell de Gallyftoun, cum multis aliis.”

Records,
Roll xi. N^o 38.

The other charter in the Public Records is dated 24th March 1407, and was granted by Robert Duke of Albany, in favour of “ Dilectus confanguineus fuus Willielmus de Hamilton, Miles;” by which he confirms “ Donationem et concessionem illas quas dilecta confanguinea noſtra Janeta de Kecht, domina de Gallyftoun in ſua ſimplicia viduitate conſtituta fecit et conceſſit dilecto confanguineo noſtro *Willielmo de Hamylton, Militi, filio ſuo*, de omnibus et ſingulis terris ſuis villæ de Bathkat cum pertinen’ et de omnibus aliis terris ſuis, cum pertinen’ jacen’ in dominio de Bathkatte, in conſtabulario de Linlichtu infra vicecomitatum de Edinburgh.”

Theſe two charters prove beyond diſpute, that Janet Keith had by her firſt marriage to a perſon of the name of Hamilton, two ſons,

fons, Andrew and William, to whom she gave the lands severally above-mentioned.

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They further prove that Janet or Johanna Keith had survived her second husband Alexander Stewart of Derneley, and that he must have died before the year 1406; for her charter, granted in that year, bears to have been granted in her pure widowhood.

These charters likewise prove that Johanna Keith had sons, both to her first husband of the name of Hamilton, and to her second husband, Sir Alexander Stewart of Derneley; for besides describing Andrew and William de Hamylton as her sons, she likewise, in the testing clause of her charter to Andrew de Hamilton, describes John Stewart Lord of Cruickstoun as her son; which serves to confirm the history given concerning her two marriages, and her having children of both.

Of the marriage between Sir Alexander Stewart of Derneley, and Janeta Keith, there were five sons and one daughter, *viz.*

- I. JOHN, who, upon the death of his father Sir Alexander, was promiscuously designed of Derneley or of Crookiston; and who having gone to the wars in France to the assistance of Charles the VIIth, received a grant of the lordship of Aubigny in France, and was killed during the siege of Orleans in February 1428-9.
- II. WILLIAM, who engaged with his brother John in the wars of France, and was killed in the same battle during the siege of Orleans.
- III. ALEXANDER, sometimes designed of Torbane, and sometimes of Galliston.
- IV. ROBERT, to whom his father Sir Alexander gave the lands of Newton of Westoun in the shire of Lanerk.

V. JAMES,

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V. JAMES, who is mentioned in the same grant of these lands as son of Sir Alexander Stewart.

And one Daughter, JANET, who, as above-mentioned, was married in the year 1391, to Thomas de Sommervill of Carnwath, and subsequent to the marriage received a charter of the lands of Camnethan proceeding from the gift of her father Sir Alexander Stewart of Derneley.

Of the existence of these five sons of the marriage between Alexander Stewart and Johanna or Joneta Keith, there are unquestionable proofs from old charters and other documents, over and above the testimony of all the genealogical writers who have mentioned these five sons, and in the order above set down. In the sequel there will be occasion to state these proofs, according to the order of time in which they disclose themselves.

There is still extant, and in the possession of Mr. Hamilton of Withaw, an original decret of the Baron Court of Camnethan, held at the Quarrel-hill on the 13th of October 1390, "Coram Domino Alexandro Seneschallo Domino dictæ Baronie," at the instance of Sir Alexander against John Franks of Frankesland, who obtained absolvitor on the verdict of an inquest, and the decret bears that the witnesses present with Sir Alexander upon this occasion, were

Nobiles et Potentes Viri.

Dominus Willielmus de Somervell Dominus de Carnwyth,	} Milites.
Johannes de Hamylton Dominus de Rofs,	
<i>Willielmus Seneschalli,</i>	
<i>Alexander Senescall Dominus de Gallifson,</i>	
<i>Robertus Seneschall.</i>	

— Wilhelmus de Montgomery et Hugo de Akeston, cum aliis testibus ad premiss. vocat specialiter et rogat.

The

The business which gave rise to the above meeting in October 1390, appears to have been of some pecuniary consequence to Sir Alexander Stewart of Derneley, who in the decret is stiled Lord of the Barony of Camnethan; and it appears that he was personally present, and attended by some of his nearest relations and friends.

Of the seven persons named as present, three of them were his own sons, Sir William Stewart, Alexander Stewart of Galliston, and Robert Stewart; another of them was Sir William de Sommersvell, the father of Thomas de Sommersvell, who in the year 1391 became the son-in-law of Sir Alexander Stewart; and there is reason to think that *John de Hamylton Lord of Rofs*, one of the witnesses who at this time attended Sir Alexander Stewart, was a son of Janet Keith by her first marriage with a person of the name of Hamilton*.

In

* John Hamilton of Rossaven, or Rofs, was, as stated in several pedigrees of the Hamilton family, the second son of Sir Gilbert de Hamilton, who obtained from King Robert Bruce a grant of the barony of Cadzow, and who was killed at Bannockburn in 1314. In point of chronology that John Hamilton might well be the first husband of Janet Keith of Galliston, supposing her to have married some years after her father's death in 1336 or 1339. If her husband was John Hamilton of Rossaven, their son would naturally have the title of Rossaven, or Rofs, or de le Rofs; and we see that one of the friends of Sir Alexander Stewart of Derneley, at the above-mentioned meeting at Camnethan in 1390, where he seems to have been surrounded by his sons and connexions, was *John de Hamylton Lord of Rofs*. It is therefore natural to suppose, that he was the son of the wife of Sir Alexander Stewart, Janet Keith, by her first marriage with a person of the name of Hamilton: if so, he must have been older than any of her sons by Sir Alexander Stewart, and accordingly we see that he is mentioned before any of the three sons of Sir Alexander Stewart present on the same occasion, and is described as Miles, which was an honor given only at a certain age.

What renders the above conjecture more probable is, that there is amongst the papers of Lord Hopeton's family at Hopeton House, a charter of confirmation granted by Sir John Stewart of Derneley, the eldest son of the said Sir Alexander Stewart, confirming a charter granted by John, son of Walter de Hamylton of the lands of Balincrieff, in favour of his son Alexander de Hamylton; and in that charter of confirmation by Sir John Stewart of Derneley, the testing clause is in these words: "In cujus rei testimonium sigillum meum presenti cartæ mee confirmationis est appensum, his testibus, Domino Johanne de Rofs Domino de Hawkeds, Johanne de Hamilton de Bardowie, *Johanne de Hamylton de Rofs, Mi-*

litibus,

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In the Chartulary of Paisley, pages 239, 240, there is a charter dated in the year 1397, granted by John Blair of Adamtown to the Monks of Paisley, to which one of the witnesses is "Robert Stewart son of " Sir Alexander Stewart, Knight, Lord of Derneley."

There is further evidence concerning Robert and James Stewarts, as being both of them sons of Sir Alexander Stewart of Derneley; for in the Charter-room of Dryden, amongst the papers belonging to the families of Lockhart of Lees, and Lockhart of Carnwath, there are the following original charters:

Charter by Alexander Stewart of Derneley in favor of his son Robert Stewart and the heirs male of his body; whom failing, to James Stewart, another son of Alexander Stewart of Derneley, and the heirs male of his body; whom failing, to revert to Sir Alexander Stewart himself and his heirs, of the Five Pound Land of old extent of Newtown of Westoun in the barony and parish of Wyftoun and shire of Lanerk.

This charter has no date, but the charter of confirmation thereof by James de Sandylands of Calder, the immediate superior of these lands of Wyftoun, in which the original charter by Alexander Stewart of Derneley is verbatim inserted, is dated the 7th of October 1399.

And there is further, amongst the title deeds at Dryden, a charter of confirmation by the Crown, dated 18th October 1399,

" *litibus, Andrea de Hamylton, Alexandro Seneschale fratribus meis, et Hugone de Alderston, cum multis aliis.*"

The expression of *fratribus meis* applies at least to Andrew de Hamylton and Alexander Stewart, but it may likewise be applicable to John de Hamylton of Rofs, mentioned immediately before Andrew de Hamylton. If so, then that would at once decide the point, that John de Hamilton of Rofs, who was witness to this charter by Sir John Stewart of Derneley, and who was also one of the friends present with Sir Alexander Stewart of Derneley at the Baron Court in 1390, was son of Janet Keith by her first husband of the name of Hamilton, and would infer that her first husband must have been John de Hamilton of Rossaven, or Rofs, the son of Sir Gilbert de Hamylton.

in which both the original charter by Alexander Stewart of Derneley, in favor of his sons Robert and James, and the confirmation thereof by James de Sandielands, are verbatim ingrossed; and as in these two charters of confirmation Sir Alexander Stewart of Derneley is not described as then deceased, it is presumable that he was alive in the end of the year 1399.

These charters prove clearly that Robert and James were both of them sons of Sir Alexander Stewart of Derneley; and as the charter in their favor gave the lands to Robert and his heirs male; whom failing, to James and his heirs male; whom failing, to return to Alexander Stewart himself and his heirs; it is from thence presumable that they were the youngest of the sons of Sir Alexander Stewart; the grant of these lands of Newtown of Wyftoun being meant as a provision to them successively. And this agrees with the account given by Duncan Stewart and the other historians, who have placed Robert and James Stewarts as the youngest of the sons of Sir Alexander Stewart of Derneley, of his marriage with Janet Keith; though some of these historians had expressed a doubt concerning the son James, because they had seen no evidence to ascertain the existence of a son of the name of James.

With regard to Alexander Stewart, the third son of Sir Alexander Stewart of Derneley, the said decret of the Baron Court of Camnethan in October 1390, where Alexander is described Dominus de Gallistoun, and placed immediately next to William Stewart, would of itself afford a strong presumption at least of his being one of the sons of Sir Alexander Stewart of Derneley; but this presumption meets with a complete confirmation from a charter granted by Sir John Stewart of Derneley, the eldest son of Sir Alexander, in favor of John de Hamilton, son of Sir Walter de Hamilton, in the beginning of the 15th century; to which charter Alexander Stewart is one

of the witnesses, and is described as brother of Sir John Stewart of Derneley, the grantor of the charter.

Thus, then, complete legal evidence in writing has been given of the existence of four of the younger children of Sir Alexander Stewart of Derneley, to wit, Alexander, Robert, and James Stewarts, three of the younger sons, and one daughter, Janet, married in 1391 to Thomas de Sommerville. All these were children of the marriage between Sir Alexander Stewart of Derneley and Janeta, Johanna, or Johanneta Keith or Keth of Galtoun; for in different charters and other deeds she is thus variously named or described*.

It remains therefore, only to state the proofs relating to Sir John Stewart of Derneley, the eldest son of the marriage between Sir Alexander Stewart of Derneley and Janet Keith; and those relating to his immediate younger brother William Stewart.

In the sequel it will appear how material it is to ascertain that Sir Alexander had two sons of the names of John and William, whereof John was the eldest, and William the second of his sons, and to prove that each of these sons left descendants in the male line, pointing out at the same time who these descendants were.

To these objects the remainder of this Genealogical History will be confined.

* There are many instances both in England and Scotland of the words Janeta, Johanna, and Johanneta being made use of promiscuously to express the same name. There is a declaration of the Court of King's Bench in the 32d of Elizabeth, by which it was agreed that *Jane* and *Joan* were all one. Janet is a diminutive of Joan, as little or pretty Joan. Vide p. 159 of the History of Westmoreland by Nicholson and Burn.

GENEALOGICAL HISTORY

OF

THE STEWARTS.

PART THIRD.

Containing the Proofs relating to Sir JOHN STEWART of DERNELEY, eldest Son of Sir ALEXANDER STEWART, and the first Lord of Aubigny in France of the Stewart line; and also those relating to his Brother WILLIAM, both of whom engaged in the Wars in France, where they lost their lives in the same battle during the siege of Orleans in February 1428-9.

NINTH GENERATION.

BRANCH FIRST.

Concerning Sir JOHN STEWART, and his Brother Sir WILLIAM, *before their Expedition to France.*

SIR ALEXANDER STEWART of Derneley was alive in the year 1399, as appears from the charter before-mentioned, (in Part Second,) granted by him in favour of his son Robert Stewart, of the Lands of Newtoun of Wyftoun; and from the two charters of confirmation

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confirmation thereof, the one by James de Sandielands of Calder, dated 7th October 1399, and the other by King Robert III. dated 18th October 1399; in both which Charters of Confirmation, Sir Alexander Stewart is mentioned without describing him as a person then deceased. But it is certain that he died within a short space after that period; and that his wife Dame Janet Keith, or Keth, survived him.

Sir John Stewart of *Derneley*, so described, is witness to a charter or grant, dated 5th May 1404, by Robert Duke of Albany to Colin Campbell Lord of Lochow of the lands of Strathachy, within the barony of Cowal-Stewart*. This description of him shews that on the 5th of May 1404, he was the proprietor of the Derneley estate, consequently that his father Sir Alexander Stewart of Derneley had died before that time. But if there should be any doubt on that point, the charter before-mentioned, dated 11th December 1406, granted by Janet Keith in favour of her son Andrew de Hamilton, of certain parts of the lands of Galtoun, puts it out of doubt, that Sir Alexander Stewart had died before that period at least; for the charter declares that Janet Keth, the granter of it was then in her widowhood. The witnesses to that charter by Janet Keith, are two of her sons, who are thus described: "Willielmus de Hamyltoun, filius meus, Miles; et Joannes Senefcallus, filius meus, dominus de Cruickston."

Though the title and possession of Cruickston, or Derneley, (which meant the same thing,) did not belong to Sir John Stewart till after the death of his father Sir Alexander; there can be no doubt, that even during his father's life, he was in possession of landed estates, and from one or other of these would have a title during his father's life.

* This charter is mentioned by Craufurd in his *Officers of State*, p. 42; and he there refers to it as in the possession of the Duke of Argyle.

If this matter were left merely to conjecture, there would be reason to presume it from the following circumstances: First, That it is known with certainty that during the life of Sir Alexander Stewart, the Derneley family had very great and extensive possessions in several different counties in Scotland. Secondly, That it is proved from ancient charters still extant, and from the Records, that Sir Alexander Stewart had, during his own life, given estates in land to his younger sons Alexander, Robert, and James, and to his daughter Janet, upon her marriage; whence it must reasonably be inferred, that he had also given estates in land to his two eldest sons Sir John and Sir William.

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The following estates unquestionably belonged to the Derneley family at that period:

In the county of Renfrew, they had the lands of Cruickifton, or Cruickinfec, and others, commonly known under the description of the Derneley Estate.

In the county of Lanark, they had the lands and estate of Camnetan; the Five Pound Land of Newton of Wyfton; several lands in the lordship of Avendale, and others.

In the county of Air, they had the estate of Galfstoun, acquired by Sir Alexander Stewart's marriage with Janet Keith of Galfstoun, besides the lands of Dreghorn and others, which had belonged to Sir Alan Stewart of Deghorn, one of the ancestors of the Derneley family.

In the county of Linlithgow they had the lands of Ballincreeff, Bathgate, Torbane, and various other lands.

In the lordship of Annandale and county of Dumfries, they had the lands called the Two Thirds or Forty Merk Lands of Castelmylke, and the Ten Merk Lands of Brommel, held by them immediately of and under the Lords of Annandale.

The lands and estates of Cassiltoun in the shire of Lanark, and of Finnart, or Finnart-Stewart in the shire of Renfrew, appear

appear also to have belonged to the Derneley family, at least to one of the branches of that family, at a very ancient period.

It has been shewn that on the marriage of Sir Alexander's daughter Janet to Thomas de Sommerville, son and heir of William Sommerville of Carnwath, Sir Alexander gave to her and her husband in the year 1391, and the heirs of the marriage, the valuable barony of Camnethan in Lanarkshire, which of itself shews that he must have been an opulent man, as he had at that time five sons to provide for.

It has also been shewn that part of the lands of Galfoun had, before the year 1390, been given to Alexander the third son, as he was designed Dominus de Galfoun in the decree of the Baron Court at Camnethan that year.

And that the Five Pound Land of Newton of Wyfton was in the year 1399, given by Sir Alexander to his two youngest sons Robert and James successively; and failing them and the heirs male of their bodies, to return to Sir Alexander Stewart and his heirs; these lands being evidently meant as a provision for these two younger sons Robert and James.

It cannot, therefore, be doubted, that Sir Alexander had in his own lifetime made some provision for his two eldest sons, Sir John and Sir William Stewarts, which surely would not be less considerable than what he had given to his youngest sons, especially as both Sir John and Sir William had a certain rank and character to support, both of them having at an early period attained the honor of Knighthood; an honor highly prized in those days.

The proprietors of lands in ancient times had not much circulating cash or personal estate to give away; it was by grants of lands that they generally made provision for their children. These grants

grants were sometimes made absolute; sometimes redeemable on payment of a sum specified; and sometimes with clauses of return to the eldest branch of the family and their heirs, on failure of the grantee and the heirs male of his body; and they were generally given to be held of and under the eldest branch of the family, the granter and his heirs.

It was in Sir Alexander Stewart's own lifetime that his eldest son Sir John married Elizabeth, second daughter of Duncan Earl of Lennox—a noble alliance: in consequence of which, the estates of the Earldom of Lennox afterwards came to the Derneley family. That marriage happened about the year 1392* ; and it furnishes an additional reason for presuming that at that time Sir John Stewart was either put in possession, or already had been in possession of lands and estates of considerable value. This would have been made more apparent if the contract of marriage, hitherto sought after in vain, had been discovered.

There is an unfortunate chasm in the Records of Scotland applicable to the period in which Sir Alexander Stewart lived, as well as during several of the years which preceded and followed that period; many original charters and other ancient papers have perished from the injury of time: and the chartularies and other papers relating to the lordship of Annandale, in which the lands of Castelmilk lie, have either been lost or mislaid, at least not yet discovered, otherwise it would have been more easy to specify the

* Duncan Earl of Lennox had three daughters, whereof the eldest, Isabel, married in 1392 Murdoch, son and heir of Robert Duke of Albany; for which reference is made to an indenture 17th February 1391-2, between Duncan Earl of Lennox and Robert Earl of Fife, (afterwards Duke of Albany,) in the possession of the Earl of Panmure. Margaret, the youngest daughter married in 1392 Robert Monteith of Rusk; as appears from the papers in the contest for the Earldom of Lennox. The precise date of the marriage of Elizabeth the second daughter, to Sir John Stewart of Derneley, has not yet been learnt with certainty, but it is presumed to have been in or about the same year (1392).

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several lands which were granted to and enjoyed by Sir John Stewart and by his brother Sir William during the lifetime of their father, and to have shewn in what manner they were granted. But notwithstanding these disadvantages it will be shewn in the sequel, that in the course of much investigation occasional discoveries have been made of some ancient original papers, which clearly indicate some of the lands which belonged to and were enjoyed by Sir John Stewart and his brother Sir William during the life of their father Sir Alexander Stewart of Derneley; and particularly that this is the case with regard to the *Forty Merk Lands of Castlemilk in Annandale*, commonly described the *Two-part of the lands of Castlemilk*, held of the Lords of Annandale; and the lands of Clumpton and others in the barony of Avendale, held under the Lords of the barony of Avendale in Lanarkshire.

Amongst the Derneley papers in the possession of the Duke of Montrose there has been found an original indenture or deed of obligation, dated in the year 1387, in which Sir John Stewart (who after the death of his father Sir Alexander became Sir John Stewart of Derneley) is designed *Sir John Stewart Lord of Castlemylke*. The deed wherein he is so designed is dated at Bothwell in May 1387, and was granted by William de Sandielands, son of the deceased John de Sandielands Lord of Errockbryne, wherein he acknowledges himself to be bound to a nobleman, Sir John Stewart Lord of Castlemylke, "Nobili viro *Domino Johanni Senesball Domino de Castlemylke*," in one hundred merks sterling good and lawful money, &c.; and he thereby grants to him "a certain annual sum to be paid out of certain lands until he should pay to the said John Stewart the said one hundred merks sterling, at a term of Whitfunday, at the parish church of Camnethan." From this it appears probable that Sir John Stewart then resided at Camnethan, which belonged to his father Sir Alexander Stewart, as has already been mentioned.

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Sir John Stewart could not possibly have been designed Lord of Castelmyle in 1387, if at that period he had no connexion with these lands of Castelmyle.

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But in confirmation of the propriety of that designation or description, there has been discovered in the same repository of the Derneley papers in the Duke of Montrose's possession, an original paper executed upon the 24th of October 1470, by Alexander Duke of Albany, under the title and description of Lord of Annandale, by which he grants to his beloved cousin John Lord Derneley, (who was grandson of the said Sir John Stewart of Derneley,) 1950 merks to be uplifted out of the *Two-part of the lands of Castelmyle* and Brummell, lying within his lordship of Annandale, and being in his hands as Lord of Annandale, all the time of thirty-nine years bygone since the decease of Sir John Stewart of Derneley, in default of entry of the said Sir John's heirs.

This authentic deed granted by the Duke of Albany as Lord of Annandale, amounts to an express declaration and proof that these lands of Castelmyle and Brummel had belonged to Sir John Stewart of Derneley, (who was killed in France in the year 1429,) held by him immediately of and under the Lords of Annandale, and that he was at the date of the grant, in 1470, the last vassal who had made up his titles to them in a proper feudal manner by investiture from the superior the Lord of Annandale; in consequence of which neglect of his successors, the lands had been in non-entry for the space of thirty-nine years bygone since his decease.

The import and consequence of this deed from Alexander Duke of Albany as Lord of Annandale, in favor of John Stewart Lord Derneley, the grandson of Sir John Stewart of Derneley, will be more particularly stated in Part IVth, No. XI. relating to that John Stewart Lord Derneley, where there will be occasion to state in what manner he made up his titles to the lands of Castelmyle, and other lands which had belonged to his grandfather Sir John Stewart.

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It is sufficient in this place to take notice that the two original papers abovementioned, and various other particulars of evidence to be hereinafter stated, afford complete and satisfactory proof that the forty merk lands of Castelmylke in Annandale did actually belong to Sir John Stewart, the eldest son of Sir Alexander Stewart of Derneley, and that he Sir John Stewart had made up his titles to these lands, and had been received by the Lord of Annandale as his vassal therein.

At what precise period it was that Sir John Stewart thus made up his titles to these lands of Castelmylke, and was received by the Lord of Annandale as his vassal therein, cannot now be ascertained, as the records and chartularies which belonged to the ancient lordship and regality of Annandale have been either lost or mislaid, and most of the title deeds in favour either of Sir Alexander Stewart of Derneley, or of his two sons Sir John and Sir William Stewarts, have perished, or at least have not hitherto been traced to the repositories of those who may happen to be possessed of them; but it is most probable that Sir John Stewart had made up his titles to these lands of Castelmylke before the year 1387, as it appears that in that year he was designed *Lord of Castelmylke*.

But it is certain that the *property* of these same lands of Castelmylke was, at some period between the year 1387 and 1398, transferred to Sir William Stewart, the *superiority* of these same lands remaining with the said Sir John Stewart; for while Sir John and all the descendants from him continued to hold the lands of Castelmylke immediately of and under the Lords of Annandale, Sir William Stewart, and all the descendants from him who inherited the property of the lands and estate of Castelmylke in Annandale, uniformly held these lands of and under Sir John Stewart of Derneley, and his descendants Lords Derneley and Earls of Lennox, as will manifestly appear from the charters and precepts of clare constat to be hereinafter mentioned.

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The precise time when the property of the lands of Castelmilke was transferred to Sir William Stewart does not now appear, but it is certain that it must have been before the year 1398, for in that year he was described "Willielmus Seneschall de *Cof-telmilke, Miles.*" This was upon a memorable occasion, when under that designation he was one of the sureties given on the part of Scotland for the preservation of the peace of the western marches, in consequence of a truce or treaty of peace agreed upon between England and Scotland in the year 1398, which is preserved in Rymer's *Fœdera*, tom. viii. p. 58. The other persons therein mentioned as sureties along with Sir William Stewart were Sir John de Johnson (ancestor of the Marquis of Annandale), Sir John Carlile, &c. which shews that the situation in which Sir William Stewart then appeared as one of the sureties for keeping the peace of the western marches of Scotland, where the lands of Castelmilke were situated, was considered as an honourable employment, and suitable for a son of Sir Alexander Stewart of Derneley, and a brother of Sir John Stewart.

From and after the year 1398, the title of Castelmilke remained with Sir William Stewart and his heirs, of which many instances and proofs will be given in the sequel.

It is plain that the grant of the property of the lands of Castelmilke in favour of Sir William Stewart had not proceeded directly from the Lords of Annandale, otherwise the lands would have been given to him to be held, not under another superior, but immediately of and under the Lords of Annandale themselves; and the renewal of the investitures to the heirs of Sir William Stewart would have proceeded from them. But it is certain that neither Sir William Stewart, nor any of the descendants from him ever received any charter or precept of clare constat from the Lords of Annandale. On the contrary, that they uniformly held the lands of Castelmilke immediately of and under the descendants from Sir John Stewart of

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Derneley, the Lords Derneley and Earls of Lennox, and from them received the investitures under which they enjoyed the lands.

Hence it follows, that when the first Sir William Stewart of Castelmilk got the property of these lands, it must have been by a grant either from his father Sir Alexander Stewart of Derneley, or by a grant from his elder brother Sir John, who in the year 1387, had been designed *Lord of Castelmilke*. Whether the grant proceeded from the father or the brother, the lands of Castelmilke have been given to William to be held by him and his heirs immediately of and under the granter and his heirs; and in this way it naturally and necessarily happened that the first Sir William Stewart, and all the descendants from him uniformly held these lands of Castelmilk of and under the elder branch of the family, the Stewarts of Derneley and the Earls of Lennox, who were the heirs both of Sir Alexander and of Sir John Stewart of Derneley; while at the same time the Stewarts of Derneley and the Earls of Lennox continued to hold these same lands of Castelmilk of and under the Lords of Annandale, and received from them the renewals of the investitures for these lands, till upon the annexation of the Lordship of Annandale to the crown in the year 1487, upon the forfeiture of the Duke of Albany the last Lord of Annandale, the Derneley and Lennox family became vassals to the Crown for these lands of Castelmilk, and after that period received their charters and investments of them directly from the Crown.

Though it makes no difference as to the result of the present inquiry, whether it was from Sir Alexander the father or from Sir John Stewart the brother, that Sir William Stewart received the grant of the property of the lands of Castelmilk, yet the most probable conjecture is, that it was from Sir John Stewart the brother that he received that grant; for it has been shewn, that so early as the year 1387, Sir John was Lord of Castelmilk, which must have happened either in consequence of a grant from his father Sir Alexander

Alexander Stewart, or in consequence of a grant from the Lords of Annandale. Whether it was in the one shape or in the other, any grant of the property of these lands after the year 1387 must have proceeded from Sir John Stewart; and as it was several years after the year 1387 before Sir William Stewart appears to have been designed of Castelmilk, it is reasonable to conclude that the grant in his favour of the property of these lands proceeded from his elder brother Sir John*.

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It appears from the investitures of the lands of Castelmilk granted by the heirs of Sir John Stewart to the heirs of Sir William Stewart, that the lands had been originally given off to Sir William Stewart to be held by the military tenure of wardholding, and Sir William's heirs continued to hold them by that tenure till the year 1579, when the tenure of these lands was changed from the wardholding by a

* There is more than one instance in the Derneley family of the elder brother making a grant of lands in favour of a younger brother, under condition that the lands were to be held of and under the grantor and his heirs, and likewise under the condition, that the lands were to be enjoyed by the grantee and the heirs male of his body, whom failing, to return to the grantor and his heirs. Thus in 1450, there was a charter dated 13th of May 1450, granted by John Stewart Lord of Derneley, by which he gave to his dearest brother Alexander Stewart, all and haill his lands of *Dreghorn* in the shire of Air, "pro suis servitiis concilio et auxilio mihi sepius impensis et impendis; tenend' & habend' predicto Alexandro et heredibus suis masculis de corpore suo legitime procreatis vel procreandis. Quibus deficien' mihi & heredibus meis quibuscunque, de me et heredibus meis in feode," &c. This grant by John Lord Derneley to his brother Alexander, was confirmed by crown charter 16th of May 1450, in the Public Records, Book iv. N^o 23.

It was most probably by a grant in similar terms, and with a similar limitation to heirs male of the grantee, that the lands of Castelmilk in Annandale were originally given by Sir John Stewart of Castelmilk and Derneley, to his immediate next brother Sir William Stewart.

In the year 1452, the said Alexander Stewart further received from his brother the said John Stewart, a grant of the lands of Galliston in the shire of Air, as appears from a charter of confirmation thereof from the crown, dated 27th of June 1452, in the Public Records, Book iv. N^o 296.

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charter of novodamus from Robert Earl of Lennox in favor of Archibald Stewart of Castelmilk: accordingly it will be found in the sequel, that Sir William of Castelmilk was the constant and faithful attendant of his brother Sir John in his military expeditions. This increases the probability that it was from Sir John that the grant proceeded, especially taking into the account the strong friendship and attachment that appears to have subsisted between these two brothers; of which very striking proofs will be given in subsequent parts of this Genealogical History, where it will be shewn that they embarked together in the same military expeditions; that they both went with a body of troops to the assistance of Charles VII. of France, where they distinguished themselves in an heroic manner, and lost their lives in the same battle, during the siege of Orleans in 1429; the one brother having sacrificed his life in endeavouring to rescue the other when wounded and overpowered by the enemy's troops.

Of the actions or exploits of Sir John Stewart of Derneley, or of his brother Sir William Stewart, from the time of the death of their father Sir Alexander Stewart of Derneley, about the year 1403, very little is known till the time that they went to France in the year 1420, to the assistance of Charles VII., then Dauphin of France*.

* As Sir John Stewart of Derneley was the eldest son of Sir Alexander Stewart of Derneley, from whom he inherited great estates in different parts of Scotland; and as he married early in life a daughter of a powerful nobleman, Duncan Earl of Lennox, and lived till the year 1429, there is reason to think that in many authentic deeds still extant in Scotland, the names both of Sir John Stewart and of his brother William will be found either as granters of deeds, or as witnesses to deeds executed by some of the noble persons with whom they were nearly connected. Only a few of these however have hitherto been discovered either in the Public Records or in the private repositories of individuals.

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PROOFS relating to Sir JOHN STUART of Derneley, and his Brother Sir WILLIAM STUART, *after their arrival in France in 1420*, down to the time of their death in 1429, taken from the Records in France, and from the concurring Testimony of the best French Histories of that Period.

SUCCOURS were sent from Scotland to the assistance of Charles the Dauphin of France about the year 1420; and at that period they were of the utmost consequence to that oppressed young Prince, then in a very singular and critical situation.—Though the natural and undoubted heir to the crown of France, as only son of Charles VI. then drawing near the close of his life, he had the mortification to find himself persecuted by the implacable hatred of his mother, who had under her government her husband Charles, who was subject to alternate turns of phrenzy or imbecility, and incapable of acting for himself. The Dauphin found himself persecuted at the same time by the resentment and jealousies of the Duke of Burgundy, and other powerful enemies; and excluded from the succession to the crown of France by the treaty of Troyes, concluded on the twenty-first of May 1420, with the victorious Henry V. of England.

By that treaty it had been agreed by Charles VI. or by the Queen and the Duke of Burgundy acting in his name, under authority from him, that Madame Katherine the daughter of Charles VI. should be given in marriage to Henry of England, who had already subdued great part of Normandy and of other provinces in France; and it was declared that the King of England and his heirs for ever were the lawful heirs of the crown of France, to be perpetually and indivisibly united with that of England; reserving to Charles VI.

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the enjoyment of it for his life; during which period, Henry, on account of the incapacity of Charles, was, under the title of regent, to exercise the functions of government.

The marriage thus stipulated was celebrated on the second of June 1420 at Troyes, from whence Henry of England proceeded to Paris, taking care in his rout to reduce to submission the towns which were in the interest of Charles the young Dauphin.

On the first Sunday of Advent in 1420, Henry entered Paris in a triumphant manner, accompanied by Charles VI. and his Queen, and their Court, and by the Duke of Burgundy. The people of Paris gave their acclamations, covered their streets with tapestry, and continued their feasts and rejoicings for four successive days. The treaty of Troyes was accepted and confirmed at Paris by the oaths of allegiance of the citizens; and the greatest part of the towns of France had followed the example of the capital.

In the King's council, and in the parliament of Paris an arrêt was pronounced on the third of January 1420-21, by which the Dauphin was deprived of all succession, honours, and dignities in France, and all his subjects and vassals liberated from their oaths of feodality or allegiance to him.

From this unjust arrêt Charles the Dauphin, then at Poitiers, appealed to God and to his sword. He sent ambassadors to all the princes in alliance with the kingdom of France to supplicate assistance; and particularly sent ambassadors to Scotland, of whom the Duke de Vendome was one, trusting that from the ancient alliances with Scotland, the most ready and effectual assistance might be expected from that country.

The consequence of that embassy was, that the regency and states of Scotland, notwithstanding that James their sovereign was then detained a prisoner in England, agreed to assist France with a respectable force to the amount of seven thousand well chosen troops, under the command of leaders of the first distinction in rank and character; of which number there were John Stewart Earl of Buchan,

Buchan, second son of Robert Duke of Albany governor of Scotland, Archibald Earl of Wigton, eldest son of Archibald Earl of Douglas, and Sir John Stuart of Derneley.

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To Sir John Stuart of Derneley, the honour and trust of Constable of the Scots army in France was committed; and there is reason to think that the ambassadors from France had received particular instructions for requesting the aid of Sir John Stuart personally, and his friends and followers; for in the lettres patentes, hereinafter mentioned, granted in March 1422 by Charles VII. the King particularly mentions that it was at his solicitation and request that Sir John Stuart of Derneley had come from Scotland to France, bringing with him a great company of men at arms and archers, at an essential period, when their assistance was much needed by him.

The precise year in which this expedition to France took place has been differently related by the different English and Scottish authors, some of them placing it in the year 1419, others in 1420, and others in 1421*; but this point is more accurately stated in the annals and records kept in France, particularly in the "Chroniques et Annales de France par Nicole Giles, Secrétaire du Roy, revues et corrigées par Belleforêt Commongois," printed at Paris anno 1621, in folio. In the chapter relating to the events of the years 1420 and 1421, folio 327, verso, there is the following paragraph:

"En France vinrent au secours de Monseigneur le Dauphin plusieurs grands Seigneurs d'Ecosse avec grande armée dont étoient

* There is a deed executed by Sir John Stuart of Derneley in Scotland, in September 1419, which shews that he had not then set out for France. It is dated 21st September 1419, by which John Stuart therein described Lord of Derneley mortifies to the *Predicant Friars of Glasgow* two bolls of corn and two bolls of bear from the mains of Cruxton, and two bolls of meal from the mill of Derneley.

This deed is in the possession of the University of Glasgow, who succeeded to the revenues of the Predicant friars of Glasgow.

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“ conducteurs et chefs le Comte de Boucain et de Victon, et
 “ Messire *Jean Stuart Connestable d’Ecosse*; lesquels guerroyoient
 “ fort contre les Anglois, et fut parceque leur roi étoit lors detenu
 “ prisonnier en Angleterre, et l’année ensuivante le roi d’Angleterre
 “ amena en France le roi d’Ecosse en intention que les Ecossois qui
 “ étoient avec le Dauphin se retournassent avec lui, mais ils n’en
 “ voulurent rien faire et toujours tinrent le parti de Monseigneur le
 “ Dauphin qui pour lors avoit pris nom et titre de regent.”

The remarkable services rendered to Charles VII. of France by the troops which went from Scotland to his assistance, and by their leaders, are ascertained by the concurring testimony of the French, English, and Scottish historians; and it is admitted that to their gallantry and efforts Charles was chiefly indebted for the first favourable turn of his affairs, when he was reduced to the lowest ebb by his own rebellious subjects, and by the repeated successes of the English who fought against him, first under the command of the gallant and heroic Henry V. of England and his brother the Duke of Clarence, and afterwards under the command of some distinguished English noblemen, reckoned the ablest generals of that age.

The first assistance which Charles the Dauphin received from any foreign power whatever, was that which he received from Scotland; and soon after the arrival of the Scotch troops he obtained a signal victory at the battle of Baugé in Anjou, fought on the 22d day of March 1421; at which battle the Duke of Clarence, brother of King Henry of England, commanded the English forces, and was killed with a great number of his countrymen. The French authors state that two thousand English were killed, amongst whom were the Earls of Kent and of Suffolk, Lord Grey and Lord Roos; and that there were two hundred prisoners, of which number were the Earl of Somersfet and his brother Thomas de Beaufort, whom they call princes of the blood royal of England, and the Earl of Huntingdon.

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They further state, that this victory cost the Scotch and French eleven hundred men, and of that number Prince Charles of Bourbon, grand Bouteiller de France.

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John Stuart Earl of Buchan, son of Robert Duke of Albany, governor of Scotland, commanded the Scottish forces, and Sir John Stuart of Derneley his cousin, acted as constable of these forces.

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That Sir John Stuart of Derneley, and those of his friends who accompanied him personally from Scotland, had a principal share in the victory of that memorable day, is most formally acknowledged by Charles VII. himself, in his lettres patentes in favour of Sir John Stuart, dated at Bourges the 22d of March 1422, recorded in the Chambre des Comptes at Paris on the 10th of April 1423, and verified in the parliament held at Poitiers on the 30th of July 1425.

By these letters patent Charles made a grant of the lands of Aubigny in the province of Berry in favour of John Stuart, described "Seigneur de Derneley et de Concreffault, Connétable de l'armée d'Ecosse." Which grant proceeds upon a recital highly honourable to him: Charles there declares, "Qu'ayant parfaite connoissance que notre cher et aimé cousin *Jean Stuart* *, *Seigneur de Derneley et de Concreffault*, Connétable de l'armée d'Ecosse, à notre priere et requête est venu du dit pays d'Ecosse, et amené avec lui grande compagnie de gens d'armes et de traict, en intention et

* From this period it has been judged expedient to make an alteration in the spelling of the name of Stewart when applied to Sir John Stuart of Derneley or to his brother Sir William Stuart, by making it *Stuart* instead of *Stewart*; for while they were in France the name Stuart must have been so spelt, as appears from the French historians, and from the letters patent above-mentioned, because w is not a letter in the French alphabet; and it is supposed that this had given rise to some of the descendants from these two brothers writing their names *Stuart* instead of *Stewart*, to mark their connexion with that branch of the Stuarts who had distinguished themselves in France. At the same time it must be confessed that even those who adopted that mode did not do so uniformly, but sometimes wrote their names *Stewart* and at other times *Stuart*. No argument however is meant to be founded on a circumstance so inconclusive as that of the mode of spelling the name, but it has been thought proper to take notice of this variation and of the probable origin of it.

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“mettant à effet les anciennes alliances de royaume de France et d’Ecoffe à notre très grand besoin affaire et necessité, nous à servi et fait encore chacun jour à l’encontre des Anglois nos anciens ennemis,” &c. The same letters patent expressly mention, that John Stuart and the troops brought with him had been employed “in these services during the space of three years or thereabouts,” (l’espace de trois ans ou environ,) which fixes the time of his arrival in France to the year 1420 or 1421, the letters patent being dated the 22d of March 1422, which in modern style was 1423.

There is also in these letters patent, a clause which particularly mentions the services rendered by Sir John Stuart at the battle of Baugé, thus: “En laquelle bataille le dit Jean Stuart se maintint et gouverna comme vaillant et courageux Chevalier, et nous servit tout grandement, liberauement, et de si grande volonté lui et fa dite compagnie, qu’à toujours nous en devons reputer être tenûs à lui et à notre pouvoir le reconnoitre attendu mesmement que par lui et autres moyennant la grace de notre Seigneur donnée a été à la dite journée victoire contre grande partie de nos anciens ennemis*,” &c.

In

* Upon the 23d of April 1421, which was within a month after the battle of Baugé, Charles, then Dauphin, granted letters patent in favor of Sir John Stuart of Derneley, by which he gave to him the lands and chatellerie of Concreffault in the province of Berry. These letters patent, issued so recently after the battle of Baugé, most probably must have mentioned still more particularly the services rendered by Sir John Stuart and his friends at that battle. The author, when in France in the year 1789, made much search for them in the *Chambre des Comptes*, the *Treor des Chartres*, and elsewhere, without being able to find them; but there can be no doubt that such letters patent were granted, for besides Sir John Stuart’s being described as above Seigneur de Concreffault, the grant of these lands is particularly specified in a book of great authority, “*Duveys des Droits du Roy*,” p. 785, where there is the following article: “*Lettres Patentes portant don de la terre & seigneurie de Concreffault à Jean Stuart, le 23 Avril 1421.*” It is also mentioned by Blanchard in

his

In the fame grant it is mentioned, that his majeſty had promiſed to grant to him two thouſand livres a-year in order to aid him in ſupporting his ſtate honourably, and in order that he might be the more diſpoſed to remain in his ſervice, on account of which he had quitted his wife and children, and his other relations and friends in Scotland, and had abandoned his rents, revenues, and poſſeſſions, “*dont il vivoit grandement et notablement* *.”

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The terms of the above grant prove that Sir John Stuart of Derneley had brought with him from Scotland a great number of gens d'armes et de traict, particularly attached to his perſon, and under his command; from whence it would naturally be preſumed, that his brother Sir William Stuart, who held his lands of Caſtlemilk under him by a military tenure, and was particularly attached to him, would be of the number of thoſe who accompanied him to France. But this matter has not been left to conjecture; for there has fortunately been diſcovered in the records of the Chamber of Accompts at Paris, the moſt unqueſtionable and ſatisſactory evidence, that William Stuart, deſcribed as brother of John Stuart the Conſtable of the Scotch army, was of the expedition to France, and in a military capacity. Which proof from the records gives great additional weight and force to the accounts,

his Compilation Chronologique, p. 236, though by miſtake he ſuppoſes the John Stuart to whom it was given to have been John Stuart Earl of Buchan.

It is to be obſerved, that from there being two John Stewarts with the Scottiſh army in France, to wit, John Stuart Earl of Buchan, who attained the rank of Connétable of France, and Sir John Stuart of Derneley, who was Connétable of the Scottiſh army in France, that ſimilarity of names and offices has occaſioned many blunders and miſtakes in the French, Engliſh, and Scottiſh authors, by aſcribing to the one John Stuart what belonged to the other. But in this preſent Genealogical Hiſtory no facts are ſtated with regard to Sir John Stuart of Derneley, but ſuch as are vouched by the moſt unqueſtionable evidence; ſuch as letters patent, extracts from the records of the Chamber of Accompts, and other evidence of ſimilar undiſputed authority.

* Vide App. N^o II. where the whole of the above grant or letters patent, is printed, which

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which will be hereinafter stated, given by the French historians concerning the gallant actions of the two brothers, Sir John and Sir William Stuart.

In the course of a diligent search made in the records of the Chambre des Comptes at Paris, while the author was there in the year 1789, it was found that the military accounts of the payment of the troops which served under Charles VII. were still preserved and in good order, consisting of a great many volumes; and in these, two articles were found of money paid to William Stuart, in the years 1421 and 1422 or 1423.

The first of these articles is extracted from the accounts of Macé Heron, Tresorier des Guerres, whereof the title is: "Conte rendu par Macé Heron, Tresorier des Guerres du Roy notre Sire, et de Monseigneur le Regent de royaume, Dauphin de Viennois, Duc de Berry de Tourraine, Comte de Poitou, des recettes et mises par lui faites à cause de son dit office, pour le payment, tant des gens d'armes et de trait qui ont servi les dits Seigneurs en leur guerres, en plusieurs marches, pays, et frontiers de ce royaume, comme autrement, pour treize mois entiers, commençans le premier jour de Novembre l'an 1421, et finis le dernier jour de mois de Novembre après ensuivant 1422." In that account, folio 26, there is the following article:

"Guillaume Estuart, Ecuyer, et dix sept autres Ecuyers de sa compagnie, reveues à la Rochefoucault le 20^{iem} jour de Decembre l'an 1421, somme du service à lui par sa quittance escrite le 24^{iem} jour du dit mois celui an cy rendue deux cent quatre vingt huit livres, cy 288 Tournois."

On the margin of this article there are the following words of the same hand-writing: "Frere de Monsieur le Connestable du pays d'Escoffe."

The other article is taken from the account rendered by "Hamon Raguier, Tresorier des Guerres du Roy notre Sire, de la recette et
" depense

“ depenſe par lui faite à cauſe de ſon office, depuis le premier jour
 “ de Novembre l’an 1422, juſqu’au dernier jour de Decembre 1423,
 “ lequel temps a 14 mois entiers.”

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In folio 94 of that account, there is the following title of a certain claſs of payments therein ſtated, to wit: “ Deniers payés par mandement du Roy notre Sire à certains capitains et connestables de gens d’armes, arbaleſtriers et targens du pays de Lombardie et autres, ordonnés par le dit Seigneur etre et demeurer en ſa ville de Bourges tant pour la ſuretè de ſa perſonne et illec le ſervir, comme par tout ailleurs ou il lui plaira ordonnez.”

In folio 117 of that claſs of payments, there is the following article:

“ Pour la garde de deux tours de la cheſne de la ville de la Rochelle et de la tour de Morelle.

Folio idem, verſo;

“ *A Meſſire Guillaume Stuart, Eſcuyer, du Pays d’Eſcoſſe, frere de Monsieur le Conneſtable, deux cent livres Tournois, cy 200 l. Tour.*”

Upon the diſcovery thus made of theſe and other articles in the records of the Chambre des Comptes at Paris, the author was informed that in order to get them properly authenticated, it would be neceſſary for him to preſent a petition or requètè to the auditors of the Chambre des Comptes for their authority to have the extracts made and ſigned by the proper officers to be delivered to the petitioner; whereupon an arrèt was pronounced, ordering the extracts to be made by one of the counſellors auditors of the Chambre des Comptes; and accordingly the extracts thus made and authenticated in the proper form were delivered to the author, and are now in his poſſeſſion.

The ſame fact is alſo aſcertained by a certificate of Monsieur l’Abbè de Bevy, historiographe de France, who had occaſion to examine the original records of the Chambre des Comptes at Paris, and certifies the extracts relating to William Stuart the brother of the conſtable

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of the Scottish army in France, to be conformable to the original. This certificate is signed at London the 6th of November 1794, by Monsieur l'Abbé de Bevy, then and now in London, and it makes a part of the Historical and Genealogical Dictionary, composed by him from the records in the Chambre des Comptes.

None of the French, English, or Scotch authors have given any circumstantial or distinct account of the actions performed by individuals at the battle of Baugé, otherwise it may reasonably be presumed that the merits of Sir John Stuart of Derneley, and of his company of men of arms on that day, so amply and gratefully acknowledged by Charles of France himself, in the letters patent above-mentioned, would have been placed in a more conspicuous light. It is only by the accident of these letters patents being preserved, that it is known with certainty that Sir John Stuart and his company had a great share in the victory of that day; and this is confirmed by the confidence which Sir John Stuart ever thereafter enjoyed from the King of France.

Some other accidental discoveries tend to confirm the accounts given by Charles of Sir John Stuart's exertions at the battle of Baugé: particularly in the course of the researches made in different dépôts at Paris by the author while there in the year 1789, it was discovered, that at the battle of Baugé Sir John Stuart had taken prisoner the brother of the Earl of Somersset, a very considerable person in the army of the English. This is proved by an authenticated extract from the records at the Abbaye of St. Martin des Champs, taken from a parchment roll which had formerly belonged to the Chambre des Comptes of Paris, which had come into the possession of that Abbaye; in which roll there is stated the sum of 500 livres Tournois paid to John Kirkmichiel (probably Carmichael) of the country of Scotland, to assist him in supporting the charges and expences which he had incurred, or might incur, in consequence
of

of his being come to wait upon Monseigneur le Regent, (then Charles the Dauphin,) to settle with him to have, by his permission, " Le frere du Comte de Sommerfét *prisonnier de Messire Jean Steuuart, Connetable de l'armée d'Escoffe,* et pour la délivrance du Sire de Barbazan prisonnier, et pour certaines autres causes et considerations à ce mouvans mon dit Seigneur pour ce par vertu des lettres patentes données par le dit Seigneur le Regent le 21. jour de Decembre expedées le 24^{iem^e} jour ensuivant (1421)."

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The brother of the Duke of Somersét was Thomas de Beaufort, whom the French historians mention to have been taken prisoner at the battle of Baugé, without mentioning by whom. He must have been considered as a valuable prisoner, as from the above extract it appears probable that the intention was to have him exchanged for the famous Barbazan, who had so gallantly defended Melun when besieged in 1420 by Henry V. who with difficulty, after a siege of many months, got possession of that place, when famine alone induced Barbazan the governor to capitulate.

In the Schotichonicon, vol. ii. p. 461, it is said, that "among the prisoners taken at the battle of Baugé, there were the Earl of Somersét, and Dominus Thomas brother of the said Earl, who were brothers of Johanna Queen of the Scots; and that this Thomas brother of the Earl of Somersét was taken prisoner by John Kirkmichael, who broke a spear upon the Duke of Clarence." But the above extract from the lettres patentes granted by the Dauphin on the 21st of December 1421, establishes with more certainty, that Thomas the brother of the Earl of Somersét had been taken prisoner by Sir John Stuart of Derneley, especially as John Carmichael, by accepting these lettres patentes containing that declaration, concurred in the statement there given*.

The

* The person of the name of Kirkmichael or Carmichael, alluded to in the preceding paragraphs, was probably the same person who was afterwards made Bishop of Orleans;

The loss sustained by the English army at the battle of Baugé, and the apprehension of its consequences, made Henry, then in England, resolve to hasten his return to France; where he arrived in June 1421, with great reinforcements to his army. Some of the French historians say that he brought with him 6000 men at arms, and 24,000 archers, which together they reckon to amount to near 50,000, reckoning every man at arms to have about three attendants. Hume, from the authority of Monstrelet, says, that the army consisted of 24,000 archers and 4000 horsemen, by which it is supposed is meant *hommes d'armes*. Henry marched directly to Chartres, then besieged by the Dauphin with a considerable army. The forces of Henry, joined by those of the Duke of Burgundy, obliged the Dauphin to raise the siege of Chartres, and to retire to Tours with his army. Thereafter Henry made himself master of Dreux and

concerning whom there is in Hume of Godscroft's History of the Douglasses, vol. i. p. 244, the following paragraph: "There was also amongst those who escaped at this battle of Verneuil, one John Carmichael, of the house of Carmichael in Douglassdale, who was chaplain to the Duke of Tourain, a valiant and learned man, who remained in France, and was for his worth and good parts made Bishop of Orleans. The French History calleth him Jean de St. Michell, (for Carmichael), Esveque d'Orleans, Escoffois de nation. He is mentioned in the particular story of the Maid of Orleans, and in the *Annales Ecclesie Aurelianensis auctore Carolo Saussieyo Aureliano*." But the more probable account of the circumstances which led to John Carmichael's being appointed Bishop of Orleans is given by Symphorien Guyon in his History of Orleans, p. 181, where he writes as follows: "En ce temps les Escoffois rendirent au Roi Charles Septiesme des grandes assistances dès le commencement de la guerre des Anglois, et combattirent vaillamment sous la conduite de Jean Stuard Connestable d'Escoffe, auquel le Roi donna, en recompense de sa valeur et de ses bons services, la Seigneurie d'Aubigny en Berry, & lui permit d'ecarteller ses armes avec celles de France, lui faisant expedier ses lettres patentes de cette donation & permission l'an de grace 1427. Et ce fut peut être pour cette consideration, que Jean de St. Michel Escoffois fut promu à l'Evêché d'Orleans, qui se trouva vacant par la mort de Guy de Prunelay, au même tems que les Escoffois faisoient un tel devoir et de si beaux exploits de guerre pour la defense de la France."

Meaux,

Meaux, the last of which places made a most obstinate resistance during several months, the siege having begun on the 6th of October 1421, and continued till the 4th of March 1422, when it surrendered to him.

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After the taking of Meaux Henry repaired to Paris, where he was joined by his Queen, and there they held their court with great magnificence.

Those attached to the Dauphin had in the mean time reaped some advantages, in some conflicts of lesser importance in different parts of France; but the Dauphin's army, at the head of which he was himself, was reduced to about 20,000 men. He besieged Cosne upon the Loire, which capitulated, and gave hostages to surrender the 16th of August 1422, if not relieved before that time. On this news reaching Henry at Paris, he assembled all his troops, and sent notice to the Duke of Burgundy to join him. The King of England himself, in spite of a dangerous illness, got on horseback and marched at the head of his army. The disease increasing, he was obliged to stop short at Melun, and left the conduct of his army to his two brothers, the Dukes of Bedford and of Gloucester. These princes joined the Duke of Burgundy, and they arrived at Cosne before the day appointed for the surrender. The Dauphin was obliged to restore the hostages, and to retire into the province of Berry. The three Dukes passed the Loire, and pursued the Dauphin to the walls of Sancerre.

The opposite armies were within a league of each other, and a battle, which would have been very hazardous for the Dauphin, seemed inevitable, when an unforeseen event recalled to Paris the Dukes of Gloucester and Bedford.

Their brother, the King, whose illness daily increased, had been carried in a litter from Melun to Paris. His illness was declared incurable. This intimation he received with great composure and fortitude,

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fortitude, and gave his directions with regard to the education of his son, and the affairs of England and of France. The regency of England he gave to his brother the Duke of Gloucester. For the regency of France he appointed his brother the Duke of Bedford, jointly with the Duke of Burgundy, if he chose to accept of that office, or sole regent if the Duke of Burgundy declined to accept. On the 31st of August 1422, Henry expired at Paris, in the thirty-fourth year of his age, and the tenth of his reign.

In less than two months after the death of Henry V. of England, Charles VI. of France, his father-in-law, died 21st October 1422. The Dauphin was proclaimed and crowned King of France at Poitiers, under the name of Charles VII. But Henry VI. King of England, son of Henry V. and Katherine of France, was proclaimed at Paris King of France.

Though the death of Henry, that gallant and successful warrior, and the infancy of his son and successor, might at first view be considered as likely to be productive of advantages to the interests of Charles VII. of France; yet from the superior advantages which his rival possessed, the total expulsion of Charles from France was an event which seemed much more probable than his final success. For though Henry VI. was in his infancy, the administration had devolved upon the Duke of Bedford, the most accomplished prince of his age, whose experience, prudence, valour, and generosity perfectly qualified him for this high office. The whole power of England was at his command; he was at the head of armies enured to victory; he was seconded by the most renowned Generals of the age, the Earls of Somersets, Warwick, Salisbury, Suffolk, and Arundel, Sir John Talbot, and Sir John Fastolfe: and besides Guienne, the ancient inheritance of England, he was master of the capital and of all the northern provinces, which were best enabled to furnish

him with supplies both of men and money, and to assist and support his English forces.

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On the other hand, Charles, notwithstanding the present inferiority of his power, possessed some advantages, partly from his situation, partly from his personal character, which promised him success, and served first to control, then to overbalance, the superior force and opulence of his enemies. He was the true and undoubted heir of the French monarchy: every Frenchman who knew the interests, or desired the independence of his country, turned his eyes towards him as its sole refuge. His exclusion, occasioned by the imbecility of his father, and the forced or precipitate consent of the States, had plainly no validity. That spirit of faction which had blinded the people could not long hold them in so gross a delusion. Great nobles and princes, accustomed to maintain an independence against their native sovereigns, would never endure a subjection to strangers; and though most of the princes of the blood were, since the fatal battle of Agincourt, detained prisoners in England, the inhabitants of their demesnes, their friends, their vassals, all declared their zealous attachment to the king, and exerted themselves in resisting the violence of foreign invaders.

Such is the description given by the best historians, and particularly by Hume in the Life of Henry VI. of the situation of the rival monarchs after the death of Henry V; where, with his usual impartiality, Hume states his own opinion upon the pretensions of these rivals, and further gives the following just character of Charles VII.

“ He was a prince of the most friendly and benign disposition; of easy and familiar manners, and of a just and sound, though not a very vigorous understanding. Sincere, generous, affable, he engaged from affection the services of his followers, even while his low fortunes might make it their interest to desert him; and the lenity of his temper could pardon in them those follies of discontent,

P A R T " tent, to which princes in his situation are so frequently exposed.
 III. " The love of pleasure often seduced him into indolence; but
 N^o IX. " amidst all his irregularities the goodness of his heart still shone
 B R A N C H II. " forth; and by exerting at intervals his courage and activity, he
 Villaret, tom. " proved that his general remissness proceeded not from the want
 14. p. 137. " either of a just spirit of ambition, or of personal valour."

This sketch of the situation of parties at that time in France, and of the characters of those placed at the head of the contending factions, may be of utility, in accounting for the vicissitudes and disasters which took place for several years after Charles VII. succeeded to the crown of France; and is necessary for appreciating the merits of those leaders and officers of the Scottish army in France, who, during the severest trials, continued firmly attached to the interests of Charles.

Of all the distinguished officers, or leading men who went from Scotland to the assistance of Charles, Sir John Stuart of Derneley, the Constable of the Scottish army, and his brother Sir William Stuart, were those who the most uniformly, and during the greatest number of years, dedicated themselves to the interests of that unfortunate and persecuted monarch, for enabling him to attain the crown which justly belonged to him; and whose interests were at that time considered to be the most intimately connected with those of Scotland.

It is not possible to give a particular account of the various actions or combats in which Sir John Stuart or his brother were concerned, from the time of the battle of Baugé in 1421, to the close of their lives in the year 1429. The histories of France are very imperfect in their details of the numerous battles and sieges which happened during the years which immediately followed Charles's succession to the crown. A French historian of considerable reputation, Villaret, makes a good apology for not entering into these

these details ; he expresses himself thus : “ Si l'on vouloit s'attacher
 “ à rendre un compte exact de tous les evenemens il faudroit à chaque
 “ instant transporter le lecteur dans toutes les parties du royaume ;
 “ il ne se passoit pas du jour qui ne fut marqué par quelque com-
 “ bat ; il n'y avoit pas de province qui ne fut un theatre d'hostilites
 “ perpetuelles.”

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There can be little doubt that Sir John Stuart of Derneley and his brother Sir William were much employed during that constant course of warfare ; especially as in the letters patent already mentioned by Charles in favor of Sir John Stuart of Derneley, there is the following declaration by his Majesty : “ *Il nous a servis et fait encore chacun jour à l'encontre des Anglois nos anciens ennemis.*”

Though the particular details are not to be learnt from the histories of France, the records of the Chambre des Comptes afford evidence, upon many occasions, of the active services in which Sir John Stuart was engaged, and of the confidence placed in him.

In the accounts of Hamon Raguier, Tresorier des Guerres, which comprehended the period from the 21st of November 1422, to the last day of December 1423, under the title of “ Tauxations, Rempenses, Estats, Ancienes Compositions, et autres deniers payé par Mandemens du Roy notre Sire, durant le temps de ce present Compte,” there are various articles relating to Sir John Stuart of Derneley ; the services rendered by him, the expences he had incurred, and the allowances granted to him by Charles. An exact copy of these articles in the records of the Chambre des Comptes is printed in the Appendix, N° III. ; from the perusal of which the following particulars are ascertained.

1. That Sir John Stuart of Derneley had a particular compagnie de gens d'armes et de trait from Scotland, attached to himself and
 under

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under his command; on account of the expence of which company Charles of France, by his letters dated at Melun, 18th of November 1422, ordered five hundred livres Tournois to be paid monthly to Sir John Stuart "pour l'etat de sa personne."

2. That the King had allotted to the said Sir John Stuart a great additional charge and retinue de gens d'armes et de trait belonging to Scotland; and in general had given to him all the charge of the Scottish gens d'armes et de trait then in France in his Majesty's service.

3. That on account of the great charges, equipments, and expence to which Sir John Stuart was subjected, his Majesty ordered the treasurers of his finances to pay to him thereafter monthly 500 livres, "pour l'etat de sa personne;" and as that sum would not be sufficient to furnish the necessary expence, in order to enable him to support his state more honourably, and to assist him in defraying other great expences and equipments which would be suitable for him to incur for the entertainment of the captains and other gens d'armes et de trait of Scotland under his charge, it was ordered, that for the future he should have by way of gift an additional sum of 500 livres monthly, making together 1000 livres, that is to say, 500 livres "pour l'etat de sa personne," and other 500 livres "pour don."

4. That in consequence of these orders the 1000 livres monthly, were paid to Sir John Stuart for eight months, from the 22d of November 1422 to the 20th of July 1423.

5. Further, by letters granted by Charles at Bourges on the 22d of June 1423, it appears, that with the advice and deliberation of his grand council, he gave orders to Sir John Stuart to assemble all the Scottish troops then in his service and to pass the river of Loire, and to lead them into the country of Auxerrois and Nivernois, to make war on the English, and all other enemies and adversaries of the King of France, and to reduce them to obedience. And in order to engage

them the more liberally in that service, it was agreed between the Grand Council and the Constable of the Scottish army, that there should be paid to them for two months the sum of 30,000 livres, in manner following; to wit, an immediate payment of 10,000 livres; in the end of July then next a further sum of 5000 livres; and in the end of September then next a further sum of 15,000 livres.

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In consequence of this last order it appears that 10,000 livres were paid to Sir John Stuart, by his receipt dated 28th of June 1423.

Soon after the march of the troops under the command of Sir John Stuart into the Auxerrois, the battle of Crevant took place, the circumstances of which are differently related by different authors.

Rapin (vol. i. p. 538) gives the following account:

“ Charles had no sooner received this news, (Salisbury’s intention of besieging Crevant,) but he ordered Stuart, who was lately reinforced from Scotland, to draw some troops out of the neighbouring garrisons, and join Du Châtel in order to attempt the relief of Crevant. All these forces together, made a body of ten thousand men, whereof, by order of the King, the Marshal de Sévêrac went and took the command. But as it required some time before they could be joined in one body, Salisbury had sufficient leisure to take the place. After that, not knowing yet the designs of the French, he joined Suffolk before Montaigu.

“ Meanwhile the French army, drawn together in Auxerrois, marched to Crevant, which they had not been able to relieve, and besieged it. The army was commanded by the Marshal de Sévêrac, who had under him Du Châtel, Stuart, Ventadour, and some other officers of note. The Duchess Dowager of Burgundy then at Dijon, sent immediately to the Marshal de Toulangeon and all the Burgundian nobles to try to relieve Crevant. At the same time she desired the Earl of Salisbury to join her generals in order to raise the siege. Salisbury was very sensible how neces-

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“fary it was to comply with the Duchefs’s request, and therefore
 “leaving part of his troops before Montaigu, the garrison whereof
 “was reduced to twenty men, repaired to Auxerre and joined the
 “Burgundians. Next day, they marched together to Crevant.
 “They had in all but six thousand men; however they were some
 “of the best foldiers then in Europe. The besiegers, hearing of
 “their march, raised the siege in order to meet them, and posted
 “themselves at some distance from Crevant upon a hill, where it
 “was very difficult to force them. The resolution of the French
 “generals surpris’d the English and Burgundians, who seeing no
 “possibility of attacking them in that post, altered their rout, and
 “as if they had some other design, pass’d the Yonne at Cologne-le-
 “Vimeaux, with intent to repass it at some other place and proceed
 “to Crevant. The French, finding that by this march their station
 “on the hill was become usefess, descended and posted themselves
 “by the river side, in order to defend the passage. The two armies
 “remained above three hours facing each other with the river be-
 “tween them. At length a body of English gaining a certain
 “bridge, withstood the efforts of the French army with uncommon
 “resolution, and gave the rest of their troops time to come to their
 “support. This action, which was one of the boldest, was per-
 “formed with that bravery, order, and conduct, that it was not
 “possible for the French to beat them from the bridge. As soon
 “as all the English and Burgundians were over, they so vigorously
 “attacked their enemies, that they put them to the rout. *The*
 “*Marshal de Severac* was blamed for retiring so soon, and leaving
 “*Stuart* engaged with the Scotch troops. There was slain on the
 “spot above five hundred, most of them Scotch. As many more
 “were made prisoners, among whom were *Stuart* and *Zaintrailles*,
 “with forty officers of note.”

The account of the battle of Crevant given by the French histo-
 rian Villaret, tom. xiv. of his History of France, p. 281, does not
 differ

differ much from that given by Rapin, in the most material particulars, excepting that according to Villaret's account, the English and Burgundians were superior in number, as well as in discipline, to the French and Scotch. Villaret's account concludes thus : " La défaite des royalistes fut entiere, malgré des prodiges de valeur : quinze cens de leurs plus braves guerriers resterent sur le champ de bataille. Le nombre de prisonniers fut encore plus considerable ; Stuard, le Comte de Ventadour, Gamache, et Xaintrailles étoient parmi ces derniers. *On accusa le Maréchal de Sévérac d'avoir pris la fuite avec le corps qu'il commandoit.*"

With regard to the fact concerning the Marshal de Sévérac, there is a reference on the margin of Villaret to a manuscript Chronicle of France in the Royal Library at Paris, N° 10,297. That manuscript had been recommended to the author by M. de Brequigny, member of the Academy of Sciences and Belles Lettres at Paris, for information concerning the battle of Crevant ; in consequence he applied for, and got access to it in the Royal Library, and having copied the account there given of that battle, he found that the expressions made use of with respect to the reproachful behaviour of the Maréchal de Sévérac are as follows : " Et à la venu du Comte de Salisbury et du Seigneur de Toulongeon le Samedi dernier jour * Aoust 1423, assembla le dit Connétable (d'Escoffe) à bataille contre Anglois et Bourguignons, *mais le Maréball de Sévérac sans assembler print la fuite laide et honteuse.*"

The said manuscript continues thus :

" La est dure et merveileuse bataille donc Bourguignons et Anglois eurent victoire. En cette bataille furent pris (ou prisonniers), le Connestable d'Escoffe, qui a un oeil y eut crevé, le Comte de Vantadour, les Seigneurs de Gamaches et de Belloy, et 44 autres gentilhommes de nom et d'armes, et plusieurs y ont occis, et

* The last day of *August* is here by mistake placed for the last day of July.

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“ tint prison pour aucun temps le dit Conestable d’E scoffe, après
 “ la delivrance duquel le Roi lui donna le Comté d’Evreux,” &c.

Belleforêt, in his *Annals and General History of France*, published at Paris in the year 1579, vol. ii. fol. 1069, also gives an account of the battle of Crevant; but by mistake has confounded John Stuart Earl of Buchan, Constable of France, with John Stuart of Derneley, Constable of the Scottish army in France: and has supposed that the troops at the battle of Crevant were under the command of John Stuart Earl of Buchan. Amongst the prisoners at that battle he mentions as follows: “ Y étant pris le
 “ Comte de Bouchan, qui y perdit un œil, le Comte de Vantadour,
 “ les Seigneurs de Gamathes, de Velay, de Favieres, de Bournon-
 “ villiers, le Louë; Messire Guillaume Forrestier, et plusieurs
 “ autres; et entre les morts, le nombre desquels estoit fort grands,
 “ furent le Batard de Yuoy, Messire Karados, neveu du Comte de
 “ Bouchan, Thomas Seton, *Guillaume Hamilton, et Messire David*
 “ *son fils, E scoffois,*” &c.

Belleforêt then gives a verbatim copy of a letter written by the Earl of Suffolk on the 1st of August 1423, to the Chancellor and Council at Paris of his Sovereign Lord Henry, King of England and France, giving an account of the battle fought the preceding day by the forces under his command against the French forces; which letter is as follows:

“ A mes très chers Seigneurs les Chancelier, Gens du Conseil du
 “ Roy nostre Souverain Seigneur estans à Paris.

“ Tres chers Seigneurs et Grands Amys, J’aye reçue voz lettres
 “ eferittes le dix huitiesme de Juillet dernier: surquoy vous plaira
 “ sçavoir que hier tost après soleil levant, est toute nostre puif-
 “ fance arrivée devant noz ennemys qui tenoient le siege devant
 “ Crevant, & tout funes en bataille à pied, si près d’eux, qu’il n’y
 “ avoit que la riviere ou milieu d’entre nous, & leur bataille
 “ d’embas: car ils tenoient trois batailles bien ordonnees; l’une à

“ la

“ la haulte montaigne deffus la ville, et l'autre à un autre mon-
 “ taigne au deffous de la dicte ville, qui duroit jufqu'à fur le bord
 “ de la riviere au deffous du pont: & l'autre groffe bataille estoit
 “ tout au bas entre les dictes deux montaignes et entre la riviere
 “ et la ville: & jufqu'environ midy nous & eux fumes en cest
 “ estat fans aborder. Mais de noz coureurs & archiers passerer
 “ la riviere és coutieres des deux montaignes &, les alloient escar-
 “ muchier, à laquelle heure ils se mirent à defloger en la dicte
 “ baffe bataille pour un canon qui estoit affis devers nous, &
 “ les grevoit moult, & lors noz gens comēcherent à passer la riviere
 “ où ils furent repouffez fi fort que vrayement Monſeigneur de
 “ Salefbry & nous cuidions avoir du pis: mais incontinant la Dieu
 “ Mercy, nous fumes raliez en fi bonne maniere, que malgré eux
 “ & leur trait nous paſſames outre, et lors se mirent en fuite & nous
 “ après à pied, & à cheval, ainſi qu'à l'heure nous pourfuyviſmes
 “ de fi près qu'il en eſt demouré trespou qu'il ne ſoit morts ou
 “ pris. Au moins nous certifie, que par le rapport des priſonniers
 “ & heraulx, la fleur d'eux ſont morts ou pris, entre queux pre-
 “ mierement eſt le *Conneſtable d'Eſcoche, Chef de leur Compagnie,*
 “ le Sire de Gamaches, & le Sire de Valoy, & bien jufqu'au nombre
 “ de trois cens, & de morts y eſt le *frere du dit Conneſtable d'Eſcoche**,
 “ et le baſtard de le Baulme, et le Sire de Severac, qui ſe dit
 “ Marechal de France, et le Sire de Guittry, & pluſieurs autres
 “ au nombre de trois mille fix cens & plus, comme ont rapporté

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* The brother of the Conſtable of Scotland here alluded to as killed at the battle of Crevant was moſt probably William de Hamilton, who was half-brother to Sir John Stuart of Derneley. What increaſes that probability is, that Belleforêt and other hiſtorians expreſſly mention William Hamilton, or William de Hamilton as killed in the battle of Crevant, and the particular mention of him ſhews that he muſt have been of diſtinguiſhed rank.

Hume in his Hiſtory, vol. ii. p. 327, ſays, that at the battle of Crevant “ the Con- ſtable of Scotland and the Count of Ventadour were taken priſoners; and above “ a thouſand men, among whom was Sir William Hamilton, were left on the field “ of battle.”

“ leurs

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“ leurs Heralux, & vous promets qu’il en est demoure bien pou
 “ de faufs ; à laquelle besoigne s’est porté noblement Moseigneur
 “ de Salesbry, tous les Seigneurs de Bourgoigne, & tous ceux de
 “ notre patrie & compagnie, sans fainetife ; et semblablement
 “ ceux de la ville se font très bien portez, & tout je vous assure
 “ en bonne foy. Quant a noz gens, pou y a eu de morts & croy
 “ qu’il n’y à environ trente. Après le bon-heure, dont Dieu fera
 “ loüé, nous sommes retourné au champ & y avons geu toute
 “ nuit, & nous, & Monseigneur de Salesbry sommes sains & faufs.
 “ Ecrit à Auxerre le premier jour d’Aoust.

“ Le tout vostre le Comte de Suffort, Sire de Hambre,
 “ et de Bruquellet.”

Belleforêt’s observation upon the above letter is ; “ Par cette
 “ lettre escrite au Patois d’un Anglois qui ne sçavoit l’ornement
 “ de notre langue, et qui estoit plus soldat que bon orateur, vous
 “ voyez comme les choses se passerent.” He further adds : “ Le
 “ Comte de Suffort se trompe disant que le Marechal de Sévérac fut
 “ occis, comme ainsi soit que Alain Chartier dit franchement *que ce*
 “ *Marechal s’enfuit* avec Richard de Leire et autres capitaines
 “ François, Espagnols, et Escossois, et qu’ils laisserent occir les
 “ vaillants, et les abandonnerent au besoign.”

From the French authors themselves it appears that the blame
 of the loss of the battle of Crevant was thrown principally upon
 the Maréchal de Sévérac, and the troops under his command. And
 a convincing proof that no blame attached upon Sir John Stuart
 of Derneley, the Constable of the Scots army, is, that subsequent to
 that battle he enjoyed great trust and confidence from the King of
 France and his Ministers, and received distinguished marks of favor
 from that monarch, as will appear in the sequel.

Some of the French historians mention, that in the course of the
 various battles which were fought between the French and the
 English

English in the years 1423 and 1424, the Lord Pole, brother of the Earl of Suffolk, was taken prisoner by the troops of Charles VII. and that he was exchanged for Sir John Stuart of Derneley, who had been made prisoner at the battle of Crevant. But others of these historians say, that he was exchanged for the Marshal de Toulangeon, taken prisoner at another battle. It is not precisely ascertained at what time Sir John Stuart was exchanged, or at what time he was sufficiently recovered of his wound and the loss of his eye, to be able to engage again in active service.

Neither does it appear from the French histories whether Sir John Stuart, or his brother Sir William, were amongst the number of those present at the fatal battle of Verneuil, which took place on the 17th day of August 1424. At that battle the commander in chief of the Scots and French forces was Archibald Earl of Douglas, and next to him in command was his son-in-law John Stuart Earl of Buchan, Constable of France. No French historian has mentioned either Sir John Stuart of Derneley, or his brother Sir William as engaged in the battle of Verneuil.

In the course of the year 1423, John Stuart Earl of Buchan, and the Earl of Wigton, eldest son of the Earl of Douglas, had gone from France to Scotland, at the desire of the King of France, to solicit a reinforcement of troops from Scotland, and particularly to solicit the personal aid of Archibald Earl of Douglas.

In consequence of that embassy the Earl of Douglas engaged in the service of France; and there is in the Treasor des Chartres kept at Paris, the original deed signed by the Earl of Douglas at Glasgow in Scotland, the 26th day of October 1423, by which the Earl, upon a recital of the ancient alliances, friendships, and confederacies which had for a long time subsisted between the kingdoms of France and of Scotland, which it was his desire to the utmost of his power to keep and augment; he therefore thereby promised and swore upon

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the Holy Evangile, in so far as depended upon him, perpetually to observe the said alliances; and also promised and swore to pass into France in the ship which was then waiting for him, with his beloved son the Earl of Buchan, Constable of France, and the ambassadors of the King of France which had been sent into Scotland; and that he should be ready to depart for France upon the 6th day of December then next, and should lead with him in his company
 “ plusieurs seigneurs et ———* hommes d’armes, et archiers, pour
 “ servir mon dit Seigneur le Roy à l’encontre ses anciennes ennemies
 “ d’Angleterre, et tous autres ses ennemies quelque que soit.”

There is also in the Trefer des Chartres the original oath of fidelity signed and sealed by Archibald Earl of Douglas after his arrival in France, dated at Bourges, the 19th day of April 1423, “ avant Paque,” which in modern style was 1424. In that ferment de fidelité the Earl of Douglas, who therein takes the title of Duc de Tourraine and Earl of Douglas, recites, “ That the King of France had been graciously pleased from his love and confidence in him to call him to his service, and to appoint him his Lieutenant General sur le fait de sa guerre par tout son royaume;” and further had been pleased, from his great liberality, and in order that he the Earl of Douglas might remain for ever “ son homme, vassal, et sujet,” and might be perpetually attached towards him and his kingdom, had given to him, and to the heirs male descended of his body in the direct line, the Duchy of Tourraine, according to the form and tenor of the Royal Letters thereupon, which had been delivered to him; whereupon he had performed “ foi et homage leige,” with the oaths usual upon

* That part of the original deed signed by the Earl of Douglas, which specifies the number of men he was to lead with him from Scotland to France, has been so much injured by time as to be illegible.

such occasions: Wherefore he the said Archibald Duc de Tourraine, acknowledging the great honours and benefits thus received, had with great solemnity promised and swore in presence of his Grand Council, and by these presents again promised and swore, "en parole de Prince sur notre honneur foy et hommage," that as long as he lived he should be true and loyal vassal, subject and obedient, and as such should serve and obey the King of France, and that he should not make any alliances or confederacies with any persons whatsoever, either in France or elsewhere, without the good pleasure of his Majesty*."

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The seal of the Earl of Douglas, still entire, is affixed to the two deeds above-mentioned in October 1423 and April 1424.

These deeds shew that it was in spring 1424, that Archibald Earl of Douglas first arrived in France, and engaged in the service of that country; it is known that he brought over with him from Scotland a considerable reinforcement of troops, to the amount of about 5000. But the unfortunate battle of Verneuil, fought on the 17th day of August 1424, about four months thereafter, destroyed the hopes which Charles VII. had formed from the accession of the Earl of Douglas and of the troops brought with him from Scotland. The English army commanded by the Duke of Bedford in person, assisted by the Earls of Salisbury, Warwick, Suffolk, and Exeter, all of them distinguished generals, gained a decisive victory after a very bloody battle, in which the historians relate that on the part of the Scots, and of the French united with them, there were left on the field of battle 5000 killed, amongst whom there was their commander in

* The letters patent granting this duchy are dated the 19th of April 1423, avant Paque, *i. e.* Easter 1424; and they were in the year 1789 still extant in the Chambre des Comptes at Paris.

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Villaret,
tom. xvi.
P. 298, 299.

chief Archibald Earl of Douglas, Duke of Tourraine, John Stuart Earl of Buchan, Constable of France, and a vast number of the Noblesse of both countries, besides a great number of prisoners, amongst whom there was the Maréchal de la Fayette, Gaucour, and Mortemar. On the part of the English, there were 1600 killed; whence the Duke of Bedford forbid any rejoicings to be made for so bloody a victory.

After this fatal battle of Verneuil, the affairs of Charles VII. appeared almost desperate; but both parties were so much exhausted that there was no considerable exploit on either side during the remaining part of the year 1424, and a great part of the year 1425. Much of that time was employed in negotiations with the Duke of Brittany, and with his brother the Earl of Richemont; to whom the King (Charles) offered the dignity of Constable of France, vacant by the death of John Stewart Earl of Buchan, killed at the battle of Verneuil.

It appears that the Earl of Richemont accepted of that office, and dedicated his services to the interests of France and of Charles VII. though frequently at variance with his ministers, particularly with the Duke de Tremouille the chief minister.

In the history of this Earl of Richemont, Constable of France, published by Godfroi in the year 1622, there are some particulars mentioned, which shew that Sir John Stuart of Derneley, the Constable of the Scottish army, was connected with, and gave his assistance on different occasions to this Earl of Richemont the Constable; in relating the events of the year 1426, there is the following paragraph:

“ Or pour ce que les Anglois faisoient des grands courfes, & beaucoup des maux en Bretagne, le Conneftable vint remparer Pontorfon, ce fut environ la St. Michel: Et y vinrent des Francois et des Escossois avec lui; entre autres y etoient le Conneftable d’Efcosse & Jean Oufchart, qui avoient bonne compagnie de
“ gens

“ gens d’Eſcoſſe,” &c. “ Durant cela vinrent les Anglois un peu
 “ avant le ſoleil couchant, qui eſtoient en nombre bien de huit cens ;
 “ on faillit dehors aux champs & on ſe mit en bataille outre le Marais
 “ devers le Mont St. Michel, & ne ſcavoit-on qu’elle puiſſance les
 “ dits Anglois avoit. Si fit le Conneſtable d’Eſcoſſe deſcendre tous
 “ les gens d’armes & archiers à pied ; puis vinrent les ſuddits An-
 “ glois juſqu’à un trait d’arc ; & y en eut deux au trois, qui ſe
 “ vinrent faire tuer en notre bataille ; & y furent faits deux ou
 “ trois chevaliers. Quand les Anglois vinrent la bataille, ils ſ’en
 “ fuirent en grand deſordre & en fut pris et tué pluſieurs ; mais
 “ pour ce que tout étoit à pied ils ne peuvent etre ſi fort chaffe-
 “ comme ils l’euffent été, qui eut été à cheval. Après que la place
 “ fut un peu bien fortifié, le Conneſtable, le Conneſtable d’Eſcoſſe,
 “ et le plus part des ſeigneurs et capitaines ſ’en allerent, excepté
 “ ceux que le Conneſtable y laiſſa.”

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Notwithſtanding the very unpromiſing aſpect of the royal cauſe in France after the deſtructive battle of Verneuil, Sir John Stuart of Derneley the Conſtable of the Scots army, and his brother Sir William Stuart, remained ſteadily attached to the intereſt of that monarch, and continued ſo to the laſt days of their lives ; of which Charles and his Council were ſo ſenſible, that additional acknowledgments and inſtances of favour were granted to Sir John Stuart of Derneley, the Conſtable of the Scottiſh army. Particularly in the month of January 1426, in modern ſtyle 1427, the Comté d’Evreux in Normandy was granted to Sir John Stuart by letters patent, proceeding upon the following recital :

“ Charles par la grace de Dieu Roi de France, favoir faiſons à tous
 “ preſent et à venir, que nous conſiderons les hauix, honorables, et
 “ commendables, proufitables, et très agréables ſervices et plaiſirs,
 “ que noſtre chier et feal couſin Jehan Stewart Seigneur de Dernelé,
 “ Conneſtable de l’armée d’Eſcoſſe, étant en notre royaume, nous

Grant of the
 comté of
 Evreux by
 Charles VII.
 in favour of
 Sir John Stuart
 of Derneley,
 dated in Jan.
 1426.

“ a fait

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“ a fait par long temps à notre neccessité, tant contre les Anglois
 “ nos anciens ennemis et adverfaires, leurs adherens et complices,
 “ nos rebelles et defobeiffances, comme en maintes autres manieres
 “ fait de jour en jour incessamment, et esperans que encore face ou
 “ temps à venir : et entendans et bien cognoiffant les très grands
 “ charges qui en mises et depenses de finances et autrement, il a
 “ eues portées et soustenus pour notre secours et service, et à l’occa-
 “ sion d’iceulx, c’est assavoir à la venue du royaume d’E scoce en
 “ notre dict royaume à foy meitre fus, et plusieurs chevaliers et
 “ ecuyers, et autres gens de guerre qu’il à amenés et soustenus en sa
 “ compagnie en notre dict service, à soutenir son etat et à entretenir
 “ la dite armée d’Escoslays ou grande partie d’icelle par ses moyens,
 “ conduit que travaux longuement ainsi que encore fait à grands
 “ couts et frais, et en divers autres manieres : attendu mesmement
 “ le petit payement que pour les gaiges etat et soudoyement ou
 “ autrement en bienfaits il a eus de nous : desquelles choses nous
 “ reputons à lui moult à tenus, voulant pour les dites services et en
 “ recompensation d’iceulx le plus honorer & desdits mises et de-
 “ penses le recompenser, et à fin qu’il ait et tienne de notre grace
 “ & bienfait plus hault tiltre & Greigneur Seigneurie pour quoi
 “ il soit toujours plus curieux et astraint à nous et à notre service,
 “ et plus obligé au bien de nous et de notre dit seigneurie, et pour
 “ certains autres causes et considerations qui à ce nous ont meu et
 “ meuvent à icellui notre cousin le Sire de Dernlé, par l’avis et dé-
 “ liberation des seigneurs de notre sang et linaige estant à present
 “ devers nous de notre certaine science et royale autorité, pour lui
 “ et pour son hoir masse né ou à naître, et descendant de son corps
 “ en loyal mariage, et ainsi après de hoir en hoir masse en droite
 “ ligne et loyale mariage seulement, avons donné, baillé, et delaiissé,
 “ donnons, baillions, et delaiissons par ces presentes, *notre Comté*
 “ *de Evreux en notre Duchie de Normandie*, ainsi qu’il ce comporte

“ et extend en long et en large, avecques tous les cens, fruits,
 “ prouffits, rents, revenus, et autres droits d’icellui quelxconques, et
 “ ses appartenans & dependances, et voulons et nous plait et à icellui
 “ nostre dict cousin avons octroyé, et octroyons que il puisse prendre
 “ et preigne le tiltre de Comte, et se nomme et fasse appeller, et
 “ qu’il soit nommer et appellé *Comte d’Evreux*, et semblablement
 “ après lui son dit hoir male, et les hoirs male dessus dits en droit
 “ ligne et en loyale mariage comme dit est: réservés à nous et à
 “ nos successeurs les foi et hommage, resort et souveraineté, et tous
 “ autres droits royaux pour le dit Comté d’Evreux, avecques des ap-
 “ pendances et appartenances, et autres choses dessus dites, avoir
 “ tenir en forme et maniere d’appanaige, &c.—Donné à Mont-
 “ luçon au mois de Janvier l’an de grace mil quatre cens vingt &
 “ six, et de notre regne le quint.”

Et en la marge dessous étoit écrit ce qui s’en suit: “ Par le Roy
 “ en son Conseil, auquel la Royne de Sicile, les Comtes de Clermont,
 “ de Richemont Connetable, de Foix, de Montpensier, de Ven-
 “ dosmes, et de Cominges; les Seigneurs D’Alebrét et de la
 “ Tremouille, et plusieurs autres du Conseil étoient.

“ (Signé) MALLIERE.”

These lettres patentes still exist in the Chambre des Comptes at
 Paris; from whence an authenticated extract was delivered to the
 Author at Paris in the year 1789.

In the Tresor des Chartres belonging to the Crown kept at Paris,
 there is an original declaration granted by John Stuart of Derneley,
 signed and sealed by him the 15th of March 1426-7, with the seal
 still entire, subjoined to a copy of the said royal grant, by which
 deed Sir John Stuart declares, that at the time of receiving that
 royal grant, he had promised, and still does promise “ en bonne foi,”
 that whensoever his said Majesty Charles VII. or his successors should

pay

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pay to him, or to his heirs, the sum of fifty thousand ecus d'or, he or his heirs should be obliged to renounce to his Majesty the said Comté d'Evreux, fully and completely, without reserving any thing on account of the pay due to him for his services in any manner whatsoever. This declaration was made by Sir John Stuart of Derneley in his Majesty's Chambre des Comptes at Bourges, in presence of " l'Eveque de Clermont Chancelier de France, l'Eveque de Sens, " Messire George Seigneur de la Tremouille & de Sully, Messire " Gilbert Seigneur de la Fayette Maréchal de France, Messire Robert " Maillon Seigneur de Trêve, le Jean de Comte, et plusieurs autres du " Conseil du Roi notre dit Seigneur : " And it concludes thus—" En " testimony de ces, nous avons signé ce present lettre de notre " sign manuel, et scellé de notre seal. Donné le quinzieme jour de " Mars l'an mil quatre cens vingt et six.

" (Signé)

DERNELÉ *."

An additional proof of the sense entertained of the services rendered by Sir John Stuart of Derneley, appears from the lettres patentes, dated 4th February 1427-8, by which Charles of France " en perpetual memoir de tant de signalez et importants services rendu par le dit Jean Stewart Connestable d'Ecosse, lui permit " et à ses descendans de porter ses armes écartellées de celles de " France."—These lettres patentes are mentioned in La Thaumasiere's Histoire de Berry, printed at Bourges, anno 1591, p. 697. They are likewise mentioned in Symphorien Guyon's History of Orleans, published at Orleans in 1650, p. 181.

* Of the deed thus executed by Sir John Stuart of Derneley, and likewise of the two deeds before-mentioned executed by the Earl of Douglas in October 1423 and April 1424, authenticated copies, dated the 15th of September 1789, signed by Monsieur Joby de Fleury, the Procureur General de France, Garde des Titres Patentes et Chartres de la Couronne, were delivered to the Author, and are in his possession.

Agreeable to the letters patent above-mentioned, respecting the quartering the arms of France, which in that country, and in those times, was a mark of distinction highly prized, the said John Stuart himself and all his descendants bore their arms quartered with those of France.

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In the end of the year 1427, or beginning of the year 1428, Sir John Stuart of Derneley was one of the three ambassadors sent by King Charles VII. of France to King James I. of Scotland, for negotiating a marriage between Lewis eldest son of Charles of France, and Margaret eldest daughter of James of Scotland. The other two ambassadors were Reginald Archbishop and Duke of Rheims, and Mr. Alan Anvigall Cancellarius Bajocen.

These ambassadors succeeded in their embassy, as appears from the letters patent under the great seal of Scotland, granted by King James, dated at Perth the 19th of July 1428; and as these letters not only mention the names of the ambassadors who had been sent from France to Scotland, but also mention the terms of the marriage treaty which had already been concluded between King James and them; hence it appears evident, that they must have arrived in Scotland a considerable time prior to the 19th of July 1428.

One of the articles agreed upon was, that King James was to send his daughter to France in the first ship that should be sent for her from France at any time after Candlemas then next to come within the year; and James also undertook to send with her 6000 men in the manner to be settled between the King of France and certain ambassadors which the King of Scotland was to send to him on that subject.

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The treaty which had been thus agreed to by James in July 1428, was ratified and confirmed by Charles of France and his Council, as appears from the letters patent granted by Charles under his seal at the Castle of Caen the penult day of October 1428; to which letters the Archbishop of Rheims, then returned from Scotland, was one of the witnesses.

Soon after Sir John Stuart of Derneley's return to France from his embassy to Scotland, he, as Constable of the Scottish army in France, appears to have gone with the troops under his command, and with his brother Sir William Stuart, to the assistance of the French forces which at that time defended the town of Orleans against the English army.

PROOFS concerning Sir JOHN STUART and his Brother Sir WILLIAM, furnished by various Histories of the Siege of Orleans.

Almost all the French historians mention the presence of Sir John Stuart the Constable of the Scottish army, and of his brother William Stuart, and the exertions made by them during the siege of Orleans.

Belleforêt, in his *Annals of France* before-mentioned, vol. ii. pp. 1077, 1078, gives an account of the siege of Orleans, from the commencement of it in October 1428; and in the course of that narrative he particularly mentions William Stuart the brother of John Stuart of Derneley the Constable of the Scottish army, and the time when that William Stuart came to the assistance of those friends of Charles VII. who were besieged in Orleans. The passage at the bottom of folio 1078, recto, is in these words:

“ La gaillardise des tenans et le peu que les assiegeans gaignoient
 “ sur eux, et leur longue tenue et force à souffrir ce siege, ayant
 “ déjà près de trois mois qu'ils étoient enclos, estoit cause que
 “ plusieurs alloient courageusement se rejeter dedans la ville
 “ (d'Orleans) pour courir avec eux une mesme fortune; entre
 “ lesquels furent ceux qui vinrent avec le Sieur de Gaucourt, Gou-
 “ verneur d'Orleans, qui étoit forty pour avoir secours, autant que
 “ Guillaume Stuard frere du Seigneur d'Aubigny, après qu'il se
 “ fut reconcilié au Roi, (car il estoit de la ligue du Conneftable*
 “ contre le Seigneur de la Tremouille,) et les Seigneurs de Barbazau
 “ et de Verduzan, Gascons, et autres plusieurs jusqu'au nombre
 “ de mille bons combattans, lesquels vinrent conduifans vivres
 “ et autres munitions à Orleans, non sans un grand soulagement
 “ pour les assiegés,” &c.

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On page 1078, verso, speaking of the troops which defended the town of Orleans, there is the following paragraph:

“ De cette armée fut fait General pour le Roi Monsieur Louis de
 “ Bourbon Comte de Clermont, fils aîné du Duc de Bourbon, ayant
 “ en sa compagnie Messire Jean Stuart Conneftable d'Escoffe, et le
 “ Seigneur de la Tour d'Auverne, et presque toute la noblesse de
 “ Bourbonnois, Auvergne, et pays voisin, qui montoit à quatre mille
 “ combattans; du quel secours le Roy avoit déjà donné avertissement
 “ à ceux d'Orleans.”

In folio 1079, Belleforêt gives an account of the battle of Rouvroy, commonly called the battle des Harrans, which happened in February 1429, and mentions the persons killed there as follows:

“ Il y demeura de quatre à cinq cens corps roides estendus sur
 “ la terre, entre lesquels furent plusieurs grands Seigneurs, Chevaliers,

* From this passage it appears, that William Stuart was of the party of the Comte de Richemont the Constable of France, who was a declared enemy of Monsieur de Tremouille, the King's Minister.

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“ et Capitaines, tels que Messire Guillaume d’Albret Seigneur d’Orval, Jean et Guillaume Stuard, Escossois, freres, Le Viscomte de Castellbon et de Rochechouard, Messire Jean Chabot, et le Seigneur de Verduzan, les corps desquels furent portés à Orleans, et gissent à Sainte Croix, eglise cathedrale de la ditte ville.”

This account given by Belleforêt is confirmed in the most essential particulars by Symphorien Guyon, who in his History of Orleans, printed in 1650, part ii. p. 182, et seq. has given a full and particular account of the famous siege of Orleans.

This History by Symphorien Guyon, p. 193, mentions, that upon Tuesday the 8th of February 1429, there entered into the town of Orleans several valiant men, and well armed, amongst whom were “ Messire Guillaume Stuart, brother of the Constable of Scotland.”

Page 196. “ That the Comte de Dunois (the bastard of Orleans), upon Thursday the 10th of February 1429, went out of Orleans with 200 combatants to go to Blois to join the Comte de Clermont, who with the Constable of Scotland (John Stuart of Derneley) and other valiant chevaliers and captains, had gathered together about 4000 soldiers.”

“ That on Friday the 11th February, there went from Orleans for the same objects, Messire Guillaume d’Albret, Seigneur d’Orval, Messire Guillaume Stuart brother of the Constable of Scotland, the Marechal St. Sévêrac, &c. with many other knights and squires, and about 1500 men, all resolved to join the body under the command of the Comte de Clermont, for the purpose of attacking the convoy of provisions which was coming from Paris for the use of the English.”

Page 198. Symphorien Guyon gives an account of the most remarkable persons killed in the battle des Harrans on the 12th of February 1429, in these words:

“ Ceux

“ Ceux qui furent tuez de nos gens furent Messires Guillaume d’Albret d’Orval, Jean Stuart Connestable d’Ecosse, Guillaume Stuart son frere, &c. Les corps de ces Seigneurs ainfi tuez en cette rencontre furent depuis apportez à Orleans, et inhumez dans l’eglise de Saint Croix avec un service funebre fort solemnel.”

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The siege of Orleans with all the circumstances attending it, and the persons who fought and suffered during that famous siege, have been handed down to posterity in a more authentic manner than commonly happens in events of such an ancient date, for there is an history of it under the following title :

“ Histoire et Discours au vrai du Siege qui fut mis devant la Ville d’Orleans par les Anglois le Mardy le 12^{lem} Oct^{re} 1428, regnant alors Charles VII. de ce nom Roy de France.

“ Contenant toutes les faillies, assaults, escarmouches, et autres particularités notables, qui de jour en jour y furent faites, &c.

“ Prise de mot en mot sans aucun changement de langage d’un vieil exemplaire escrit à la main en parchemen, et trouve en la maison de la ditte ville d’Orleans.

“ À Orleans.”

“ 1576.”

In that old History of the Siege of Orleans found in the Town House of that city, there are the following particulars concerning William Stuart the brother of Sir John Stuart of Derneley, the Constable of the Scottish army.

Page 11. “ Le lendemain jour de Mardy (8 Fevrier), entrerent dedans la ville d’Orleans plusieurs très vaillant hommes de guerre et bien `abillez, et entre les autres Messire Guillaume Estuart frere du Connestable d’Ecosse, le Seigneur de Sancourt, le Seigneur de Verduran, et plusieurs autres Chevaliers et Ecuyers, accompagnez de mil combattans tellement abillez, pour faiçt de guerre qui c’estoit une moult belle chose à veoir.

“ Cè

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“ Ce même jour arriverent du nuit deux cent combattans qui estoient à Messire Guillaume d’Albrèt, et peu après fix vingt autres estant à la Hire,” &c.

Page 12. “ Le lendemain, qui fut Jedy (10^{iem}e Fevrier) se partit d’Orleans le Bastard d’Orleans et deux cent combattans avec luy, pour aller à Blois devers le Comte de Clermont, et Messire Jean Estuart Connestable d’Ecosse, le Seigneur de la Tour Baron d’Auvergne, le Viscomte de Thouars Seigneur d’Amboise, et autres Chevaliers et Ecuyers accompagnez, comme on disoit de bien quatre mille combattans, tant d’Auvergne, Bourbonnois, comme d’Ecosse, pour favoir d’eux l’heure et le jour qu’il leur plairoit mettre d’assaillir les Anglois et faux Francois, amenans de Paris vivres et artillerie à leurs gens tenans le siege.”

“ Le Vendredi (11 jour) d’icelui mois de Fevrier, se partirent aussi d’Orleans Messire Guillaume d’Albret, Messire Guillaume Estuart frere du Connestable d’Ecosse, le Marechal de Sainct Severe, le Seigneur de Graille, le Seigneur de Sainct Trailles, et la Hire, Poten son frere, le Seigneur de Verduran, et plusieurs autres Chevaliers et Ecuyers accompagnez de quinze cens combattans, et tendans eux trouvez et assemblez aveqves le Comte de Clermont et les autres ja nommés pour aller au devant des vivres, & les assaillir; et celui même jour se partit pareillement celui Comte de Clermont, et fist tant qu’il vint à tout sa compagnie en Beausse à un village nommé Rouvroi de St. Denys, qui est à deux licues d’Yonville; et quand ils furent tous assemblez, ils se trouverent de trois à quatre mille combattans, et ne s’en partirent jusques au lendemain environ trois heures après midy.”

“ Celui jour le lendemain qui fut le Samedy douziefme jour de Fevrier, Messire Jean Fascot, et plusieurs autres Chevaliers et Escuyers du pays d’Angleterre, accompagnez de quinze cent combattans,

“ battans, tant Anglois, Picards, Normans, qu’autres gens de divers
 “ pays, amenoient environ trois cent que chariots et charettes
 “ chargés de vivres et de plusieurs abillemens de guerre, comme
 “ canons, arcs, trouffes, traict, et autres choses, les menans aux autres
 “ Anglois tenans le siege d’Orleans,” &c.

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This History or Journal of the Siege of Orleans, then proceeds to state what happened on the near approach of the opposite forces of the French and of the English, and the unlucky blunder committed by the Count de Clermont, in restraining the advanced party of the French from attacking the English convoy at a time when they could have attacked them with great advantage. It is there stated, that the advanced party under the command of La Hire and other leaders had learnt that the English with the convoy of provisions were marching without order, and without having any suspicion of being attacked or surprisèd; and that La Hire and others were all of opinion they ought to attack the English while they were coming forward in this improvident manner: “ Mais le Conte de Clermont manda plusieurs fois, et par divers
 “ messages à La Hire & autres, ainfi disposans d’assailler leurs ad-
 “ versaries, & qu’ils trouvoient en eux tant grand avantage, qu’ils ne
 “ leur feissent aucun assault jusques à sa venue, et qu’il leur amen-
 “ roit de trois à quatre mil combattans moult desirans d’assembler
 “ aux Anglois. Pour l’honneur & amour duquel ils delaisserent
 “ leur entreprinse à leur tres grand desplaisance, et sur tous de La
 “ Hire, qui demonstroit l’apparence de leur dommage, entant que
 “ on donnoit espace aux Anglois d’eux mettre et ferrer ensemble;
 “ et avecques ce d’eux fortifier de paux et de charriots. Et à la
 “ verité La Hire & ceux de sa compagnie partis d’Orleans estoient
 “ arrestez en un champ au front et tant prés des Anglois, que tres-
 “ legierement les avoient veuz, comme est dit, venir à la file & eux
 “ fortifiez, dolens à merveilles de ce qu’ils ne les osoient assaillir,
 “ pour la deffence et continuels messages d’iceluy Conte de Cler-
 “ mont, qui tousjours s’approchoit au plus qu’il pouvoit. D’autre
 “ part

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“ part porta auffi moult impaciemment celle attente *le Conneftable*
 “ *d’Efcoffe*; lequel étoit pareillement venu la prés à tout environ
 “ quatre cens combattans, où avoit de bien et vaillans hommes.
 “ Et tellement qu’ainfi qu’entre deux & trois heures après midy
 “ approcherent les archers & gens de traict François, d’eux leurs
 “ adverfaires, dont aucuns eftoient ja faillis de leurs part, qu’ils con-
 “ traignirent reculer tres-haftivement, et eux reboutter dedans par force
 “ de traict, dont ils les chargerent tant efpeffement qu’ils en tuerent
 “ plufieurs: & ceux qui peuvent efchapper, s’en rentrerent dedans
 “ leur fortification avecques les autres.”

Folio 13, verfo. “ Pourquoy et lors quand le Conneftable
 “ d’Efcoffe vit qu’ils fe tenoient ainfi ferrez et rangez fans monfter
 “ fe blant d’yffir, il fut par trop grand chaleur tant defirant de les
 “ vouloir affaillir, qu’il defpeça toute l’ordonnance qui avoit été faite
 “ de tous que nul ne defcendit, car il fe mit après fans attendre les
 “ autres, et à fon exemple, et pour lui aider defcendirent auffi le
 “ Baftard d’Orleans, le Seigneur d’Orval, Meflire Guillaume Eftuard,
 “ Meflire Jean de Mailhac, Seigneur de Chafteaubrun, Vicomte de
 “ Bridiers, Meflire Jean de Lefgot, le Seigneur de Verduran, Meflire
 “ Loys de Rochechouart, Seigneur de Monpipeau, et plufieurs
 “ autres Chevaliers et Efcuyers, avecques environ quatre cens com-
 “ battans, fans les gens de traict, qui ja s’étoient mis à pied, &
 “ avoient rebouttez les Anglois & fait moult vaillamment.—
 “ Mais peu leurs valut: car quand les Anglois virent que le grand ba-
 “ taille, qui eftoit allez loing, venoit lachement, & ne fe joignoit
 “ avec le Conneftable et les autres de pied, ils faillirent haftivement
 “ de leur parc, et frapperent dedans les François eftans à pied, et les
 “ mirent en defarroy et en fuite, non pas toutes fois fans grand
 “ tuerie; car il y mourut de trois à quatre cens combattans Fran-
 “ çois.”

Folio 14. gives an account of the moft remarkable perfons
 killed in that encounter on the 12th of February 1429, in thefe
 words: “ Eftoient là mors et tuez plufieurs grands Seigneurs,
 “ Chevaliers,

“ Chevaliers, Efcuyers, nobles et vaillans Capitains et Chefs de guerre, et entre leſquels y furent tuez—

“ Meſſire Guillaume d’Albret Seigneur d’Orval,

“ Meſſire *Jean Eſtuart* Conneſtable d’Eſcoſſe,

“ Meſſire *Guillaume Eſtuart ſon frere*,

“ Le Seigneur de Verduran,

“ Le Seigneur de Châteaubrun,

“ Meſſire Loys de Rochechouart, et

“ Meſſire Jean Chabot, avec pluſieurs autres, qui tous eſtoient de grands nobleſſe et tres renommé valiance.

“ Les corps des quels Seigneurs furent depuis apportez à Orleans, et mis en ſepulture dedans la grande eglife dicte Sainte Croix, là où il ſe feiſt pour eux beau ſervice Divin.”

Theſe extracts from the Ancient Journal of the Siege of Orleans, found in the Town Houſe of Orleans, have been made the more full, becauſe the preciſe and circumſtantial account there given of the events from day to day, and of the perſons concerned in theſe events, cannot fail to afford ſtrong conviction of that account being well founded, both as to the facts and as to the perſons concerned; particularly as both *John Stuart* and his *brother William* are ſo frequently mentioned in that journal, without confounding the one with the other; on the contrary, diſtinguiſhing the different parts they acted, and marking the different periods at which the one or the other arrived at Orleans, or ſet out from thence, there can be no doubt that both theſe brothers were well known during the ſiege of Orleans, and that the fact ſtated of their having both loſt their lives in the ſame field of battle on the 12th of February 1429 is perfectly certain.

In further confirmation of theſe facts there is a paſſage in a very old Hiſtory of the Siege of Orleans, written in Latin, wherein the circumſtances of the death of *John Stuart* the Conſtable, and of his brother *William*, are related in a very intereſting manner. The

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title of the book is : " Aureliæ Urbis Anglicana Obsidio, &c. Autore " Joanne Lodocio Micquello." The first edition of this book was published in 1560, and there was another edition in 1631; both of which are now very scarce: it is esteemed one of the best histories of the Siege of Orleans. The character given of it by Langlet is in these words, that it is " exact, curieux, et peu com-
" mun *."

The passages in that History relating to John Stuart and his brother William, are as follow :

P. 55, of the edition 1631 †. " Eodem tempore (8vo Februarii 1429,) utriusque armaturæ equites mille urbem (Aureliam) ingre-
" diuntur, quibus culta virtute qua nihil ornatius esse poterat; inter
" quos eminebant *Gulielmus Stuardus Scotus*, *Gaucourtius*, et Ver-
" ducanus," &c.

P. 56. " Nothus Aurelius, Gulielmus Alebertus, Gulielmus
" Stuardus, Sanfeverus, Gravillus, Santraille, Poto, Verduranus, cum
" militibus

* In the Comte d'Artois' library at Paris, there was a copy of this book, N^o 3582, under the general title of Histoire de France troisieme Race jusqu'à Louis XII. It is the only copy the author could find at Paris in the year 1789.

In the manuscript catalogue kept there of the Comte d'Artois' library, there are many observations opposite to the articles in the catalogue in which Monf. d'Argenson, to whom great part of that collection of books had originally belonged, gives his opinion of the books or manuscripts referred to; and opposite to the article N^o 3582, there is this character of it by Monf. d'Argenson : " Ouvrage curieux et rare, mais
" suivant l'Abbé Langlet il y a une seconde edition de 1631, augmentee et plus com-
" plette. L'auteur, une espece de professeur à Orleans s'appelle Miquet et non Mic-
" quellot, comme l'ont voulu quelques uns."

† TRANSLATION of the above Passages from MIQUEOT'S History of the Siege of Orleans.

P. 55. " At the same time (8th of February 1429) a thousand cavalry, armed for
" fighting either on horseback or on foot, men of tried and incomparable valour,
" among whom William Stuart, a Scotchman, Gaucourt, and Verduran, &c. were
" chiefly distinguished, enter the town of Orleans."

P. 56. " The Bastard of Orleans, William d'Alebert, William Stuart, Saint Severe,
" Graville, Saintrailles, Poto, Verduran, &c. having proceeded from Orleans with

“ militibus mille quingentis Aurelia profecti, alio opportuno loco
 “ haud longe ab aliis fuos continent.”

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Pp. 58 and 62. In describing the battle on the 12th of February 1429, the author gives the following particular and interesting account of the behaviour and fate of the two brothers John and William Stuart :

“ Jam funditores Franci, pilis missis, Anglos laceffere incipiebant ;
 “ cum *Joannes Stuardus, vir Scoticus*, e Stuarda regia familia Scotorum,
 “ equitum magister, qui eo cum equitibus quater centum venerat,
 “ *ut erat pugnaci ingenio, et ad omnem vel dubiam pugnae aleam* para-
 “ tus, quin confligeter vel obtestantibus obsistentibusque, aliis reti-
 “ neri non potuit, priusquam enim hostes longius recederent, con-
 “ festim audendum fortibusque animis invadendos judicabat, vel
 “ exigua namque mora emitti e manibus, neque postea ut equa con-
 “ ditione confligeteretur occasionem fore.

“ Ipsi exemplo *Gulielmus Stuardus frater*, Notus Aurelius,
 “ Orvallis, Joannes Meillacus, Mompipius, Castellobrunus, Joannes
 “ Lescottus, Verdorannus, Rochechouartus, infelici consilio, amotis
 “ equis, quo militibus, exæquato periculo, animus amplior esset, in
 “ pedes

“ a body of 1500 troops, took post in a convenient situation at a small distance from
 “ the rest (or main body) of the army.”

P. 58. “ Already the French slingers, having discharged their javelins, had begun
 “ to insult and harass the English ; when John Stuart, a Scotchman, descended from
 “ the Royal family of Scotland, and commander of the cavalry, who had come up
 “ with 400 horse, a man of a warlike temper, and forward to engage in every
 “ hazardous enterprize, was not to be restrained by entreaty or remonstrance from
 “ giving battle to the enemy. He contended, that before the enemy should have
 “ time to effect a retreat, a daring effort against them ought instantly to be made, and
 “ that they should be charged with the utmost vigour ; the smallest delay, he said,
 “ might enable them to slip out of their hands, nor might another opportunity ever
 “ present itself of bringing them to action on equal terms.

“ Stimulated by his example, his brother William Stuart, the Bastard of Orleans,
 “ the Seigneur d’Orval, Jean de Mailhac, Monpipeau, Chateaubrun, John Lescot,
 “ Verduran, Rochechouart, &c. from a misconceived idea, that by dismissing their

“ horses

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“ pedes defilierunt, acieque instructa ad castra hostium contendunt, qui, omnibus rebus subito perterriti, cum existimarent omnes Francorum copias aventuras, neque consilii habendi, neque arma capiendi spatio dato, perturbabantur, ut copias ne adversus hostem educere, an castra defendere, an fuga salutem petere, nescirent quid præstaret. Sed Fortuna, quæ plurimum potest in reliquis rebus, tum præcipue in bello, parvi momenti magnas rerum commutationes efficit, ut tum accidit; nam Angli, cognita Francorum paucitate, cum longius abesse Claromontanum cum robore exercitus viderent, eruptione facta, infestis signis, tanta vi in Francos impetum fecerunt, ut major pars conversa, non solum loco excederent, sed protinus incitati fuga castra repeterent, Angli animos tollere, et in percussos Francos acrius incedere. Tum spectaculum horribile in campis patentibus, sequi, fugere, occidi, capi, multi vulneribus acceptis, neque fugere posse, neque quietem pati, niti modo et statim concidere.”

P. 62.

“ horses and thus participating in the common danger, they should inspire the soldiers with additional courage, alighted, and having formed their men, led them on to the enemy's camp. The enemy thus suddenly alarmed and disconcerted from the apprehension that the whole French army was approaching, and having time neither to deliberate, nor to put themselves in a posture of defence, were thrown into confusion, inasmuch that they could not decide whether it were better to draw out their forces against the enemy, defend their camp, or seek their safety in flight. But fortune, which has so much influence in all human affairs, especially in the pursuits of war, frequently produces great changes from trivial occurrences: so it happened in the present case; for the English discovering the weak numbers of the French, and perceiving that Clermont with the main body of the army was at a great distance, made a rally in order of battle, and attacked the French with such impetuosity, that the greater part not only quitted their ground, but betaking themselves to flight, endeavoured to regain their camp. Meanwhile the English acquiring fresh courage pursued with redoubled vigour the discomfited French. What a scene of horror then presented itself in the plain! flight, pursuit, slaughter, capture of prisoners—while many among the wounded were neither in condition to fly, nor suffered to repose; these making a last effort were seen suddenly to fall.”

P. 62.

P. 62. " In eo prælio ceciderunt ex Francis quadringenti et amplius homines, atque in his paulo clarioris nominis Aleburtus Orevallus, *Gulielmus Stuardus*, Verduranus, Chastellobranus, Rochachouartus, Joannes Chabotus, et *vir fortissimus Joannes Stuardus, amplissimo genere natus*; hic, cum fratre intercluso ab hostibus auxilium ferret, illum ex periculo eripuit ipse vulneratus, quoad potuit fortissime restitit; cum circumventus multis vulneribus acceptis cecidisset, atque id frater, qui jam prælio excefferat procul animadvertisset, citato pede, sese hostibus obtulit atque interfectus est."

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The particulars thus related concerning the affectionate and gallant behaviour of the two brothers Sir John and Sir William Stuart, cannot fail to leave a strong impression of their characters, especially as these facts have been handed down to posterity by a very ancient and approved author, of a different country from that to which Sir John and Sir William Stuart belonged, and who, from the style in which he writes, seems to have been a great admirer of their actions.

To these authorities there might be added those of many other French historians, some of whom mention William Stuart as the faithful companion of his brother Sir John Stuart of Derneley, in all his military enterprises in France. This is mentioned particularly by Thaumassiere in his History of the province of Berry, published at Bourges in the year 1690, where, under the title of Au-

P. 62. " In that battle there fell on the side of the French above four hundred men; among whom of more than ordinary distinction were Alebret, Orval, William Stuart, Verduran, Chateaubrun, Rochechouart, John Chabot, and above all, the truly heroic John Stuart, descended of a most illustrious race. This gentleman coming to the relief of his brother, who had fallen into the hands of the enemy, extricated him from danger, and, though himself wounded, made a most gallant and persevering resistance, till at length surrounded by the enemy, and covered with wounds he sunk to the ground. His brother, who had retired from the battle, observing from a distance what had passed, again flew to present himself to the enemy, and was slain."

bigny.

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bigny, he takes occasion to give a succinct account of the merits of the two brothers while in France, and of the favours and marks of distinction conferred on Sir John Stuart of Derneley by Charles VII.

The account so given by Thaumassiere, confirms many of the articles stated in the preceding sheets, as will appear from the following extract :

“ En ce temps Jean Stuart Connêtable d’Ecosse amena au secours
 “ de ce roy (Charles VII.) des bandes de gens de pied & des archers
 “ à cheval, qu’il entretint plusieurs années à ses frais et depens,
 “ pendant lesquelles il luy rendit de signalez services, vain-
 “ quit les Anglois en plusieurs rencontres, gaigna les batailles de
 “ Crevant et de Baugé, au moyen desquelles il releva les affaires de
 “ France, & remit aux François le courage de se defendre, et de
 “ chasser les Anglois hors de royaume. En consideration de ces
 “ importants services, le Roi Charles VII. lui donna le Comté
 “ d’Evreux et la Chatellerie de Concourfault, et depuis, par patentes
 “ données à Bourges le 26 Mars 1422, verifiées au parlement le
 “ penultieme de Juillet 1425, il lui transporta à perpetuité, et à ses
 “ hoires masse en droite ligne, la ville, terre, chatel, et chatellerie
 “ d’Aubigny sur Nerre, sans en rien retenir que la foy et homma-
 “ liege, ressort et souveraineté. Ce Seigneur ayant continué ses ser-
 “ vices, le même roy n’ayant lors de quoy le recompenser, lui
 “ permit, pour marque de sa reconnoissance, d’ecarteller ses armes
 “ de celle de France, & de les porter au premier et dernier quartier
 “ de l’Ecuquarré de celles de sa famille, qui est un privilege de tout
 “ tems estimé très particulier, et qui n’a été conféré qu’à ceux qui
 “ avoient beaucoup merité de l’etat, et qui lui avoient rendu de
 “ signalez services. Ce hero magnanime ne cessa de continuer ses
 “ proüesses pour le service du roy jusques à sa mort : qui l’emporta
 “ combattant genereusement pour la defense de la ville d’Orleans en
 “ la bataille des Harangs. *Guillaume Stuart, son frere, mourut au*
 “ *même lit d’honneur, qui avoit été jusques alors compagnon de ses*
 “ *victoires*

“ *vicloires et de ses trophées, comme il le fut de sa mort.* Ils furent
 “ inhumés en l’église cathédrale de Sainte Croix d’Orléans en la
 “ chapelle de Notre Dame Blanche, derrière le chœur, qui est riche-
 “ ment ornée de plusieurs colonnes & ouvrages de marbre noir.
 “ Ce Seigneur, prévoyant sa mort dans les hazards ordinaires de la
 “ guerre, avoit fait son testament, et fondu en cette chapelle une
 “ masse haute à perpetuité tous les jours à l’issue de matines, à
 “ laquelle les enfans de chœur doivent assister *.”

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 BRANCH II.

It has now been proved, by the records of the Chambre des Comptes at Paris, and by the concurring testimony of the best French histories of these times, that the two brothers Sir John and Sir William Stuart were engaged in the wars in France in the time of Charles VII. from the year 1420 or 1421, to the year 1429, and that upon the 12th of February 1429, (according to modern stile,) they both fell in the same battle during the siege of Orleans.

In this Part III. as well as in the preceding Part II. there have been many strong indications that Sir William Stuart of Castelmilk, Knight, mentioned in Rymer’s *Fœdera*, anno 1398, was one and the same person with Sir William Stuart, Knight, the son of Sir Alexander, and the brother of Sir John Stuart of Derneley. But as there will be several indications of the same kind in the subsequent Parts of this History, the more complete proof of that fact is reserved for a discussion at the end of Part VI., where the various facts and circumstances tending to the same conclusion will be brought together under one point of view, so as to establish in the most satisfactory and unquestionable manner the truth of the proposition, that Sir Wil-

* The mass thus founded at Orleans by Sir John Stuart of Derneley, continued to be said daily in the chapelle of Notre Dame Blanche at Orleans, down to the present times, and was distinguished by the name of La Mess Ecoissoise.

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BRANCH II.

liam Stuart, Knight, the brother of Sir John Stuart of Derneley, was one and the same person with Sir William Stuart of Castelmilk, Knight.

THE facts and proofs relating to Sir John Stuart of Derneley, and his brother Sir William Stuart, were so much connected and interwoven with each other, that it was thought proper to state and collect them together under the two branches of this Part Third, which terminates with the death of both the brothers in February 1429.

The subsequent Parts of this Genealogical History will now be dedicated, in the first place, to tracing the male descendants from Sir John Stuart of Derneley, the eldest brother and head of the family; in the course of which it will appear that Cardinal York, now at Rome, the grandson of James II. of England, is the last of all the male descendants from the said Sir John Stuart of Derneley, the first Lord of Aubigny.

Supposing that point to be proved, it must necessarily follow, that the representation of the Stuarts of Derneley, Lennox, and Aubigny, and likewise the representation of the ancient Stuarts of Scotland in the male line, must, after Cardinal York's death, belong to the person who shall be able to prove his descent in the male line from Sir William Stuart, the brother of the said Sir John Stuart of Derneley.

The VIIth and concluding Part of this Genealogical History will therefore be employed in tracing the successive generations of the Stuarts descended from the first Sir William Stuart, killed in the wars in France on the 12th of February 1429.

GENEALOGICAL HISTORY

OF

THE STEWARTS.

PART FOURTH.

Beginning from the Death of Sir JOHN STUART of Derneley, in February 1429, and tracing the Male Descendants from him to the Death of JOHN STUART the first Lord Derneley and Earl of Lennox, who died in the Year 1494; continued to the Year 1508, when BERNARD STUART of Aubigny died.

Sir JOHN STUART of Derneley in Scotland, Seigneur D'AUBIGNY, and Comte D'EVREUX in France, left three Sons, ALAN, ALEXANDER, and JOHN.

The TENTH GENERATION, *from the first*
STEWART of Scotland.

1. Sir ALAN STUART, Lord of Derneley.
2. ALEXANDER STUART, who died without issue.
3. JOHN STUART, who had an only son BERNARD STUART.

PROOFS *concerning* Sir ALAN *the eldest son.*

WHETHER Sir Alan Stuart was in France at the time of his father's death in February 1429, does not appear; but it does appear that he was in Scotland in the month of November

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1429; for there is still extant a decret of Sir John Forfter of Corstorphin, chamberlain of Scotland, dated the 3d of January 1429-30, pronounced in a contest between the burghs of Renfrew and Dumbarton, relating to the salmon fishings in the river Clyde; upon which occasion the matters in dispute were referred to the cognizance of an affize or jury composed of noblemen and gentlemen of that part of the country, who assembled at Glasgow on the 22d of November 1429. The names of the Jury are inserted in the chamberlain's decret, and amongst these there are the following names and descriptions:

- “ Allan Stuart Lord of Darnlee.
- “ Robert Stuart Lord of
- “ Alexander Stuart.
- “ David Stuart Lord of Finnard *.”

As Sir John Stuart of Derneley, and his brother William, had been killed in France in February 1429, so it appears most probable that their eldest sons had both remained at home, as they thus appear to have been present together in Renfrewshire in the month of November of that same year (1429). There can be no doubt that Alan Stuart mentioned in the decret as Lord of Darnlee, was the eldest son of Sir John Stuart of Derneley; and there is as little doubt that David Stuart, Lord of Finnard, was the eldest son of Sir William Stuart of Castelmilk, for both Finnard and Castelmilk belonged to that family; and the same David Stuart here designed of Finnard, was at other times designed of Castelmilk,

* The original decret above-mentioned is amongst the papers belonging to the burgh of Renfrew, where Mr. David Erskine had occasion to read it, as by his letter to Lady Stuart of Castelmilk, dated the 27th of July 1789. He could not make out the designation of Robert and Alexander, the old writing in that part being illegible; but the designations of Alan and David Stuart are perfectly legible.

There is also in the Register-office at Edinburgh, a transumpt of the above decret, dated the 12th of February 1634.

as appears by authentic papers still extant, and which will be more particularly mentioned when treating of David Stuart of Finnart and Castlemilk in Part VII.

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The other two Stuarts mentioned in Sir John Forster's decret as present at Glasgow upon the occasion above-mentioned were, Robert Stuart, Lord of , and Alexander Stuart; the first of whom was probably Robert the uncle of Alan. With respect to Alexander Stuart, he was probably the brother of Alan Lord of Derneley; it is known with certainty that Alan had a brother of the name of Alexander, and an uncle of the name of Robert, to whom the lands of Wyftoun were given by his father Sir Alexander Stuart of Derneley, as mentioned in Part II.

The following original papers executed by Alan Stuart Lord of Derneley, in the years 1429 and 1433, have been lately discovered in the charter-room at Hamilton, *viz.*

CHARTER, dated at Crupton the 5th of December 1429, by Alan Stuart, Dominus de Derneley; and precept of sasine, dated at Crupton the 10th of December 1429, by Alan Stuart Lord of Derneley, in favor of Thomas Dalziell, of certain lands in Avendale. Witnesses Alexander Stuart of and William de Maxwell, &c.

BOND, dated the 2d of February 1433, by Alan Stuart Lord of Derneley, to Robert Dalziell, concerning a part of the lands of Galftoun.

In the same bundle in the charter-room at Hamilton, being N^o 211 of the inventory, there are several deeds, receipts, and discharges granted by Katherine Seton, wife of Alan Stuart Lord of Derneley, concerning lands in Avendale, &c. life-rented by her; some of which papers were executed by her whilst widow of Alan Stuart, and others after her second marriage to Robert Lord Maxwell of Carlaverock.

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Amongst the ancient papers kept in the Scotch college at Paris, and which formerly belonged to the Archbishopric of Glasgow, there is the following original instrument, dated the 2d of February 1429-30:

“Carta Alani Stuart, Domini de Derneley, qua dat quædam ornamenta ecclesiæ Glasguen.”

Though this instrument is described to be a charter, yet it appears to be rather in the form of a notorial instrument taken upon the grant made by Alan Stuart to the church of Glasgow. His seal, however, is appended to this deed, and is yet entire. It is thus described in the chartulary of Glasgow in the Scotch college at Paris:

“Huic cartæ appensum est sigillum integrum exhibens super scuto quadripartito.

“1 & 4. Tria Lillia Gallica.

“2 & 3. Tassium tessellatum duplari limbo Lillis contrapofitis confitum.”

Hence it appears that Alan Stuart, soon after his father's death, quartered with his own arms those of France, agreeable to the privilege before mentioned, granted by Charles VII. in the year 1428, to Sir John Stuart of Derneley.

The ornaments given by Alan Stuart to the church of Glasgow, as appears from the charter, consisted of a cloak of red velvet (vestimentum de rubro velveto) and various other articles, under this condition, that he should have the use of these ornaments whenever he should have occasion for them; but that condition was to cease, either in the event of his death, or of his going to parts beyond the seas.

Upon the 19th of January 1433, the said Alan Stuart, under the designation of Dominus de Derneley, executed a deed by which he mortified to the Predicant Friars of Glasgow twenty shillings yearly out of the lands of Cathcart; and in the course of the deed

he

he mentions his father the deceased Sir John Stuart of Derneley. This deed is in the possession of the University of Glasgow.

It appears that soon thereafter the said Alan Stuart of Derneley did go to France, and that he was placed in the situation of Constable of the Scottish army in France, as his father Sir John Stuart of Derneley had been; for there is in the *Chambre des Comptes* at Paris, the accounts of Antoine Raguier, *Tresorier de Guerre* in the time of Charles VII.; in which there is an article of cash paid to Alan Stuart in the year 1435, in these words:

“A Alain Stewart Seigneur de Dernelé, Connestable de l’armée d’Ecosse pour semblable cause, six vingt trois royaux deux sous six derniers Tournois.” Of this article there is an authenticated extract from the *Chambre des Comptes* at Paris.

Notwithstanding the various grants before-mentioned by Charles VII. of France to Sir John Stuart of Derneley, the first Seigneur of Aubigny and Comte d’Evreux, it would appear that his fortune, and that of his family, had been injured by their exertions in favor of the French nation and of Charles VII.; so much so, that the sons of Sir John Stuart were obliged at different times to obtain protections from the King of France against their creditors. Of this there is one instance in the year 1437, as appears by the following protection amongst the Derneley papers in the possession of the Duke of Montrose:

“Protection, dated 4th August 1437, granted by Charles King of France to Alan Stuart Lord of Derneley, and John Stuart his brother, against their creditors, whether of the Scottish or French nation, within the kingdom of France, for eight months after their return from England.”

That Sir John Stuart of Derneley should have injured his fortune by his exertions in France during the last nine years of his life, will not appear extraordinary when it is considered that he

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was obliged to support a great rank in that country, and that he maintained at his own expence during so long a period, a large body of troops and officers from Scotland; which fact is repeatedly mentioned in the grants made to him by Charles VII. whose finances, during the period of his difficulties, did not enable him sufficiently to recompense or to indemnify Sir John Stuart for those heavy charges; for it was not till after Sir John Stuart's death that Charles attained the complete enjoyment of his kingdom, and of the finances belonging to it.

When Sir John Stuart and his brother went to France they were in possession of opulent fortunes in Scotland. They engaged with, and continued attached to Charles during the times of his greatest difficulties and distresses, and to the last hour of their lives. The sacrifices they made for the cause in which they were engaged, and their military exertions during many years in France, however they might add to their fame or to their honours, certainly were no advantage to their fortunes, or to those of their family.

In the year 1439 Alan Stuart of Derneley was treacherously slain near Linlithgow by Sir Thomas Boyd of Kilmarnock; in revenge whereof Alexander Stuart, the brother of Alan, afterwards slew Sir Thomas Boyd.

PROOFS concerning ALEXANDER STUART the second Son of Sir JOHN, and the Brother of Sir ALAN STUART of Derneley.

There are no charters or other documents in writing concerning this Alexander Stuart, who probably never was married, or at least left no male issue; but his existence is sufficiently ascertained by what the historians have related of his attachment to his brother Sir

Sir Alan, and of his spirited conduct in the revenge of his murder by Sir Thomas Boyd: particularly Lindſay of Pitſcottie, in his Hiſtory of Scotland, p. 7, gives the following deſcription of that event, and of the turbulent ſtate of Scotland at that period:

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“ In this mean time, while the country was weltering to and fro in this manner, there was no other thing but theft, reiff, and ſlaughter in the ſouth and weſt of Scotland; for Sir Thomas Boyd ſlew Alan Stuart Lord of Derneley, (who, ere he died, obtained the ſuperiority of Lennox from the King,) at Powmathorn, three miles from Falkirk, for auld feud which was betwixt them, third year after the death of King James I. (who died in 1436). Which deed was ſoon requited thereafter, for *Alexander Stuart*, to revenge *his brother's ſlaughter*, manfully ſet upon Sir Thomas Boyd in plain battle, where the ſaid Sir Thomas Boyd was cruelly ſlain with many valiant men on every ſide. It was ſaughten that day ſo manfully, that both the parties would retire and reſt them diſverſe and ſundry times, and recounter again at the ſound of the trumpet, while at the laſt the victory inclined to Alexander Stuart, as ſaid is.”

PROOFS concerning JOHN STUART, the third Son of Sir JOHN STUART of Derneley.

In the Protection before-mentioned, dated 4th Auguſt 1437, granted by Charles VII. of France, John Stuart is mentioned and therein deſcribed brother to Alan Stuart, Lord of Derneley.

By the original grant of the lands of Aubigny, they were given to Sir John Stuart of Derneley, and to his heirs male in the direct line for ever. But in conſequence of family arrangements made by the Stuarts of Derneley, with the approbation of the Sovereign

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of France, the lands and estate of Aubigny went frequently to the younger or collateral branches of the Stewarts of Derneley, as the eldest branch seldom had it in their power to reside in France, on account of their large possessions in Scotland which required their presence there, as well as their allegiance to the Sovereign of that country.

Accordingly the lands and estate of Aubigny, and also the lands of Concreffault in France, instead of remaining with Alan, the eldest son of the first Sir John Stuart, went to John Stuart the third son. This John Stuart remained in France, where he was Chevalier of the order of St. Michel, and Capitain of the Cent Gens d'Armes Ecoffois; as mentioned by Thaumassiere in his History of the Province of Berry, p. 697, where he says:

“ Alain Stuart son fils (*i.e.* fils de Jean Stuart, Seigneur d'Aubigni) lui succeda en la Seigneurie d'Aubigni, et après avoir sejourné quelque tems en France il retourna en Ecoffe pour jouir des grands biens de sa maison.”

“ Jean Stuart, second du nom, frere d'Alain, demeura en France, et posseda les terres d'Aubigny et Concourfault; fut Chevalier de l'ordre de St. Michel, & Capitaine des Cent Gens d'Armes Ecoffois. Il mourut l'an 1482, et ne laissa de Beatrix d'Apecher sa femme, qu'un fils, Berrault Stuart, qui fut après lui Seigneur des memes terres.”

“ Beraud Stuart suivant les traces de ses illustres ancêtres, rendit des grands services aux Rois Louis XI. et Charles VIII. même en la conquête du royaume de Naples, dont il fut fait Viceroy et Connétable de Sicile et de Jerusalem; il fut aussi Gouverneur de Melun, Baillie de Berry, et Duc de Terre Nove. Mourut l'an 1508; et ne laissa qu'une fille d'Anne de Maumont son épouse, qui fut mariée à Robert Stuart qui suit.”

There

There is in the *Chambre des Comptes* at Paris, volume numéroté 13, des Anciens Homages de la *Chambre de France*, fol. 4664, the letter or warrant by Louis XI. of France to his Treasurers of his Bailliage of Berry, dated 2d September 1461, making mention that “ Jehan Stewart, Chevalier, natif du pays d’Ecosse, had that day rendered the *foy* and *hommage-liege* which was due by him for the Terre and Seigneurie of *Concreffault*, and for the Terre, Justice, and Seigneurie of *Aubigny sur Nerre*: therefore ordering them to remove any obstacles to his possession of the said lands, whereof they are directed to give him full deliverance *sans aucune destourbier ou empeschement*.”

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WE now return to Sir Alan Stuart the eldest son, and the descendants from him.

Sir Alan married Katherine Seton, daughter of Sir William Seton of Seton; and of that marriage there were at the time of Sir Alan's death two sons,

- 1st, JOHN, the eldest, who was created Lord Derneley, and afterwards became Earl of Lennox.
- 2d, Alexander Stuart of Galfoun,

ELEVENTH GENERATION.

Sir JOHN STUART, eldest Son of Sir ALAN, who was killed in the year 1439.

ALEXANDER STUART of Galfoun, second Son of Sir ALAN.

BERNARD STUART of Aubigny, only Son of JOHN STUART Brother of Sir ALAN.

N.B. As the above-mentioned JOHN, ALEXANDER, and BERNARD STUARTS, were all of them Grandsons of the first Sir JOHN STUART of Aubigny, they are here placed in the same Generation.

PROOFS concerning Sir JOHN the eldest Son of Sir ALAN STUART of Derneley.

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AMONGST the Derneley papers in the Duke of Montrose's possession there is an original indenture dated at Houftoun, 15th May 1438, between Alexander Montgomery, Knight, Lord of Ardrossan, on the one part, and Alan Stuart, Lord of Derneley, on the other part; by which it was agreed, that John Stuart, son of Alan, should marry Margaret Montgomery, eldest daughter of the said Lord Ardrossan. By that indenture Alan Stuart, Lord of Derneley, became bound to infeft the lady his daughter-in-law in forty merks worth of land, that is to say, the lands of *Dregairn* and *Drumley*; and in case he the said Alan should happen to recover the estate of Lennox, then he was to infeft her in as much as with the foresaid lands would make up an hundred merk lands of old extent.

Though this John Stuart succeeded to his father Sir Alan in the year 1439, yet there does not appear in the records any charter, retour, or infestment in his favor till many years thereafter. This must be owing to the deficiency of the records at that period; for there is no record of retours or infestments so far back; the record of charters at that period is very imperfect; and the original title deeds themselves have not been preserved.

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The first mention of this John Stuart in any deed upon the records in Scotland is in the year 1450, where there is a charter of confirmation dated 16th May 1450, Book iv. No. 23, granted by King James II. confirming a charter dated 13th May 1450, granted by John Stuart, Dominus de Derneley, by which he gave to his dearest brother Alexander Stuart, all and haill his lands of *Dregairn*; and the reason given for the donation is thus expressed: "Pro suis servitiis concilio et auxilio mihi sepius impensis et impendis, tenend' et habend' prædicto Alexandro et hæredibus suis masculis de corpore suo legitime procreatis vel procreandis—Quibus deficien' mihi et hæredibus meis quibuscunque de me et hæredibus meis in feodo," &c. To be held blench of John Stuart the granter.

There is in the records, Book iv. No. 296. a short note of a charter of confirmation from the Crown, dated 27th June 1452, confirming a charter by John Stuart of Derneley to his brother Alexander, of the lands of Gallistoun in the shire of Air.

As it thus appears that John Stuart was at these periods granting charters of part of his estate, it implies that he had before that time made up his titles to these lands, though the title deeds do not now appear.

Upon the 17th of July 1460, being in the 23d of James II. that Sovereign, as Stewart of Scotland, granted a charter of the lands of Torboltoun in the shire of Air in favour of *John Stuart of Derneley, Knight*; to be held by him and the *heirs male of his body* lawfully procreated or to be procreated, whom failing, by the true nearest and

lawful *heirs male whatfoever* of the faid John, of and under the Stewart of Scotland at the time; and to be held as one entire and free barony, to be called the barony of Torboltoun, in fee and heretage, &c.; rendering therefore yearly fuit and prefence in the Court of the Sheriff of Air, and to the Stewart of Scotland for the time, the wards, reliefs, and marriages when they fhould happen.

The charter here referred to is amongst the Derneley papers in the poffeffion of the Duke of Montrofe, and it is alfo recorded in the Register of Crown Charters, Book . . . It proceeds upon the refignation of John Stuart of Derneley, in whofe favor the charter was granted, which implies that before that time he had made up his titles to thefe lands holding of the Stewart of Scotland.

In a few weeks after the date of this charter of 17th July 1460, James II. the granter of it, was killed at the fiege of Roxburgh, on 3d Auguft 1460.

In the next year 1461, there is a charter by King James III. dated 20th July 1461, and in the firft year of his reign, of the Mains of Torboltoun, and alfo of the lands of Drumley, *Dregairne*, and Ragathill, in the fhire of Air, in favor of the faid John Stuart of Derneley, wherein he is defigned *John Lord Derneley*, and Margaret Montgomery his wife, and the longeft liver of them, &c.; whence it appears probable that the objeet of this charter was to give the lands therein mentioned as a fecurity in part for a jointure to Margaret Montgomery the wife of John Lord Derneley.

This charter of the year 1461 is amongst the papers of the Derneley family in the poffeffion of the Duke of Montrofe; and as in the charter of 17th July 1460, granted by James II. John Stuart was defcribed "*John Stuart of Derneley, Knight*," while in the charter granted by James III. in 1461, he was defcribed "*John Lord Derneley*;" this clearly proves, that in the interval between 17th July 1460, and 20th July 1461, he had been created a Lord

of Parliament by the title of Lord Derneley, and most probably at the coronation of James III.

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George Crawford, in his History of the Stuart Family, p. 74, states, that John Stuart of Derneley was by King James II. created a Lord of Parliament with the title of Lord Derneley, in the year 1445; and that he afterwards obtained from James III. in the year 1481, the Earldom of Lennox, with the dignity. But there is reason to think, that in these dates Crawford was erroneous, and particularly with regard to the Lordship of Derneley; for the two charters above-mentioned, the one on 17th July 1460, where John Stuart was designed simply "*John Stuart of Derneley, Knight,*" and the other on 20th July 1461, where his designation was altered to that of "*John Lord Derneley,*" afford convincing proof that his creation as a Lord of Parliament must have happened in that interval.

In the Records of Scotland kept in the Register House at Edinburgh, there are the acts and proceedings of Parliament from the year 1424, in the nineteenth year of James I.; and in these there is no mention of Lord Derneley acting as a Peer of Parliament before the year 1460; but after that period he is frequently mentioned, particularly in the following instances:

In a parliament of James III. held at Edinburgh on the 20th of November 1469, the King present in Parliament, one of the Lords of Parliament mentioned immediately after the Clergy and the Earls is "*Dernelé*;" after which the Knights and Burgessees are mentioned.

In the same year (1469), there were four Prelates, four Barons or Peers, and four Commoners appointed for hearing complaints; and under the title of Barons, the first Baron named is, "*The Lord Dernelé.*"

N.B. It is to be observed, that prior to 1469 there are few instances of the names of Peers and Commoners present in Parliament being inserted in the Books of Parliament;—if any roll of the names of the members present had been preserved, it

it is probable that the name of Lord Dernelé would have been found before the year 1469.

In a Parliament of James III. 18th February 1471, under the title of "Lords," there is *Dernelé* immediately after Borthwick and before Lindfay.

In the Parliament, 20th November 1475, there is marked amongst the Earls present "Comes de Levenox *." But for several years thereafter there is no mention in the Rolls of Parliament of an Earl of Lennox; on the contrary, the name of Lord Derneley is inserted frequently in the Rolls of Parliament from 1475 to 1488.

In a Parliament of the same King, 1st July 1476, the first Lord mentioned in the list of Domini present is "*Dernelé*."

In a Parliament held the 1st of March 1478 at Edinburgh, under the title of "Domini Parliamenti," present, there are "Dominus "Avendale, Cancellarius; Dominus de Erskyne;" then "*Dominus "Derneley;*" after whose name there are mentioned eighteen other Lords of Parliament; and there is also a list of the members absent; and it is to be observed, that there is not any person under the description of Comes or Earl of Lennox inserted in the list of members either present or absent.

On the 6th of March 1478, the Parliament delegated their full authority, during a certain space, to certain persons of their own number, and *the Lord Derneley* is one of the persons named to whom these powers were delegated.

* The reason of his being described Earl of Lennox in the parliament held in the year 1475, has probably been this: John Lord Derneley, apprehending himself entitled to the peerage of Lennox, as well as to the principal part of the estate of Lennox, in consequence of his descent from Elizabeth the second daughter of Duncan Earl of Lennox, and in consequence of the eldest daughter Margaret having died in 1452, without leaving issue, had asserted his right to that peerage before the year 1475, and his claim had been so far listened to, that upon one occasion in that year he had been allowed to sit in parliament as Earl of Lennox; but upon better consideration he was not allowed to continue to make use of that title; and accordingly reverted to his designation of Lord Derneley, which he continued till the year 1488, in the time of King James IV. when either by creation or succession he became Earl of Lennox, which title afterwards continued with him and his successors.

In the Parliament 1481, April 11th, Lord Derneley is one of the Peers named in the federunt of the Lords of Parliament present; and he is also named in the meeting of Parliament on 13th April 1481.

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Dernelé is also named as one of the Lords present in the Parliament held at Edinburgh on 18th March 1481-2; and in that Parliament he was chosen one of the Lords of the Articles.

In the Parliament of James III. held in the year 1483, sentence of forfeiture passed on the 7th of July 1483, against Alexander Duke of Albany and James Liddale of Halkerstone. Then the Parliament was adjourned to the 7th of October then next, and the three States committed the power of the whole Parliament in certain matters to the Lords of Parliament therein named, one of whom was "*minus Dernelé*."

There is no mention of Derneley or Lennox as present in any of the Parliaments of the years 1484,-85,-86, or 87.

In a Parliament of James IV. in October 1488, John Earl of Lennox is mentioned as present on the second day of that Parliament, and classed with the Earls; this may be considered as the first time when John Lord Derneley was legally inserted in the Books of Parliament as Earl of Lennox, for though upon one occasion at a Parliament held 20th November 1475, there is marked as present Comes de Lennox; yet in the very next Parliament, 1st July 1476, he was again described under the title of Lord Derneley, and continued to be so described till the first Parliament of James IV. in October 1488.

The next mention of the Earl of Lennox as present in Parliament, is on 5th February 1505; this must have been Matthew Earl of Lennox, as his father John Earl of Lennox had died before that time.

From what has been above stated, it appears that the first peerage enjoyed by the Stuarts of Derneley was that of *Lord Derneley*; and that this Peerage enjoyed by them, was from the year 1461 to the year

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year 1488, at least, before Lord Derneley became Earl of Lennox. And as the lands and estate belonging to the Derneley family, held by them under the Stewart of Scotland, had been granted to them by Robert the Stewart in the year 1361, as particularly mentioned in Part Second, under an express condition that they should belong to the heirs male of that family while any existed, there can be little doubt, though the original creation does not now appear, that the Peerage of Derneley must have been in favor of John Stuart of Derneley and *his heirs male*, in a destination similar to that by which the Derneley estate was granted to the family.

In the year 1466, the said John Stuart Lord Derneley set about making up his titles to certain lands in the barony of Avendale in the shire of Lanark, which had belonged to his grandfather Sir John Stuart of Derneley, who was killed in France in February 1429: to wit, the lands of Clumpton, comprehending, as parts of the barony of Avendale, the lands of Meickle-kype, Under Lynbank, Nether Lynbank, Brownside, Ryland, and Rylandfike. These lands had been in non-entry with the Superior for the space of thirty-seven years, since February 1429, as no person had, since the death of Sir John Stuart, made up his titles to them.

The first step therefore taken by John Lord Derneley in 1466, was to get himself served heir in special to his grandfather Sir John Stuart in these lands, wherein he had been the last entered vassal. This service took place in 1466; upon it he obtained a precept from the King's Chancery, directed to Lord Avendale the Superior. He then applied to Lord Avendale for a warrant for infeftment of the lands held of him. Accordingly Lord Avendale issued his precept of sasine, dated 13th October 1466, for infefting John Lord Derneley in the lands before-mentioned, wherein his grandfather Sir John Stuart had died last infeft; but in order to secure the pay-
ment

ment of the non-entry duties, the precept of *fasine* contained the following clause:

“ *Capien’ securitatem de 1480, mercis de firmis dictarum terrarum de terminis 37 annorum elaps’ fasina earundem non recuperata quæ firmæ extendunt annuatim ad 40 mercas et de quadringinta mercis de relivio earund’ terrarum nobis debet.*” This space of thirty-seven years non-entry duties, due in 1466, agrees precisely with the time of the death of Sir John Stuart of Derneley the last entered vassal, who was killed in France in February 1429.

In consequence of the above precept of *fasine* John Lord Derneley was, upon the 18th of March 1466-7, infest in the above-mentioned lands *, as appears from the notorial instrument still extant in the Charter-room at Hamilton, amongst the papers relating to the barony of Avendale belonging to the Duke of Hamilton, which narrates the preceding steps; but at the time of obtaining from Lord Avendale the Superior, the warrant for infestment; or at the time of the actual infestment, Lord Derneley must either have paid or given security for the above sum of 1480 merks, as the amount of the non-entry duties since February 1429, to the date of Lord Avendale’s warrant for infestment in October 1466, which was precisely thirty-seven years.

John Lord Derneley having in the years 1466 and 1467 completed his titles in the manner above-mentioned, to the lands in the barony of Avendale which had belonged to his grandfather Sir John Stuart of Derneley, held by him of and under the Lord of Avendale; he proceeded in the year 1468 to make up his titles in a similar manner to the Forty Merk Lands of *Castelmilk*, and the Ten Merk

* The witnesses to the infestment in favor of John Lord Derneley on 18th March 1467, were Joannes de Rois de Hawkhead, Miles, Alexander Stuart de Galsoun, Robert Stuart de Miltonside, Johannes Rois de Mortgroman, Adam Mure de Caldwell, Constantius de Dunlop, Armigeri.

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Lands of Brummel, lying in the lordship of Annandale, which had belonged to the said Sir John Stuart of Derneley, grandfather of John Lord Derneley, held by the said Sir John of and under the Lords of Annandale as his immediate Superiors thereof.

It has already been mentioned in Part Third, that amongst the Derneley papers in the possession of the Duke of Montrose, there has been found an original paper dated 24th October 1470, executed by Alexander Duke of Albany under the title and description of Lord of Annandale, by which he “ grants to his beloved cousin
“ John Lord Derneley, 1950 merks to be uplifted out of the Twa-
“ part of the lands of Castelmylke, (which, in other deeds is de-
“ scribed the Forty Merk Lands of Castelmylke,) and in the lands
“ of Brummell (described in other deeds a Ten Merk Land) lying
“ within the lordship of Annandale, and being in his hands as
“ Lord of Annandale all the time of thirty-nine years bygone since
“ the decease of Sir John Stuart Derneley, in default of entry of
“ the said Sir John's heirs.”

This authentic original deed, granted by the Duke of Albany as Lord of Annandale, amounts to an express declaration and proof that these lands of Castelmilk and Brummel had belonged to Sir John Stuart of Derneley, held by him immediately of and under the Lords of Annandale, and that he was the last vassal in these lands who had made up his titles to them in the proper feudal manner by investiture from the Superior; in consequence of which neglect of his successors the lands had been in non-entry, and in the hands of the Lords of Annandale as the Superiors, for the space of thirty-nine years bygone since the decease, in February 1429, of Sir John Stuart of Derneley the last entered vassal.

The non-entry duties of the lands of Castelmilk and Brummel, lying on the borders between England and Scotland, were regulated
by

by the old extent of these lands*, to wit, forty merks yearly for the Forty Merk or Twa-part of the lands of Castelmilk, and ten merks yearly for the Ten Merk Lands of Brummell, making together fifty merks yearly; which for thirty-nine years amounted precisely to 1950 merks, the sum specified in the Duke of Albany's grant to John Stuart Lord Derneley.

The non-entry duties due to the Superior are calculated at the time the Superior's giving warrant for the infeftment to be taken by the vassal who claims to be received as heir of the vassal last infeft; and the general practice is, that the vassal who is to receive the new infeftment pays or gives security for the non-entry duties at the time of receiving the Superior's warrant for the infeftment. It must therefore have been in the year 1468 that John Lord Derneley received from the Lord of Annandale the precept of sasine for his taking infeftment in the lands of Castelmilk and Brummell; for Sir John Stuart of Derneley the first Lord of Aubigny died in February 1428-9, and it appearing by the Duke of Albany's deed above-mentioned, that the lands had remained thirty-nine years in non-entry, that brings it to the year 1468, when they ceased to be in non-entry; which could only be from the heir of Sir John Stuart having at that time made up his titles to these lands by warrant from the Superior.

* In calculating the annual value and amount of non-entry duties, the general rule observed was, that the valuation of the lands known by the description of the New Extent was considered to be the real annual value of them. But from this there was an exception in the case of lands on the borders; where the non-entry duties were estimated, not according to the new extent, but according to the old extent only, which was generally but a third or fourth part of the new extent. This exception in the case of lands on the borders, and the reason of it, is stated in Craig de Feudis, lib. ii. di. 17. § 37. p. 361. where, speaking of non-entry duties, he states, that in general they are regulated by the new extent; but adds: "Apud limitarios novi extentus rarus vix habetur nec in iis nisi antiquis requiritur quia eorum arva ab hostibus plerumque infestantur neque solidos fructus capere ideo presuntur interdum omnino excluduntur."

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That warrant, according to the usual form, would contain a clause directing security to be taken for the bygone non-entry duties. Of this an example has been given in what happened when the same John Lord Derneley made up his titles to the lands in the barony of Avendale held of the Lord of Avendale as Superior, when the warrant for infeftment granted by that Superior contained the clause before recited for taking security for 1480 merks as the amount of the non-entry duties for these lands in Avendale barony for the space of thirty-seven years. Therefore when John Lord Derneley obtained, in the year 1468, the Lord of Annandale's warrant for taking infeftment in the lands of Castelmilk and Brummel, he must have granted his obligation or security for paying the bygone non-entry duties for these lands for thirty-nine years, amounting to 1950 merks; and it must have been for the purpose of relieving him from that obligation, that the Duke of Albany, as Lord of Annandale and Superior of the lands of Castelmilk, gave to Lord Derneley the above grant in October 1470, of the non-entry duties.

By the terms of the said deed by the Duke of Albany as Lord of Annandale, he grants to John Lord Derneley the said sum of 1950 merks to be *uplifted* out of the lands of Castelmilk and Brummel. This was applicable to the state of the superiority and vassalage of these lands at that time; for though John Lord Derneley held the lands of Castelmilk and Brummel immediately of and under the Lords of Annandale; yet he had not the beneficial interest in these lands at that time, for the property of them belonged to the Stuarts of Castelmilk, the heirs of Sir William Stuart of Castelmilk, who held them immediately of and under the elder branch of the family, the Stuarts of Derneley, who were the intermediate Superiors between them and the Lords of Annandale. The Stuarts of Castelmilk, the proprietors, could not get their titles to these lands made up since the death of Sir John Stuart of Derneley, who died in 1429, as his heirs, who were the immediate Superiors to the Stuarts of Castelmilk,

had not made up their own titles; therefore the non-entry duties incurred must ultimately have been due by the Stuarts of Castelmilk, the proprietors of the lands; and it was for this reason probably, that the deed granted by the Duke of Albany in 1470, instead of being in the form of a discharge to Lord Derneley for the 1950 merks of non-entry duties incurred, was in the shape of a grant entitling him to *uplift* these non-entry duties out of the lands of Castelmilk and Brummel, for his own relief.

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As it thus appears that Lord Derneley had made up his titles to the lands of Castelmilk and Brummel about the year 1468, there is reason to believe that Matthew Stuart of Castelmilk, the proprietor of these lands, (the son of the first Sir William Stuart of Castelmilk,) who, upon the death of his elder brother Archibald Stuart, succeeded to the property of the lands of Castelmilk and Brummel at that very period, or at latest in the year 1470, did at that time apply to and obtain from John Lord Derneley, his immediate Superior, the charter or other deed necessary for making up his titles to the property of the lands of Castelmilk and Brummel; and it was probably for the purpose of enabling Lord Derneley to grant the proper feudal titles to his cousin Matthew Stuart, that he applied to the Duke of Albany for receiving himself as vassal to the Lord of Annandale in these lands; though little benefit could arise to the Derneley family from that intermediate superiority, other than the dependence of the younger upon the elder branch of the family*.

It

* In confirmation of what has been above stated, there are proofs that, besides the near degree of relationship in which Matthew Stuart stood to John Stuart Lord Derneley, there was much intimacy and intercourse between them; and there are also proofs that it was precisely in the period between 1468 and 1470 that Matthew Stuart, whose first designation was that of Cassiltoun, succeeded to the estates of Castelmilk and Fynnart, after which time he was promiscuously designated of Castelmilk and of Fynnart.

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It was agreeable to the practice of those times, and to that of the Derneley family in particular, to retain to the elder branch of the family the superiority of the lands whereof the property had been given to the younger branches of the family: and as the tenure by which they were held was generally that of ward-holding, they esteemed it of some value that they had thus a power of requiring their military services when necessary.

It has been clearly shewn that Sir John Stuart of Derneley, who died in the year 1429, had made up his titles both to the lands which

Charter of
confirmation
under the
Great Seal, lib.
vi. No. 52.

There is a charter dated 6th June 1464, by John Stuart Lord Derneley, in favor of Thomas Stuart of Albany, of the lands of Balderran in Stirlingshire; to which charter Matthew Stuart of Cassiltoun is a witness, along with Andrew Stuart Lord Avendale, Chancellor of Scotland, Murdock Stuart, Miles, and John Maxwell of Nether Pollock, &c.

Matthew Stuart was also designed of Cassiltoun in a judicial ratification by Isabella Norvell, Lady of Cardonald, on 24th November 1466; and in an instrument of resignation dated 14th July 1468, by Lady Katherine Seton, Lady of Derneley and of Maxwell, to which instrument James Lord Hamilton and Matthew Stuart of Cassiltoun were witnesses.

But soon after that period he ceased to be designed of Cassiltoun, and took the designations of Castelmilk and Fynnart, sometimes making use of the one, and sometimes of the other. Thus in a charter dated 3d May 1470, granted by John Lord Derneley to James Campbell of Brackenrig, of the lands of Brownfide in the barony of Avendale, the witnesses are Matthew Stuart, *of Fynnart*, George Maxwell of Carnfalloch, Alexander Stuart of Galfoun, and John Stuart Provost of Glasgow: all these witnesses were near relations of John Stuart Lord Derneley.

Matthew Stuart, designed of *the Fynnart*, is also witness to a precept of sasine dated 3d May 1470, granted by John Lord Derneley, directed to his friends, Alexander Stuart of the Galfoun, and John Hamilton of the Hainshaw. And Matthew Stuart is also witness to a discharge dated 3d May 1470, by John Lord Derneley, relating to the lands of Brownfide, where he is designed Matthew Stuart *of Fynnart*.

In an instrument of sasine dated 23d April 1473, in favor of Patrick Murray, of certain lands in Annandale, one of the witnesses was William Stuart, the eldest son of the said Matthew Stuart; and the witness is thus described: "William Stuart son and apparent heir to Matthew Stuart *of Castelmilk*."

Obligation dated 8th June 1473, by the Predicant Friars at Glasgow, relative to a donation of ten merks yearly made to that convent by "*Matibese Stuart Laird of Castelmilk*."

belonged

belonged to him in the barony of Avendale, and to the lands of Castelmilk and Brummel which belonged to him in the lordship of Annandale; and that in consequence thereof, his grandson John Lord Derneley, in establishing his right to these lands, connected his titles with those of Sir John Stuart his grandfather, who had been the last vassal received by the Superiors of these respective lands. And it will appear in the sequel, that the successors of John Lord Derneley, knowing that he had completed his titles to the lands of Castelmilk and others above-mentioned, connected their titles to these lands as heirs to him therein. But as many of the original and ancient papers of the Derneley family have from the injury of time been lost or mislaid; and as the records of the old lordship of Annandale, and likewise the records or chartularies of the barony of Avendale, do not now exist, or at least have not been discovered; so it is difficult now to ascertain in what manner Sir John Stuart of Derneley (the grandfather of John Lord Derneley) acquired right to the lands which certainly belonged to him in the barony of Avendale, or to the lands of Castelmilk and Brummel, which with equal certainty belonged to him in the lordship of Annandale; whether they were acquired by himself, or whether he inherited them from some of his ancestors.

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With regard to the lands and estates held by the Derneley family immediately of and under the Crown, or of and under the Prince and Stewart of Scotland, John Lord Derneley appears to have made up his titles to these several lands and estates, though there is some degree of uncertainty as to the periods at which the titles to these were first established in his favor.

Upon the 21st of June 1473, King James III. by a deed of promise under his private seal, and subscribed by him of that date, declared, that John Lord Derneley had resigned in his Majesty's hands his lands of the lordship of Derneley, Inchennan, lying in.
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the sheriffdom of Renfrew; Torbolton, Dregairn, and Galstoun, lying in the sheriffdom of Air; and the lands of Bathcalt, lying in the sheriffdom of Edinburgh; to remain in his Majesty's hands until the said John Lord Derneley his entry to his part of the lands of the earldom of Lennox, and thereafter until he shall have infest and given to his Majesty's well-beloved cousin and Chancellor Andrew Lord Avendale, the said lands of the earldom of Lennox in life-rent, as freely and in such form as the said Chancellor had the same lands of his Majesty before; and also until William Edmonstone of Duntreath be made secure by the said John Lord Derneley for his part of the said lands of Duntreath, and others lying in the said earldom of Lennox, which he, William Edmonstone, has by infestment and gift heretably of before. And it is declared, that upon the Lord Avendale and William of Edmonstone being made secure and content with respect to the premises, that immediately thereafter his Majesty should give again to the said John Lord Derneley, all his said lands of Derneley, Inchennan, Torbolton, Dregairne, Galstoun, and Bathcate, and infest him heretably therein as fully as he held them of before, without cost or expence, or any impediment.

Upon the 4th of December 1475, letters were granted by his Majesty, appointing John Lord Derneley (therein designed Earl of Lennox) his Majesty's Lieutenant within the bounds of the shires of Renfrew, Air, Wigtoun, and the West Ward of Clydesdale. Public Records, Book vii. No. 353.

Here it may be proper to give a general view of the steps taken by John Lord Derneley for asserting his right to the estate and honours of the old Earls of Levenax, or at least to a certain portion thereof, in right of succession from his grandmother Lady Elizabeth Levenax, who was daughter of Duncan Earl of Levenax and wife of Sir John Stuart of Derneley, grandfather of John Lord Derneley.

Duncan

Duncan Earl of Lennox had three daughters, Isabel, Elizabeth, and Margaret. The eldest of these daughters, Isabel Levenox, married, in the year 1391, Murdoch Duke of Albany, eldest son of Robert Duke of Albany, Governor of Scotland; after whose death, in 1425, she enjoyed the Levenox estate till 1452, when she died, without leaving any surviving issue.

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For some years after 1452, according to Sir Robert Douglas in his Peerage, p. 398, the earldom of Lennox fell into the King's hands, as the next heirs did not for some time prosecute their titles.

But in the year 1460 John Lord Derneley took instruments on his requiring Andrew Stuart Lord Avendale, Chancellor of Scotland, to issue briefes, "ad inquirendum de quibus terris et annuis redditibus cum pertiten' quondam Duncanus Comes de Lennox, pater Elizabethæ de Lennox, avæ dict' Joannis obiit ultimo vestit et fasit infra dict' vicecomitatum, et si ipse Joannes Stuart esset unus de legitimis hæredibus dicti quondam Duncani." The instrument is dated 16th December 1460; and the procurator for John Lord Derneley upon this occasion was his brother Alexander Stuart.

Upon the 12th of October 1463, John Lord Derneley took an instrument, upon his exhibiting a petition to the King and Parliament, to be infeft in the half of the estate of Lennox.

Upon the 23d of July 1473, John Lord Derneley was actually served heir to Duncan Earl of Lennox, his great-grandfather, (as being lawfully descended from Elizabeth the daughter of the Earl,) in half of the earldom of Lennox, and in the principal messuage of the earldom, which had been in the King's hands for the space of forty-eight years by the death of Earl Duncan. And on the 27th of July 1473, John Lord Derneley was infeft in the premises upon a precept from the Chancery following on the said service; at taking which infeftment, Alexander Stuart, brother to Lord Derneley, was attorney for him.

Upon the 2d of October 1473, there was a precept issued by King James III. charging the tenants and inhabitants of the earldom

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of Lennox, to answer, attend, and obey John Earl of Lennox, Lord Derneley. Of which precept a tranfumpt was taken, as appears by the instrument of tranfumpt dated 14th October 1473.

The competition for the lands and estate of the earldom of Lennox, in which the competitors were, John Lord Derneley, as descended from Elizabeth the second daughter, and the descendant from Margaret the third daughter of Duncan Earl of Lennox, lasted for many years, and seems not to have been completely settled till about the year 1493; for there is a commission dated 8th July 1493, by John Lord Derneley, therein designed Earl of Lennox, to Matthew Stuart his well-beloved son and apparent heir, and to John Stuart of Henricston, also his son, to go to the Kirk of Drymen on the 9th of July then instant, and to commune and agree with John Haldane of Gleneagles anent the avail of the earldom of Lennox.

That commission seems to have been granted for the purpose of carrying into execution the terms of an arrangement made between John Earl of Lennox and John Haldane of Gleneagles, for there was an indenture of agreement signed between these parties in July 1493.

And there was also an indenture of agreement executed on the 16th of May 1490, between John Earl of Lennox and his son Matthew on the one part, and Elizabeth Monteith and her son on the other part. These several agreements appear to have put an end to the contestation; and as John Lord Derneley, in these indentures with his competitors, takes the title of Earl of Lennox, it is clear that the question about the peerage of Lennox must have been settled and acknowledged before the year 1490; the first traces of John Lord Derneley having been formally acknowledged as Earl of Lennox, appears to have been in the first year of the reign of James IV. to wit, in the year 1488.

With regard to the title of Earl of Lennox, Duncan Stewart, p. 153 of his book, says, that John Lord Derneley designed himself Earl of Lennox in 1483, in right of his grandmother, daughter to Duncan
Earl

Earl of Lennox; which title he gave up, and was afterwards created Earl of Lennox by King James IV. anno 1488*.

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The patent, or charter creating John Stuart, Lord Derneley, Earl of Lennox, has not been discovered, therefore nothing positive can be asserted with regard to the terms of it, or the destination of that title.

Amongst the acts of Parliament of King James III. there is an act passed in the Parliament begun at Edinburgh the 2d of April 1481, in which there is this article: "Item, Our Sovereign Lord has ordained that the Lord Derneley be Warden in the West Borders; and commands and charges that all his lieges answer and obey him and his lieutenants in the said office in time to come."

In the times of the confusions which took place during the troubled reign of James III. when the greatest part of the nobles rebelled against him, and when they conveyed him from Lauder to the Castle of Edinburgh as a prisoner, John Lord Derneley is mentioned by Lesley as one of those confederated Lords who seized the King at Lauder in 1482, as well as Lord Avendale the Chancellor, and the Lord Lyle, with whom Derneley appears to have been much connected.

On the other hand, Duncan Stewart, in his History of the Stewarts, p. 153, says, that when the civil war broke out in King James the

* Crawford, in his History of the Stuarts, p. 74, says, that Sir John Stuart of Derneley, standing high in favor with King James II. was by that monarch created a Lord of Parliament, with the title of Lord Derneley, in the year 1445; and that he obtained the earldom of Lennox, with the dignity, about the year 1481; that this John Earl of Lennox died anno 1491. It is clear that in all these particulars Crawford is inaccurate; for it has been already shewn that John Stuart of Derneley was not Lord Derneley before the year 1461; that he sat and acted in the Scottish Parliament, not as Earl of Lennox, but as Lord Derneley, till after the year 1481; and that he was alive in the year 1493: it appears also that he did not attain undisputed enjoyment of the title of Earl of Lennox before the year 1488.

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Third's time, John Lord Derneley joined the King against the rebels and the Prince.

The transactions of those times are involved in great obscurity from the want of contemporary authors, or of the proper authentic materials for history, so much so, that it is very difficult to ascertain the truth of facts, or to trace with certainty the actors in the different events.

It is certain that John Lord Derneley was one of the Peers who attended the King during his confinement in the Castle of Edinburgh. This is proved by a deed still extant, executed by James III. on the 19th of October 1482; the terms of which imply that his Majesty had great confidence in John Lord Derneley. It declares it was at the King's particular prayer and command that John Lord Derneley, and certain persons attached to him, remained with his Majesty in the Castle of Edinburgh, to wait upon his person night and day, and to preserve him from certain Lords and persons who were there about him, and who, as the King suspected "would have slain and undone him." Therefore the King, by the said deed, ordered a letter to be passed under the Great Seal, reciting these facts, and declaring John Lord Derneley and his serviteurs and familiars who were with him in the said Castle, all of whom, to the number of sixty-six, are therein named, are to be free of all actions of crime of the King's hurt, majesty, or accusation, that may be imputed to him or them in any ways for the causes aforesaid, or occasion thereof. And declares the said John Lord Derneley and the persons therein named his true lieges, &c.

This original deed, which seems to have been unknown to all the historians of the events in those times, is amongst the Derneley papers in the Duke of Montrose's possession, with the King's subscription to it; and will be found in the Appendix.

Whether the above declaration contained the King's genuine sentiments with regard to John Lord Derneley, or whether it was

meant to be of the nature of a pardon to him, the author will not pretend to decide.

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King James III. lived several years after the date of the above deed in 1482, having lived till the 11th of June 1488; when he was safely murdered at a mill near Bannockburn, in his retreat after the battle that day fought between his troops and those of the confederate Lords who had risen in rebellion against their Sovereign.

During all that space, from 1482 to 11th June 1488, there were no indications of the King's having entertained sentiments with regard to John Lord Derneley different from those expressed in the above-mentioned deed executed by him in the year 1482; and this is the more remarkable, as it appears that the King did entertain sentiments of resentment against some of the Lords who had advised his being confined in the Castle of Edinburgh as a prisoner. It is particularly mentioned by Lindfay, p. 82, that the King, after his being liberated from confinement, put certain Lords in the Castle of Edinburgh in ward, who were the counsellors of the most part of his in-putting, which were in number sixteen, to wit, the Earl Bothwell, Lord Hume, Lord Avendale, Chancellor for the time, Lord Gray, Lord Drummond, the Lord of Eglintoun, Lord Fleming, Lord Seton, Lord Maxwell, with sundry other great Barons. In that list there is no mention of the Lord Derneley; which favors the opinion that the deed before-mentioned contained the genuine sentiments of that monarch with respect to him.

It is alleged that John Lord Derneley and his son Matthew must have been hostile to James III. because Matthew, Master of Derneley, was in a safe-conduct granted by the King of England, dated 5th May 1488, united with the Bishops of Glasgow and Dunkeld, the Lord Lyle, the Earl of Argyll, the Lord Hailes, and others, who were known to be hostile to James, and were proceeding to England to treat about matters relating to Scotland.

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It appears that in the first Parliament of James IV. in the year 1488, John Earl of Lennox was present on the second day of its fitting, and that Lord Lyle was then Justice General; that Parliament, it is believed, was not attended by those who had supported the cause of the deceased Sovereign James III., it was attended only by those who had espoused the cause of the Prince and of the confederated Lords.

Besides these proofs of his connection with the Prince's party, there were several instances of favor shewn to Lennox and his son Matthew in the early part of the reign of James IV., from all which it must be confessed, there is too much reason to conclude that John Lord Derneley, Earl of Lennox, was in confidence with the party which deposed James III. and availed himself of the circumstances of the times to establish his title to the earldom of Lennox, which had been withheld from him since the death of Isabel Countess of Lennox in 1452.

Upon the 10th of October 1488, the custody of the Castle of Dumbarton was, by a Royal Commission from James IV., committed to John Lord Derneley, therein designed Earl of Lennox, and to his son Matthew, afterwards Earl of Lennox. Public Records, Book xii. No. 61.

By the eighth act of the Parliament 1489, the Earl of Lennox, the Lord Lyle, and Matthew Stuart, are commissioned to maintain peace in Renfrew, Bothwell, Glasgow, Kilbride, and Avendale.

In the course of the year 1489, the Earl of Lennox and his son Matthew, and Robert Lord Lyle, appear to have been engaged in an insurrection against the existing government: the circumstances and causes of which are involved in great obscurity. The most probable account of it given by the historians, and particularly by Mr. Pinkerton, the latest author on the subject of the transactions of those times, vol. ii. p. 8., is, that many of the nobles still nourished the memory of their loyalty to James III., and were much dissatisfied with

with

with the measures pursued by those Lords who took the lead of affairs after his death; that these discontented Nobles affected to regard the King as a captive in the hands of his father's murderers; that Alexander Lord Forbes displayed in Aberdeen and other northern towns, the bloody shirt of his murdered Sovereign suspended from a spear, and loudly summoned all good subjects to revenge. The flame began to spread to a great extent; the discontented Nobles, among whom were some who had engaged in the Prince's cause, but had now reasons of enmity against his counsellors, having fixed and communicated their designs, the Earl of Lennox led a considerable force towards the north to join their standard. Finding it impracticable to march by the bridge of Stirling, he turned to the west, intending to pass the Forth by a ford, and encamped at a spot called Tilly Mofs, where he was unexpectedly attacked by Lord Drummond, who, by means of a deserter from Lennox, had got intelligence of his motions, and having advanced, hastily attacked, in the night, the troops under Lennox, who, having taken no proper precautions for their security, were speedily defeated and dispersed.

This insurrection is supposed to have happened in the summer of the year 1489. In the same year, and probably connected with the same insurrection, or as a consequence of it, Matthew Stuart, the heir of the Earl of Lennox, and Robert Lord Lyle, defended Dumbarton Castle against the existing government.

It was probably for these transgressions that in the month of June 1489, a sentence of forfeiture was passed in the Parliament of Scotland, against John Earl of Lennox and his son Matthew, and against Robert Lord Lyle; but the act of forfeiture itself is not now to be found in the Records of Parliament; for it was, upon the 5th of February 1489-90, rescinded and annulled by the King and Parliament; and in consequence thereof, his Majesty, upon the 6th of that month, issued a precept directed to the clerk register, ordering

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ordering him to take furth of the books of Parliament the said procefs of forfeiture, and to deliver the same to the said John Earl of Lennox and to Robert Lord Lyle, and to destroy the said procefs in such way that it be never seen in time to come.

The above-mentioned order from the King to the clerk register is in the books of Parliament under the following title: “Præceptum Regis pro extractione processus Comitis de Levenox, Roberti Domini Lile, et Matthei Stuart.”

There is also in the Books of Parliament at the Register House in Scotland, the act dated 5th February 1489-90, by the King and Parliament, cassing and annulling the said forfeiture; which act proceeds upon a recital, that it had been found by sentiment of Parliament, that the procefs of forfaulture led *in the last Parliament* against John Earl of Lennox, Robert Lord Lyle, and Matthew Stuart, was not lawfully led nor deduced to be just and goodly, according to the common law and consuetude of other processees of forfaulture led of before. “Therefore his Majesty, with avise, counsaie, and degeft mynd and deliverance of our said Parliament, cassis and annullis, by his owne proper mouth, the said sentence and doom of forfeiture given and pronounced by the mouth of John Dempster, against the said John, Robert, and Matthew, with all things following thereupon.”

This act bears to be signed by his Majesty, sitting in judgment in his Parliament at Edinburgh, the 5th day of the month of February, the year of God 1489 years, which in modern style was 1490; consequently it was in the preceding year 1489, that the said procefs of forfaulture had been carried on and passed against the parties. The docket of this act is in these words: “In quorum omnium singulorum fidem et testimonium premiforum magnum sigillum dicti Domini nostri Regis, & sigilla Reverendorum et Venerabilium Fratrum Episcoporum, Abbatum, Priorum,

“ Priorum, una cum figillis Ducum, Comitum, Dominorum Baronum,
 “ libere tenentium & burgorum commissariorum presentibus
 “ apponi ordinatum extitit.”

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In another parliament held by James IV. commencing on the 15th day of February 1489 (1490), there is an act, chapter 92, intitled “ The Remit of them that was in Dumbarton with the Lord Lyle.” The words of the act are: “ Item, It is statute and ordainit be our
 “ souverane lord in this present Parliament, that all persounes com-
 “ monis on the south side of the watter of Forth, that tuke part with
 “ Robert Lord Lyle and Matthew Stuart in the halding of the castell
 “ of Dounbartane againe our souveraine lord, and all convocatioun
 “ maid thairupon agane our souverane lord, be fre remittit be the
 “ wryting of this act, and statute for that action allendarlie. Sa that
 “ they need not to rafe nane uther seillis. And gif it happinis any
 “ of the said persouns to be indicted for the said cause, that they
 “ fall find fourtie to make satisfacioun to the parties complainzand,
 “ as effeiris of law,” &c.

Amongst the Derneley papers in the possession of the Duke of Montrose at Buchanan, there is a pardon or remission, dated at Edinburgh, 12th February 1489, (in modern style 1490,) by which King James IV. with advice of the three States of the kingdom in full Parliament assembled, granted a pardon and remission under the Great Seal “ Pro arte et parte proditorie suffulcionis et detentionis
 “ castri nostri de Dumbartane contra nostram Regiam majestatem ;
 “ et pro arte et parte proditorii incendii villæ de Dumbartone, et pro
 “ omnibus aliis proditoriis traditionibus rebellionibus,” &c.

The persons first named in the said pardon and remission are :

“ Mattheus Stuart, filius et heres apparens Joannis Comitis de
 “ Levenox, Domini de Derneley.

“ Alexander Stuart, Robertus Stuart, fratres dicti Matthei.” Then follow a great many other names, and amongst those of the name of Stuart there are :

“ Joannes Stuart, filius Comitis de Levenox.

“ Willielmus Stuart de Castelmilk*.

“ Alexander Stuart, filius fuus.

“ Joannes Stuart, filius fuus.

“ Mattheus Stuart, Joannes Stuart, filii fratris dicti Willielmi.”

The evidence above stated leaves no room to doubt that the Earl of Lennox and his family, assisted by his relations and vassals, the Stuarts of Castelmilk and others, had been guilty of treason against James IV. by holding out the castle of Dumbarton against his Majesty, and burning the town of Dumbarton, &c.; but it is singular that no account of what thus happened at Dumbarton, nor the motives or consequences of it, is to be found in any history of those times; at least all the researches made by the author have not been able to discover any history, manuscript, or book giving an account of these transactions at Dumbarton in which the Stuarts of Derneley and of Castelmilk were concerned, and which had made it so neces-

* From the pardon above mentioned, granted by James the IVth in February 1490; it appears, that John Earl of Lennox himself had not been personally present at holding out the castle of Dumbarton, &c. against his Majesty, but that his eldest son Matthew, and other three of his sons, Robert, Alexander, and John, had all been engaged in it. Robert the second son was the same person who afterwards succeeded to the lordship of Aubigny in France, and who, after distinguishing himself in many military enterprises, was promoted to the high rank of a Maréchal of France, at a time when there were only four Maréchals of that kingdom.

It is remarkable that in what thus happened at Dumbarton, which was considered as a species of rebellion against his Majesty's authority, there were no less than five of the Stuarts of Castelmilk who had embarked in it with their cousins the Stuarts of Derneley, and who therefore stood in need of the royal pardon as much as they did. This is an additional proof of the relationship and strong connexion between these two families of Derneley and Castelmilk; and also may be considered as a confirmation of what has already been stated concerning the lands of Castelmilk being held by the Stuarts of Castelmilk immediately off and under the Stuarts of Derneley, and by the tenure of wardholding; for by that tenure the vassal was bound to follow his superior or overlord in his military enterprises.

fary for them to obtain a pardon from his Majesty, with consent of the States of the kingdom.

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In the same year in which the above pardon was granted, to wit, in the year 1490, it appears that John Earl of Lennox, so designed, obtained from King James IV. a charter dated the 1st of June 1490, proceeding upon the Earl's own resignation, in favor of his eldest son Matthew and his heirs, of the earldom of Lennox, lordship of Derneley called Cruickinfee, and lands of Galtoun, reserving to the Earl his life-rent of the whole lands, and to Margaret Montgomery his spouse, her life-rent of the third part thereof. The original charter is amongst the Derneley papers in the Duke of Montrose's possession, and it is also upon record.

In 1499, Matthew Earl of Lennox got a charter of confirmation of the above charter, which had been granted during the King's minority.

The precise date of the death of John Earl of Lennox has not as yet been ascertained; but it must have been subsequent to the 8th of July 1493, when he granted the before-mentioned commission to Matthew Stuart his son and apparent heir, and to John Stuart of Henriefton, also his son, to go to the Kirk of Drymen to commune and agree with John Haldane of Gleneagles concerning the avail of the earldom of Lennox; and it must have been before the 11th of September 1495, for on that date there is an investment in favor of Matthew Earl of Lennox (so designed) and Elizabeth Hamilton his spouse, in joint fee and life-rent, in the mains of Derneley, the lands of Craig of Nielston, Haslehoufes, and Greenbills, to which saine one of the witnesses is "nobilis et egregius vir Magister Alexander " Stewart Germanus dicti Domini Matthæi."

Duncan Stewart in his History of the Stewarts, p. 153, says that John Earl of Lennox died in 1494, and that the issue he left by his wife Margaret Montgomery, were four sons and five daughters, viz.

1. Matthew, his successor.
2. Robert Lord d'Aubigny.
3. William, Captain of the Scotch Gens d'Armes in France.
4. John Stuart of Glanderston.

That the daughters were,

1. Elizabeth, married to Archibald Earl of Argyll.
2. Marion, married to Robert Lord Crichton of Sanquhar, ancestor of the Earl of Dumfries.
3., married to Sir Murray of Tullibardin, ancestor of the Duke of Athol.
4. Janet, married to Ninian Lord Rofs.
5., married to Sir John Colquhoun of Lufs.

The account thus given by Duncan Stewart concerning the sons of John Earl of Lennox, is right so far as it goes; but there is good evidence of his having had two other sons, Alexander and Alan, for Alexander is in the said indentment of the 11th of September 1495, described brother of Matthew Earl of Lennox; and Alan Stuart who married Marion Stuart, daughter of William Stuart of Castelmilk, is described son of John Earl of Lennox in a charter dated the 26th of July 1496, by Isabella Norval, Lady of Cardonald and Drumbean, with consent of Alexander Stuart of Castelmilk her son and apparent heir, of the lands of Cardonald in Renfrewshire; which original charter, in the possession of Lord Blantyre, is confirmed by the crown on the 1st of April 1499. Records, Book 13. N^o 616.

PROOFS concerning ALEXANDER STUART of Galfstoun,
second Son of Sir ALAN STUART of Derneley.

That Sir Alan Stuart of Derneley had a younger son of the name of Alexander, is proved by the papers already mentioned; particularly by the instrument in 1460, taken by John Lord Derneley, where

where the procurator for him was his brother Alexander Stuart, and by the infestment in favor of John Lord Derneley, of the half of the Lennox estate, the 27th of July 1473, where his brother Alexander Stuart was one of the witnesses.

With regard to the descendants from this Alexander Stuart of Galfstoun, Duncan Stewart, p. 152, says, that he was father of Robert of Galfstoun; and he father of Thomas of Galfstoun, and of Alan of Threepwood, provost of Edinburgh in the reign of King James V., and captain of his Majesty's guard. That Thomas Stuart of Galfstoun married Isabel Henderson, and had Thomas of Galfstoun, and Colonel William Stuart of Houftoun, captain of the guards of King James VI. commendator of Pittenweem, father of Frederic Stuart Lord Pittenweem, who died without issue. That this last Thomas of Galfstoun seemed to be father of William Stuart of Galfstoun, and the father of Ludovic Stuart of Galfstoun, and died without succession in 1650, and disposed his estate to George Ross of Heining, his uncle.

PROOFS concerning BERNARD or BERAULT STUART, only Son of Chevalier JEAN STUART, Brother of Sir ALAN, and third Son of Sir JOHN STUART of Derneley, the first Seigneur of Aubigny.

Soon after the death of the Chevalier Jean Stuart, who died in the year 1482, his son Bernard Stuart performed to the King of France foy and homage for the lands and Seigneurie of Aubigny: and possession of these lands was thereupon ordered to him, as appears by the act dated the 22d of November 1483, in the Chambre des Comptes at Paris, folio 4843, of the volume of Anciens Homages.

In the year 1484, Bernard Stuart was sent ambassador from Charles VIII. of France to Scotland, for renewing the ancient league
between

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between these two countries; in which he succeeded, as appears by the act of confirmation under the Great Seal of Scotland, dated at Edinburgh the 22d of March 1483-4, in the twenty-fourth year of the reign of James III. of Scotland. In which act mention is made of Bernard Stuart, Lord of Aubigny, as the ambassador from Charles VIII. of France for negotiating that alliance, in conjunction with Magister Petrus Mallate utriusque juris Doctor.

This confirmation of the ancient alliances is printed at full length amongst the Pieces Justificatives subjoined to the Histoire of Charles VIII. Roy de France par Guillaume de Jaligny, &c. Recueilli par Godfroi. Printed at Paris in 1684.

In 1485, he was sent with auxiliaries from France to England, and had a share in the victory gained at Bosworth-Field on the 22d of August 1485, which placed King Henry VII. on the throne of England; and by the death of Richard III. who was killed on the spot, put an end to the long and bloody quarrel between the houses of York and Lancaster.

As several English authors, in relating the battle of Bosworth, have made no mention of Bernard Stuart and the forces from France upon that occasion, it may be proper here to state the authorities for that fact.

Lesly bishop of Ross, in his History of Scotland, says, that
 “ Bernard Stuart commanded those forces that accompanied the
 “ Earl of Richmond (Henry VII.) into England, and did him good
 “ service against the usurper King Richard; on which account the
 “ said Earl, after he became King, was ever thereafter wonderfully
 “ attached to the Scottish nation *.”

* Quo confecto iidem milites lecti Bernaldi Stuarti ductorem sequentes in Angliam cum Henrico Comite Richmundiæ, qui (postea Rex Angliæ factus est) ierunt atque Henricum adversus Richardum regnum Angliæ occupantem adjuverunt, quo postea nomine Henricus Scotos merum in modum semper adamavit. Leslæus de Rebus Gestis Sctorum, lib. viii. p. 311.

Malingre, a French historiographer, in his Chronological History, PART IV. No. XI. affirms that “ Bernard Stuart was the King’s lieutenant-general of the army which was sent to England to assist Henry VII. against Richard III.”

Drummond of Hawthornden, in his History of the Five James’s of Scotland, p. 106, has the following paragraph :

“ In 1486, Henry Earl of Richmond came with some companies out of France, of which that famous warrior Bernard Stuart, Lord d’Aubigny, brother to the Lord Derneley in Scotland, had the leading, which, by the report of his countrymen, turned into an army, and recounered Richard at Bosworth, where he was killed, and Henry proclaimed King of England.”

In the poem of “ Bosworth-Field,” written by Sir John Beaumont, printed at London in the year 1629, there are the following lines relating to Bernard the leader of the French forces :

“ Besides these foldiers born within this isle,
 “ We must not of their part the French beguile,
 “ Whom Charles for Henry’s succour did provide,
 “ A lord of Scotland, Bernard, was their guide,
 “ A blossom of the Stewarts happy line
 “ Which is on Britain’s throne ordained to shine.
 “ The sun, whose rays the heaven with beauty crown
 “ From his ascending to his going down,
 “ Saw not a braver leader in that age,
 “ And *Bosworth-Field* must be the glorious stage
 “ In which this northern eagle learns to fly,
 “ And tries those wings which after raise him high ;
 “ When he beyond the snowy Alps renowned
 “ Shall plant French lillies in Italian ground,
 “ And cause the craggy Appenine to know
 “ What fruits on Caledonian mountains grow.”

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In the year 1494 began that calamitous contention for the throne of the Two Sicilies, which plunged all Italy into the depth of misery for upwards of forty years. Charles VIII. of France laid claim to the kingdom of Naples, as heir of the house of Anjou. Ambassadors were sent to Rome to set forth to his Holiness the Pope the right which the King of France, as successor of the house of Anjou, on the failure of the line of Charles I., claimed to the kingdom of Naples. Four persons of distinction were chosen for this embassy, and the first named in the commission was Bernard Stuart of Aubigny.

After performing the duties of that embassy at Rome in the year 1494, Bernard Stuart was about to return to France, when he received orders from the King to stop at Milan. Charles himself went to Italy in that same year (1494), and found it necessary to assert and support his claim by force of arms. When he returned to France in 1495, he left the command of the French forces to Bernard Stuart of Aubigny, with the rank of lieutenant-general. In that same year he (Bernard Stuart) obtained a signal victory near Monte Leone, or Seminaria, over King Ferdinand and the Spanish general Gonsalvo de Cordova, distinguished by the name of the Great Captain. In effect, under the auspices of Bernard Stuart at one period of the war, a conquest was made of the kingdom of Naples for the King of France; though the effects of that conquest were not permanent, and much vicissitude of fortune was afterwards experienced by the French forces in Italy, for which various causes have been assigned by the authors who have wrote on the subject.

It is not the object of this Genealogical History to enter into these details, nor to enumerate the various gallant actions of Bernard Stuart, which acquired to him so great celebrity. It will be sufficient to refer to the French, Italian, and Spanish authors, who have recorded

recorded his actions, and to give a few short extracts from some of these authors for shewing the estimation in which he was universally held. P A R T
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BRANTOME, in his *Memoires des Hommes Illustres*, under the reign of Louis XII. tom. vii. p. 86. has the following article relating to Bernard Stuart, under the description of "Monfieur d'Aubigny, Ecoffois:"

"Ce Grand Roy eut sous lui de très grands capitaines qu'il dressa et façonna la plupart par ses belles et continuelles guerres delà les monts; entr'autres *M. d'Aubigny, Ecoffois, & Grand Seigneur*, qui fit grand honneur à sa nation: de forte qu'aucuns de nos Annalistes François l'ont appelé '*Le Chevalier sans Reproche*;' comme il le monstra en plusieurs beaux faits de sa main et de sa conduite, même en la conquete qu'il fit du royaume de Naples, avec une forte heureuse et vaillante fortune ayant à faire à Gonsalve ce Grand Capitaine. Il fit aussi très bien aux exploits de guerre en Lombardie. Les histoires en parlant assez, sans que j'en parle plus avant. Il mourut du regne du Roy François, fort vieux et cassé, plus de combat et victoires que de trop grande vicillesse."

PHILIP DE COMINES, a contemporary writer, who at that very period was ambassador of the King of France at Venice, in his *Memoires*, b. viii. c. 1. in mentioning the chief officers whom the King of France, Charles VIII., left in Italy, takes occasion to characterise Monseigneur de Montpensier who was left with the chief command at Naples, and Monseigneur d'Aubigny, left in the command of Calabria, as follows:

"Pour chef y demeura (à Naples) Monseigneur de Montpensier, de la Maison de Bourbon, bon Chevalier et hardy, mais peu sage, il ne se levoit qu'il ne fut midi. En Calabre laissa *Monseigneur d'Aubigny*, de la nation d'Ecoffe, bon Chevalier et sage, bon et

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“ honorable, qui fut Grand Connétable du royaume ; et lui donna le
 “ Roy (comme j’ai dit) le Comté d’Acri et le Marquisat de Squil-
 “ lazzo.”

MARIANA, a Spanish author, in his History, says, that “ d’Au-
 “ bigny, a Scottish man, and a valiant chieftain, did by his valour
 “ and wisdom uphold the French interests in Calabria.”

GUICCIARDINI, an Italian author, a Florentine by birth, in his
 History of Italy from 1490 to 1532, b. iii. speaking of the severe
 sickness under which Bernard Stuart laboured after the victory ob-
 tained by him in the year 1495, makes use of the following ex-
 pressions : “ The prosperous state of the French affairs began some-
 “ what to decline on account of the long sickness of Aubigny, which
 “ interrupted the course of his victories, though almost all Calabria
 “ and the Principato were in the hands of the French.”

DU HAILLAN, in his History of Charles VIII. saith, that “ d’Au-
 “ bigny, afflicted with sickness, was vexed with impatience to see
 “ that, by the negligence of Gilbert of Montpensier, the King’s
 “ affairs grew weak, and became worse every day ; that it was long
 “ since the soldiers had received their pay, the money which that
 “ kingdom yielded being already consumed.”

PAULUS JOVIUS, in his History of the Life and Actions of Gonfalvo
 Ferdinand de Cordova, commonly called the Great Captain, has had
 occasion frequently to mention, incidentally, Bernard Stuart of Au-
 bigny, who was opposed to him, and though a great admirer of
 Gonfalvo, the hero of his history, does justice to the character and
 conduct of Aubigny. From p. 177 to p. 181 of his History in
 Latin, published at Florence in the year 1551, he mentions the
 victory in the year 1495 gained by Bernard Stuart over Ferdinand
 of Spain and Gonfalvo, and his subsequent illness, in the time of
 Charles VIII. in Bernard Stuart’s first expedition into Italy, when
 the affairs of that country were left chiefly to his management.

The

The same author narrates the affairs of Italy in Bernard Stuart's second expedition, in the reign of Louis XII., when, upon a fresh rupture between the French and Spaniards, he was sent into Calabria, and expresses himself as follows :

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“ D’Aubigny, who had, next to the Duke of Nemours, the greatest authority in the army, went to Calabria with the third part thereof, being there much renowned, both for having in the time of King Charles, with great moderation and mildness, governed that nation, Demi-Grecian, and for that by his martial prowess he overcame King Ferdinand and Gonsalvo in a memorable battle at Seminaria ; so as in all men’s judgment he was preferred before all other French commanders. For which cause there were many connected with him in friendships, and well affected to him in particular, besides those who were of the Angevine faction.” Jovius, lib. ii. p. 204.

The battle of Terrina, or Terra-Nuova, and the victory there gained by d’Aubigny in the year 1503, is related by Paulus Jovius in the following manner, lib. ii. p. 217.

“ Don Hugo de Cordova, with an army which he brought from Sicily, having much annoyed the French party in Calabria, and gained several advantages over them, the Lord d’Aubigny went to encounter him, having in his army the Princes of Besignone and Salerno, with their troops, Grigni with his light-horsemen, and Malherbe with his Gasconne archers, and three companies of Swifs : but his principal strength consisted in his men of arms, among whom were most eminent a wing of Scottish men, who were his familiars, and faithful to him. The enemy, though informed of his preparation, did not expect him till two days after they had notice thereof. But this expert and vigilant captain beguiled their expectations ; for with French expedition, marching night and day through ways little frequented, he shewed himself to them next morning, and forthwith set on them. The Spaniards

“ sustained courageously the assault, so as the combat was alike
 “ fierce and bloody on both sides. D’Aubigny seeing this, com-
 “ manded Grigni with his wing to rush upon the Spanish and
 “ Sicilian infantry; which he doing, disordered them. On the
 “ other side, the enemies’ horsemen, by the encouragement and
 “ example of Cordova, sustained the assault of the Calabrians, with
 “ like slaughter on both parts. But d’Aubigny advancing his
 “ troops, the Spanish and Sicilian cavalry, not being able to resist
 “ the Scottish men at arms, were defeated, and therewithal the
 “ infantry was overthrown and cut in pieces: Grigni, a most valiant
 “ knight, was slain in the combat; and d’Aubigny himself being in
 “ like danger, from some Spanish horsemen, who had surrounded him
 “ proceeding to pull off his helmet with an intention of cutting
 “ his throat, was preserved by a body of the Salernitan wing
 “ which came up in time to rescue him, and to disperse them.”
 This fact the author states was related to him by Antonius
 Lexa.

P. Jovius further adds, that after this victory gained by d’Aubigny, there was hardly any person in that part of the country (in Brotius), who did not incline to the side of the victorious French.

Concerning the overthrow which d’Aubigny met with not long after this victory, Du Haillan in his Reign of Louis XII. relateth it to this purpose:

“ Don Hugo de Cordova having repaired his army, increased the
 “ same with a new supply of five thousand, so that his forces consisted
 “ of eight thousand men at arms. And albeit the Lord d’Aubigny
 “ knew the advantage they had in numbers, nevertheless being con-
 “ fident in his own sufficiency and the tried valor of his soldiers,
 “ and weary of waiting for new supplies from the king, he resolved
 “ to try the fortune of war. But his army was defeated, and he
 “ himself being in danger to be slain, was rescued by a troop of
 “ Scottish-

“Scottishmen, whose valour in this fight Jovius commendeth, as also he telleth how d'Aubigny was rescued by them.”

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Guiccardini (b. v.) maketh mention of this defeat in these words: “D'Aubigny was vanquished and taken in the very same ground where but a few years before he had with so much glory overcome and discomfited Ferdinand and Gonsalvo: so inconstant is Fortune in dispensing her favors, and of so short a duration is a course of prosperity.” He adds, “This defeat of Aubigny, who was one of the best generals that attended Charles into Italy, and of a generous and noble spirit, can be ascribed to nothing else but his excessive ardor and hasty forwardness in hopes of victory.”

To the preceding accounts Paulus Jovius adds, that after this overthrow d'Aubigny withdrew himself into the fortress of Angetola, complaining of Fortune, which had so deceived him, having been till then *invincible*, and *twelve times victorious in battle* since he began to be a warrior in France and in Britain.

The same Jovius tells us (p. 224, 225), “That while d'Aubigny was besieged in the said fortress, the Duke of Nemours having been slain, and his army defeated by the Spaniards at Cirignola, and Gonsalvo's letters touching this victory having been sent to the Spanish commanders that besieged him, and by them to him, he said that he perceived Fortune to be very adverse to the French, and therefore judged it folly and obstinacy to withstand her. He promised that he would yield himself if that were true which was written. Whereof being certified by messengers, which he had purposely sent out to know the truth, during a truce of twelve days granted to him for that purpose, he came out of the castle apparelled in rich attire, and with a composed undimmed countenance yielded himself, upon condition that every one of those of his company should be set at liberty, and himself only kept in free custody. And it is said, that he sharply re-
“ proved.

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“ proved two young lords, his kinfmen, (who were after renowned warriors,) for that more faintly than was fit for men, namely, for them, being Scottishmen, and of the blood royal, they did bewail the unfortunate success of the war; not remembering that valiant men should never be disheartened, but seek, by a fresh endeavor of virtue revived and grown invincible, to recover Fortune’s favor.”

The defeat of the French forces at Seminara happened on the 21st of April 1503.

In the course of that year (1503) Bernard Stuart returned to France, after having passed several years in Italy, where he was no less famed and admired for his humane and gentle temper, and for his mild and equitable government in civil affairs, than for his martial achievements. He gave encouragement to men of learning and of talents; and was neither elated by prosperity, nor too much depressed by adversity.

In the year 1504, Louis XII. sent Bernard Stuart as his ambassador to the Court of Scotland, probably with a view of renewing the ancient alliance between France and Scotland: he was most graciously received by King James IV. In Pittscottie’s History, (p. 105,) it is said that “ Bernard Stewart hastily departed from Naples, and came through England into Scotland, where he was well received by the King and Council thereof; and the King treated him well and gently, and set him at the table with himself, and made him judge of all his justings and tournaments, and called him Father of War, because he was so practised in the same.”

In 1508, March 21st, Bernard Stuart and another ambassador, with a train of eighty horse, arrived in England from France on their journey into Scotland.

On this subject there is, in Drummond of Hawthornden, the following passage: “ About this time, (in the year 1508,) Bernard Stuart, that famous warrior under Charles VIII. of France,

“ France, who commanded the French at Bosworth-Field, came to
 “ Scotland, followed by Andrew Foreman, then Archbishop of P A R T
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 “ Bourges and Bishop of Murray, with Alexander Stuart the king’s
 “ natural son, after promoted to be Archbishop of St. Andrew’s.”

This was the third embassy in which Bernard Stuart had been employed from the court of France to that of Scotland; but his death soon after his arrival in Scotland prevented any consequences from this last embassy. Being in an infirm state of health at the time of his arrival, with a constitution worn out in military service, he died in the house of Sir — Forester at Corstorphin in the neighbourhood of Edinburgh, in the beginning of June 1508, and was interred in the church of Corstorphin, where a monument was erected to his memory, with a figure representing him in armour.

There is amongst the Derneley papers in the possession of the Duke of Montrose, the last will and testament of Bernard Stuart, by which he appointed Matthew Earl of Lennox, Lord of Derneley, and John de Aytoun, his executors. There is also an inventory of his effects taken at Corstorphin on the 8th of June 1508; from which it appears that this celebrated warrior had never enriched himself at the expence of the sovereign or of the public which he had served. His fame and reputation were the only valuable inheritance he left to his family. A copy of Bernard Stuart’s last will, and of the inventory of his effects, is here subjoined*.

There

* TESTAMENT.

Cum nihil sit certius morte nec incertius hora mortis huic est quod ego Baraldus Stewart prent' licet eger corporis sanus tam in mente. Condo testamentum meum in hunc modum. In primis do et lego animam meam Deo Omnipotenti, Beate Mariæ Virgini, et omnibus Sanctis, corpusq' meum sepeliend' fore in Ecclesia fratrum nigrorum Edinburgi. Item, Lego in die sepulturæ meæ in funeralibus pauperibus aliis piis operibus et dictis fratribus xiiij. lib. Residuum vero omnium bonorum meorum existend' ut supra. Pono in discretione executorum meor' quos constituo et ordino, viz. nobilem et potentem Dñum Matheum Comitem de Levenax, Dnum Derneley, et Johannem

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There is likewise amongst the Dernley papers a copy of a letter dated 22d June 1508, written upon Bernard Stuart's death, by James the IVth of Scotland to Anne Queen of France, and sister of the Duke of Brittany, in which James (by a letter in the Latin language) expresses himself as follows: "Obiit vitam fortissimus quond' armis et bello suus
" miles Bernardus Dominus Obiginus cui licet mortuorum debita rite
" exsolvissem. Tamen alta defuncti et suorum nostri pectori insidit,
" unde Robertum et Johannem Stewart proximos olim mortui cognat-
" tos apud Christianissimum nobis fratrem vestra queso commendit
" ferentia, ut officiorum dignitates et locus omnis Bernardo dum
" viverit a Rege pridem permisis ad eos gratiose deferantur quo
" longus mortui labor cognatis suis profuisse dicatur *."

Bernard

Johannem de Aytoun, ut ipsi disponant pro me et pro salute animæ meæ prout coram summo iudice voluerunt respondere in die Judicii.

Inventory of BERNARD STUART's Effects.

Inventarium omnium bonorum quond' nobilis et potentis Dñi Baraldi Stewart, Dñi de Albigny, Comitis de Bewmont, &c. infra regnum Scotiæ existent' factum apud Corstorphin, octavo die mensis Junii anno Dñi millesimo quingentesimo octavo, coram his testibus Alans Stewart de Cardonald, magro Adam Colquhoun rectore de Guvan Hugone Arbuthnot.

Imprimis, Fatetur se habere in vasis argenteis Zonis et aliis Focalibus ad
valorem - - - - - ij^m iij Librar 2004 l.

Item, Indumenta et vestimeta sui corporis.

Summa Inventarii patet.

Debita quæ per eum debentur.

Item, Diversis suis Creditoribus quinquaginta septem auri ponderis
Franciæ.

Summa Debitorum patet.

Summa omnium bonor' debitis extract' et salut' 1^m viij C. Lib. 1800 l.

* Letter from JAMES IV. to the Queen of France.

Illustrissime, potentissime, et serenissime Principi Annæ, Dei benignitate Regine Franciæ et Duci Britannicæ Regis Sorori consanguineæ et confederate nostre carissime
Jacobus

Bernard Stuart left no male issue, only one daughter Anne, who married her cousin Robert Stuart, the fourth Lord of Aubigny, of whom hereafter*.

PART
IV.
N^o XI.

Jacobus Dei gratia Scotorum Rex, salutem et integram dilectionem, Illustrissima, Potentissima, et Serenissima Princeps:—Obiit vitam fortissimus quond' armis et bello suus miles Bernardus Dnus Obiginus cui licet mortuorum debitar ite exsolvissem. Tamen alta defuncti et suorum memoria nro pectori infedit, unde Robertum et Johannem Stewart proximos olim mortui cognatos apud Christianissimum nobis fratrem vestra queso commendat ferenitas, ut officiorum dignitates et locus omnis Bernardo dum viveret a Rege pridem permisis ad eos graciosè deferantur quo longus mortui labor cognatis suis profuisse dicatur. Illustrissima, Potentissima, et Serenissima Princeps, soror consanguinea et confederata charissima, in longos et felices annos valete. Ex Palatio meo apud ædem Dive Crucis xxij die mensis Junii anno salutis octavo supra millesimum et quingentesimum.

(Addressed on the back).

Illustrissime, Potentissime, et Serenissime Principi Anne Dei benignitate Regine Francie, Duci Britannie & forori consanguinee et Confed^{te} nre Charissime, &c.

* In the chateau d'Aubigny belonging to the Duke of Richmond in France, there are the following pictures, viz.

In the dining room, a full length picture, as large as the life, of Jehan Stuart, Grand Connétable de l'armée d'Ecosse, with an inscription upon it describing him as such, and as the premier Seigneur d'Aubigny; and at the bottom of it there is the date of the year 1422. This is a good picture, painted on wood, and has been very well preserved.

There are also in the drawing-room at Aubigny the heads or portraits in a small size, set in gold, of the successive Seigneurs of Aubigny of the Stewart race, with inscriptions upon each of them. These portraits or heads are inclosed in one frame.

The 1st in that collection is, Jehan Stuart Connétable de l'armée d'Ecosse.

The 2d is, John Stuart, son of the Connétable, who is described Seigneur d'Aubigny et Concessault, Conseillier et Chambellan de Louis XI.

The 3d is, Berrault (or Bernard) Stuart, with the following inscription: "Seigneur d'Aubigny, Duc de Terre Nove, Marquis de Girace et Squillazzo, Comte de Beaumont, d'Arcy, et de Venassac, Grand Connétable de Sicile et de Jerusalem."

The 4th is, Robert Stuart, designed of Aubigny, Comte de Beaumont.

The 5th is, John Stuart Seigneur d'Aubigny, Comte de Beaumont.

The 6th is, Esme Stuart, premier Duc de Lennox, Comte de Derneley, et Baron de Torbolton, Seigneur d'Aubigny.

The 7th is, George Stuart, Seigneur d'Aubigny, second fils d'Esme Stuart, Duc de Richmond et de Lennox.

PART

IV.

N^o XI.

The 8th is, Charles Stuart, (fils de George,) Duc de Lennox et Comte de Litchfield, dernier Seigneur d'Aubigny de cette maison.

To this last Charles Duke of Lennox, King Charles the Second of Great Britain, succeeded as the nearest heir male collateral.

All these pictures were at the Chateau d'Aubigny when the author was there in the month of November 1788.

GENEALOGICAL HISTORY

OF

THE STEWARTS.

PART FIFTH.

Beginning with MATTHEW STUART Lord Derneley, the second Earl of Lennox, eldest Son of JOHN Lord Derneley and Earl of Lennox, who died in the year 1494; and ending with MATTHEW STUART, fourth Earl of Lennox, who died in September 1571.

TWELFTH GENERATION.

1. MATTHEW STUART Lord Derneley, and Earl of Lennox.
2. ROBERT STUART Lord of Aubigny.
3. WILLIAM STUART, Captain of the Gens d'Armes.
4. JOHN STUART of Henriefton.
5. ALEXANDER STUART.
6. ALAN STUART of Cardonald.

PROOFS concerning MATTHEW STUART, the eldest Son of JOHN Lord Derneley and Earl of Lennox.

IN the charter before-mentioned dated 1st June 1490, granted by King James IV. in favor of Matthew, he is described eldest son of John Earl of Lennox. PART
V.
N^o XL.

P A R T

V.

N^o XII.

There is in the Records of the Privy Seal in Scotland, Book i. fol. 97, an entry of a grant, dated 18th April 1499, giving to Matthew Earl of Levenax the mails and profits of the lands of Bathcat baith of property and tenandry lying in the sheriffdom of Renfrew*, for all the time that the same has been in the hands of our Sovereign Lords grandfhir, and his father, and in the hands of himself since the decease of Umqhill Alane Lord Dernlie, grandfhir to the said Matthew by the non-entries of the righteous air or airs thereto, and ay and while the saids enter lawfully thereto; and also of the gift of relief, &c.

In the Records of the Great Seal in Scotland, Book xviii. N^o 2. there is a charter by King James IV. dated 18th January 1511, in favor of Matthew Earl of Lennox, which narrates and confirms to him the charter which had been granted in the year 1361, in favor of the deceased Sir John Stuart of Derneley, by Robert the Stewart of Scotland, whereby he granted the lands of *Cruckinfee*, of *Incbennan*, and of *Pertwickfcott* within the Stewart's barony of Renfrew, to be held by the said Sir John Stuart and Robert his son and heir, whom failing, without heirs male of his body, to the other heirs male of the body of the said Sir John Stuart, with and under the following conditions: That if it should happen that the said Sir John Stuart and the heirs male of his body should fail, in that case Robert the Stewart gave and granted all the foresaid lands to Walter Stuart the brother of the said Sir John Stuart, to be held by him and the heirs male of his body; whom failing, to Sir Alexander Stuart brother of the said Sir John and Walter, to be held by the said Sir Alexander, and the heirs male of his body, and their heirs male in fee and heritage; with this further declaration and condition, that if it should happen

* These lands of Bathcat lie locally in the shire of Linlithgow, but as making part of the Stewart's lands in Scotland were annexed to the shire of Renfrew.

that the said Sir Alexander Stuart, and the heirs male of his body should fail, then that the nearest heir male that can be found of the blood and name of the said Sir John Stuart; and the heirs male always of such heir male shall succeed to the said Sir John Stuart, and to his son, and to his brothers and to their heirs male in the said lands with all their pertinents in all time thereafter heretabably and of right.

The charter thus granted in the year 1361, by Robert the Stewart, which has been already mentioned in Part II. of this Genealogical History, is verbatim inserted in the said charter of confirmation, 18th January 1511, by James IV. in favor of Matthew Lord Derneley Earl of Lennox; then follows a clause confirming the said grant in these words: "Quamquidem cartam talliæ infeodationem et donationem in eadem contentas in omnibus suis punctis et articulis conditionibus et modis et circumstantiis suis quibuscunque in omnibus, et per omnia forma parier et effectu et premissum est, approbamus, ratificamus, ac pro nobis et successoribus nostris Regibus Senescallis Scotiæ, pro perpetuo confirmamus."

Then a clause by which the King grants to the said Matthew Earl of Lennox, therein designed his "Cousin and Councillor, now heir and possessor of the *Lordship of Derneley* foresaid," all right, title, and interest, which his Majesty, his predecessors or successors, had, have, or any ways might have, to the lands and lordship above-written, or any part thereof, or to the rents and profits of the same, by reason of recognition, forfeiture, or non-entry of the heirs, or any other manner of way.

There is also in the charter of confirmation a clause by which his Majesty from the special favour which he bears towards his said cousin the Earl of Lennox, and for good and gratuitous services rendered by him, and for the preservation of the Castle of Crookisfee, the manor and palace of Inchennan, and other policies, (policiarum,) within the said lordship of Derneley, from the devastation and destruction which might happen to them during the

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N^o XII.

time that the said lands might be in ward, by the persons who might possibly obtain a gift of the ward; his Majesty therefore granted and confirmed heretably to the said Matthew Earl of Lennox and his *heirs male*, the said castle and fortalice of Crookisfew, buildings, yards, mains, parks, and inclosures of the same, the dominical lands of Derneley, and miln thereof, the lands of Dormendfyke, Nethertoun, and Auld Cruckifton, extending to a Twenty Pound Land of old extent, lying round the said castle; and the said manor and palace of Inchennan with the parks and garden thereof, the dominical lands of Inchennan, the lands of Quithill, the town of Inchennan, Ruschaled, Wirthland, Flurys, Cragtoun, and Gardenerland, with the whole commons thereof, extending also to a Twenty Pound Land of old extent, with all its pertinents, lying in the said barony of Renfrew, to be held by the said Matthew Earl of Lennox and his *heirs male according to the tenor of the said charter of taillie*, of and under his Majesty and his successors, Kings and Stewarts of Scotland, in fee and heretage in free blench farm for ever, for payment of a penny silver by the said Earl and his heirs male above-written, if asked, allenarly; notwithstanding that the said lordship of *Derneley* was formerly held of his Majesty by service of ward and relief; but rendering to his Majesty and his successors for the whole *remainder* of the said lands of Cruckisfew, Inchennan, and Perthwickscott, with their pertinents, the service of ward and relief due and usual for the same before the said charter of confirmation.

It has been thought proper to give this full and exact account of the contents of the charter of confirmation granted by King James IV. on the 18th of January 1511 in favor of his cousin Matthew Stuart Lord Derneley, and Earl of Lennox, because several observations arise from it.

In the first place, it shews the great extent and the component parts of the lordship of Derneley comprehended under the grant to the Derneley family by the Stewart of Scotland in the year 1361, and

and in the charter of confirmation by King James in the year 1511; PART
 from which it appears that those parts of the lordship of Derneley ^{V.}
 whereof the holding was by that charter changed from Ward to N^o XII.
 Blench, amounted to Two Twenty Pound Lands of old extent, ex-
 clusive of those parts of the lordship of Derneley, which were still
 to remain under the tenure of Ward and Relief.

Secondly, The charter of confirmation 1511, after reciting the terms of the original grant 1361, by the Stewart of Scotland to the Derneley family, describes Matthew Earl of Lennox, in whose favor the charter 1511 was granted, as the *heir and possessor of the lordship of Derneley*. This he could not have been in any other way than as the heir male descended from one or other of the three brothers, John, Walter, or Alexander, named in the grant 1361; and it having been proved that Matthew Earl of Lennox was descended from Alexander the youngest of these three brothers, it follows from thence, that the two elder brothers, John and Walter, had died without leaving male descendants. The circumstances therefore which attend the original grant 1361, and the charter of confirmation 1511, serve to confirm the accuracy of the preceding genealogy of the Stuarts of Derneley from 1361 to 1511 at least.

Thirdly, It has been shewn that it was about the year 1460 or 1461, that Sir John Stuart of Derneley, the father of Matthew Earl of Lennox, was created Lord Derneley, from which period he uniformly enjoyed the rights and privileges of a Peer of Parliament. The patent, or other deed by which that Peerage was established, has not been discovered; but the evidence preserved of the destination and course of succession with regard to the lands and estate of the lordship of Derneley, both before and after the acquisition of the title or peerage, leave no room to doubt, that the peerage of Derneley was settled and established in favor of John Lord Derneley and the heirs male of his body, whom failing, his heirs male whatsoever; for in this manner, and by such desti-
 nation.

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No XII.

nation of succession it was, that the lands and estate composing the lordship of Derneley had been enjoyed since the grant 1361; and it must be presumed that at the time of granting the title and peerage of Derneley, care would be taken both on the part of the crown and of the grantee, that the estate and the honors should go in the same channel, and be enjoyed by the same heirs.

When Matthew Lord Derneley and Earl of Lennox obtained from King James IV. in the year 1511, the charter by which he confirmed and enforced the terms of the original grant 1361, whereby the succession to the estate had been provided to the *heirs male whatsoever* in all future time; he could not be ignorant of the terms in which the peerage of Derneley was recently granted to the family; for John the father of Matthew was the first Lord Derneley, and so created in the year 1460 or 1461, about fifty years only before the date of the charter 1511. If he had found that the patent or grant of the Derneley peerage had been in favor of heirs general, or that it had been limited to heirs male of the body, without extending to heirs male in general, he certainly would have endeavoured to put into the same channel of succession the lands and estate of the lordship of Derneley: but when we see that instead of this, Matthew the second Lord Derneley obtained from the Crown in 1511 a charter confirming the grant 1361, and establishing in a very pointed manner, that the succession to the Derneley estate should in all time coming continue to be in favor of the heirs male in general; this amounts almost to an express declaration, or at least to a very strong presumption, that he knew that the peerage of Derneley had been given in favor of the heirs male in general of the grantee. For it cannot be supposed that he would have been at pains to obtain a charter of the estate with that course of succession, if the destination of succession in the peerage had been upon a different plan. It is very natural that a proprietor
of

of estates and honours should wish, and do his endeavours for their flowing in the same channel; but to wish, or contrive that the one should be separate from the other, would be so unnatural as to be almost, if not altogether, without example.

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From the terms of the charter 1511, Matthew Lord Derneley, Earl of Lennox, could not but perceive that the succession in favor of heirs male was, if possible, more firmly rivetted by that charter; for after inserting a full copy of the original grant, which, in the charter 1511, is described as a charter and investment of tailie, there is a clause by which his Majesty King James IV. ratifies and approves of it in all points, and of the conditions and circumstances thereof; and it is expressly said in that charter 1511, that the lands were to be held by the said Matthew Earl of Lennox, and his heirs male, according to the tenor of the said charter of tailie (that is, of the deed 1361).

It appears that Matthew Earl of Lennox, sensible of the distinction between the destination of the lordship of Derneley, received by grant from the Stewart of Scotland in the year 1361, and the destination of the lands composing the earldom of Lennox, and the title or peerage of Earl connected with these lands, obtained on the 25th of January in the same year 1511-12, a separate charter from James IV. of the earldom of Levenax, lordship and lands thereof; and the office of sheriff of the whole county of Dumbarton, which premises are declared to have belonged, and to belong at the date of the said charter, to the said Matthew Earl of Lennox heretably. But in this charter of the earldom of Levenax, the lands are not given, as in the charter of the lordship of Derneley, to Matthew Stuart and *his heirs male*, but to Matthew Stuart Earl of Levenax, and *his heirs general*, (*hæredibus suis*), which is repeated in several parts of the charter, without any indication of a limitation to heirs male.

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N^o XII.

This destination has probably been owing to the circumstance, that the ancient investitures of the earldom of Levenax had been in favor of heirs general; and indeed it was only through an heir female, Elizabeth, second daughter of Duncan Earl of Levenax, and grandmother of John Stuart the first Lord Derneley, that he, John, the first Earl of Lennox of the Stuart line, had any claim to the lands composing the earldom of Levenax; and therefore, when he obtained the honors and peerage of the earldom belonging to that family, most probably that earldom was granted to him and his heirs general; a circumstance which must have been perfectly known to Matthew Earl of Lennox, who succeeded to his father John within a few years after the creation of the earldom of Levenax in his favor.

The said charter, 25th January 1511-12, granted and confirmed to the said Matthew Earl of Lennox and his heirs, all right and interest which his Majesty, or his predecessors or successors, had, or might have in any manner of way, to the said earldom, lordship, and lands, and to the office of Sheriff of Dumbarton; to be held by the said Matthew Earl of Levenax *and his heirs*, of and under his Majesty, and his successors, Kings of Scotland, in fee and heretage, free earldom and free forest for ever, giving therefor yearly to his Majesty, and his heirs, Kings of Scotland, the services used and wont.

There is likewise in the Public Records, Book xvi. No. 9, a charter of the lands of Torboltoun, extending to an Hundred Pound Land of old extent, and of the lands of Galfoun extending to a Forty Merk Land of old extent, and of the lands of Dregairne extending to a Twenty Merk Land of old extent, and being in the shire of Air, all united into the barony of Torboltoun in favor of John, son and apparent heir of the said Matthew Earl of Lennox and of Elizabeth his wife, in conjunct investment, and to the heirs male to be procreated between them; whom failing, to return to the said

Matthew

Matthew Earl of Lennox *and his heirs male whatsoever, according to the form and tenor of his ancient investments*; which charter is dated 2d February 1511-12. PART
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With regard to the lands and estate of Castelmilk in Annandale, which belonged to the Derneley family, held by them immediately of and under the Lords of Annandale, Matthew Stuart Earl of Lennox appears to have made up his titles to these lands in the year 1496, in the following manner:

The lordship of Annandale, which had for some years been enjoyed by Alexander Duke of Albany, was, by a sentence pronounced against him in the year 1483, forfeited to the Crown; and by a decree in the Parliament of Scotland, 13th October 1487, that lordship was for ever thereafter annexed to the Crown of Scotland; so that the vassals or proprietors of lands in that lordship came by that forfeiture and annexation to hold them immediately of and under the Crown, instead of holding them as formerly under the Lords of Annandale as intermediate between them and the Crown. This was the situation of the lordship of Annandale at the time when Matthew Earl of Lennox succeeded to his father John in the year 1494. He therefore applied to the Crown in the year 1496, for the proper feudal investiture in these lands of Castelmilk as heir to his father John Earl of Lennox, the last vassal who had been received by the Lord of Annandale, who at that time was the legal Superior. Accordingly Matthew Earl of Lennox obtained from the Crown a precept under the Great Seal, dated in the year 1496, for investing him as heir to his father John Earl of Lennox in the Forty Merk Lands of Castelmilk, and in the Ten Merk Lands of Drummel. Upon which precept of sasine Matthew was regularly invest in these lands as heir to his father John; this is proved by the instrument of sasine, dated 10th May 1496, under the subscription of Sir John Mackewne, Notary*.

Matthew

* An inventory of the papers in the Lennox charter chest was taken a good many years ago by Mr. John Inglis Advocate, on behalf of Lady Catherine O'Brien, by order of

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Matthew Earl of Lennox having made up his titles in this manner to the lands of Castlemilk, as heir therein to his father John Earl of Lennox, it infallibly proves, that he, John, had made up his titles to these lands by an entry from the Superior; since it could have been of no use to Matthew Earl of Lennox to take investment in the lands as heir to John his father, unless John had himself made up his titles.

It has been already shewn that it was in the year 1468 that John Earl of Lennox made up his titles to the lands of Castlemilk, to which year the non-entry duties formerly incurred had been calculated; and it was also observed that one motive for his making up his titles at that time most probably was, that he might have it in his power to accommodate his cousin Matthew Stuart, the proprietor of the lands of Castlemilk, who at that precise period succeeded to that estate, and who could not get his titles to it made up until his immediate Superior the Earl of Lennox should get his own titles to the superiority of these lands established by an entry from his Superior. It was natural that Matthew Stuart the proprietor should be desirous to have this done, not only for the sake of having a proper feudal title from his immediate Superior, but also for putting an end to the expence incurred by the non-entry duties, which, while the lands continued in that state, amounted to a heavy charge.

the Commissioners of Treasury, in which inventory one of the articles is a receipt or declaration, dated 25th February 1611, granted by Sir Matthew Stuart of Minto, wherein he acknowledges that he had, by the command of the Lord Blantyre, (at that time one of the Commissioners of Ludovick Duke of Lennox), received out of a bundle of the Lennox papers, the instrument of sasine above-mentioned, dated 10th May 1496, in favor of Matthew Earl of Lennox as heir to his father John Earl of Lennox, in the Forty Merk Lands of Castlemilk, and in the Ten Merk Lands of Brummel; and Sir Matthew Stuart of Minto (who was also one of the Commissioners of Ludovick Duke of Lennox,) thereby obliged himself to redeliver the said instrument of sasine.

The original inventory above referred to, taken by Mr. James Inglis, is amongst the Dorneley Papers in the possession of the Duke of Montrose at Buchanan.

The purpose for which the above instrument of sasine had been, in the year 1611, borrowed by Sir Matthew Stuart of Minto, will be shewn in Part VI. under the title of Ludovick Duke of Lennox.

It was most probably for a similar reason that Matthew Stuart Earl of Lennox, who had succeeded to his father in 1494, made up his titles to the lands of Castlemilk in the year 1496; for in that year, Sir William Stuart of Castlemilk, the son of Matthew before-mentioned, died, and was succeeded in the estate of Castlemilk by his son Alexander, who would naturally be desirous to get a valid investiture of his property from the Earl of Lennox his immediate Superior, and for that purpose would prompt him to get his titles speedily made up, so as to avoid the expence of the duties constantly incurred during the non-entry.

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Matthew, the second Lord Derneley and Earl of Lennox, who was firmly attached to his Sovereign James IV., attended that Monarch to Flouden-Field, where he and the Earl of Argyle commanded the right wing of the Scottish army, which engaged the English army on the 9th of September 1513; and in that battle, which proved fatal to the Sovereign himself and to the flower of the Scottish nobility, both the Earl of Lennox and the Earl of Argyle were slain.

Of his marriage with Elizabeth Hamilton, daughter of James Earl of Arran, by Lady Mary Stuart sister of King James III. the issue were,

1. WILLIAM, Master of Lennox, who married Margaret daughter of William Earl of Montrose; but died without issue.
2. JOHN, who succeeded his father Matthew Earl of Lennox.

And three daughters,—1. MARGARET, married to John Lord Fleming, and afterwards to Alexander Douglas of Mains.

2. ELIZABETH, married to Sir Hugh Campbell of Loudoun.
3. AGNES, married to William Edmonstoun of Duntreath.

PROOFS concerning ROBERT STUART, the second Son of JOHN
the first Lord Derneley and Earl of Lennox.

This Robert Stuart, when very young, had been in his father's lifetime, in the year 1488 or 1489, engaged with his brothers Matthew and Alexander Stuart, and with his cousins the Stuarts of Castlemilk, and others, in holding out the Castle of Dumbarton against James IV. in his minority, or rather against those powerful Lords who had rebelled against James III., and who continued for some time after the death of that Monarch in the year 1488, to influence the young King his successor, and to regulate the affairs of Scotland.

A pardon, however, was upon the 12th of February 1489-90, granted to Robert Stuart and the other persons concerned in that offence, as has been already mentioned.

And it has also been noticed, that upon the death of Bernard Stuart of Aubigny, in the year 1508, James IV. interested himself for this Robert Stuart, by writing a letter, on 22d June 1508, to Ann Queen of France, stating that Robert and John Stuarts were the nearest relations to the said Bernard Stuart in France, and requesting that the offices and dignities which had been enjoyed by Bernard Stuart, when alive, might be transferred to the said Robert and John, from which it might appear that the long services and toils of the deceased Bernard had proved of advantage to these his relations.

Hence it appears that Robert and John were at that time, in the year 1508, in the service of the King of France.

In the Records of the Chambre des Comptes at Paris, vol. ii. coté 4873, there is inserted the foy and homage rendered by Robert Stuart, on the 21st of August 1508, to the King of France for the lands and seigneurie of Aubigny in the province of Berry.

With

With respect to the lands of Concreffault in the same province, which belonged to the first Sir John Stuart of Derneley, and afterwards to his second son John, who performed homage for the same on the 2d of September 1461, these lands of Concreffault were not included either in the foy and homage performed by Bernard Stuart for the lands of Aubigny on the 22d November 1483, nor in that performed by Robert Stuart on 21st August 1508, because they had been sold to Alexander de Monypenny, who, upon the 8th of May 1487, performed foy and homage for them to the King of France, as appears from the record of the foy and hommages kept at the Chambre des Comptes at Paris.

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Robert Stuart of Aubigny had entered into the service of the King of France before the year 1500, and even had then attained a pretty high rank in that service; for there is in President Henault's *Abregé Chronologique de l'Histoire de France*, the following article at the date of the year 1499:

“ Conquête du Milanez faite dans l'espace de vingt jours par l'armée du Roi, sous la conduite de Louis de Luxembourg Comte de Ligni, de *Robert Stuart Seigneur d'Aubigni*, & de Jean Jacques Trivulce Seigneur Milanois. Le Roi fait son entrée dans Milan le 6 Octobre, & en laissa la gouvernement à Trivulce.”

In the course of many years of active and important services, he acquired a very high military reputation. The histories of France and of Italy have recorded his gallant actions and his successful enterprizes, the detail of which would be too long for this Genealogical History; it may be sufficient to take notice that he attained the highest military honours and rank in France, having been created one of the Mareschals by Francis I. in the year 1515, at a time when there were but four Mareschals in that kingdom.

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It appears from the papers in the Cotton Library, referred to by Mr. Pinkerton, vol. ii. p. 183, that in the beginning of the year 1520, Francis I. of France had sent into Scotland Flamigny as his ambassador to recommend internal concord; but as that embassy was little attended to, a more dignified embassy was afterwards sent in the persons of Robert Stuart Lord of Aubigny, and John de Planis, both of them Counsellors of State in France. These two ambassadors remained in Scotland some months in the year 1521, attempting to conciliate the intestine divisions of that country; and then returned through England to France. The instructions given to Aubigny in that embassy are still extant. Cal. b. vi. 140.

Upon the 15th of June 1527, Robert Stuart of Aubigny received from Francis I. a royal grant of the comté, terre, et seigneurie of Beaumont le Roger in the province of Normandie, to him, and to his wife Jacquelin de Longueville, to be enjoyed and used by them, and the survivor of them, as their proper revenue, in the same manner and as fully as these said lands and seigneurie had formerly been enjoyed by Bernard Stuart and Anne de Naumont his wife.

In this royal grant it is mentioned that Bernard Stuart had married Anne de Naumont, daughter of Guy de Naumont Seigneur of St. Quintin, and of Jane natural daughter of the deceased John Duc d'Alençon; that of that marriage, there was one daughter, Anne Stuart, who was joined in marriage with Robert Stuart, who in the said royal grant is thus designed: "Notre très cher et aimé cousin Robert Stuart Chevalier de notre ordre, et Capitain de la garde de notre corps, Seigneur d'Aubigny." And the motive of the grant is thus expressed:

"Voulant et desirant singulièrement gratifier et favolablement traiter notre dit cousin Robert Stuart, lequel pour le service de nous et de la chose publique de notre royaume, a delaislé le
" lieu

“ lieu de sa naissance ; considerant aussi les vertus et merite de sa
 “ personne, et les grands et recommandables services qu’il a fait
 “ par cy devant à nous et à nostre dit royaume, en exposant sa per-
 “ sonne en plusieurs guerres, journées, et rencontres, et autrement en
 “ plusieurs et maintes manières, fait et continue chacun jour, et es-
 “ perons que plus fera cy après, pour ces causes,” &c.

The above grant recorded upon the 9th December 1527, in the Registers of the Parliament of Rouen, was also recorded in the Chambre des Comptes at Paris, from whence a certified extract was delivered to the Author in the year 1789.

N. B. The contents of the above grant shew that Robert Stuart, the Marechal d’Aubigny, was twice married; first, to Ann Stuart the daughter of Bernard Stuart, which first wife must have died before the year 1527, as the grant shews that at the date of it, the second marriage had taken place with Jaqueline de Longueville*.

In the *Histoire Genealogique et Chronologique de la Maison Royale de France*, par le Pere Anselme, vol. vii. p. 142, there is a pretty accurate, though very brief account of Robert Stuart the Marechal d’Aubigny, which is as follows :

“ Robert Stuart Comte de Beaumont le Roger, Seigneur d’Au-
 “ bigny sur Nerre, Chevalier de l’ordre du Roy, et Capitaine du

* In a manuscript history of the Stuarts of Dornceley in the Advocates’ library at Edinburgh, written by Richard Hay of Drumboot, it is said, that “ Robert Stuart the Marechal, built the House of Verrary near to Aubigny, which lands he had by his wife.” It is not said by which of his wives he had these lands, whether by Ann Stuart the daughter of Bernard Stuart, or by Jaqueline de Longueville. But if the House of Verrary was built by Robert Stuart the Marechal; then the pictures which were painted on the wall in the gallery of that house, in a series of pictures from the first Sir John Stuart of Dornceley killed during the siege of Orleans in February 1429, down to Matthew Stuart who was killed at Stirling in the year 1571, could not have been of a more early period than that of Robert Stuart the Marechal, who died in the year 1543, and may have been of a much later period.

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“ Cent Gardes Ecoffois, dit le Marefchal d’Aubigny, fecond fils de
 “ Jean Stuart fecond du nom, Comte de Lenox, et d’Elizabeth
 “ Montgomery d’Eglinton ; rendit de grands fervices au Roi en
 “ Italie, où il defendit Navarre en 1500 ; fe trouva aux prises de
 “ Bologna, de Cènes, et à l’entrée folemnelle du Roy dans Milan.”

“ Il fut fait Gouverneur de Brefle, et crée Marefchal de France
 “ en 1515 ; defit les troupes de Profer Colonne auprès de ville
 “ Franche en Piémont ; fervit depuis dignement la couronne pen-
 “ dant la guerre de Provence en 1536 ; et mourut en 1543, fans
 “ pofterité ; d’Anne Stuart Comteffe de Beaumont le Roger et
 “ d’Aubigny, fa femme, fille unique de Beraud Stuart Seigneur
 “ d’Aubigny, Connêtable de Sicile, et Anne de Maumont. Le Roi
 “ lui avoit fait don la même année le 9^e Novembre du Comté de
 “ Beaumont le Roger. Ses anceftres feront rapportés dans l’Hiftoire
 “ des Souverains de l’Europe.”

Chambre des
 Comptes,
 Mem. D. D.
 fo. 129.

There is a book intituled, “ Catalogue des Illuftres Marefchaulx
 “ de France,” printed at Paris in 1555 ; with their arms and ar-
 morial bearings blazoned ; in which book there is the following
 article relating to Robert Stuart :

“ Meffire Robert Stuart, Seigneur d’Aubigny, Chevalier de l’ordre
 “ Saint Michel, Marefchal de France, du temps du Roy Louis Dou-
 “ zieme, et du noble Roy François, mil cinq cens et quinze, et mil
 “ cinq cens quarante et trois ; homme fidele aux François, fuyant
 “ le naturel des Ecoffois ; et portoit de Durgel, qui eft de France
 “ à la bordure de Gueulles, fermailles d’or de huit pièces efcartellée
 “ d’or à la face efchiquetée d’argent et de fable de trois traiçt,
 “ bordée et endenté de Geuelles, accompagnée de quatre quinte
 “ feuilles de mefine.”

In the Depôt des Manufcrits at the King’s library at Paris, there
 is a “ Pacquet des Titres provenus du Cabinet de Monfieur de
 “ Gaigniers,” cotté 1509, and the firft piece in that pacquet is thus
 intituled :

“ Parties

“Parties payée par Robert Stuart, Chevalier, Seigneur d’Aubigny, luy étant Gouverneur et Lieutenant General pour le Roy en la ville de Bresse, en laquelle il fut huit mois où environ affié par le Pape, l’Empereur, le Roi d’Espagne, Veneciens, Suiffes, et Communes d’Italie.”

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There are in the same paquets several sheets of paper containing a report made by Robert Stuart, of incidents relative to his government of Bressia; and there is a receipt and certificate signed by him at Paris, on the 8th of May 1517, which begins in these words: “Nous Robert Stuart, Chevalier, Seigneur d’Aubigny, Capitaine de la Garde du Corps du Roy et des Cent Hommes d’Armes Ecoffoises de ses anciennes ordonnances, certifions au Roy,” &c. &c.

PROOFS concerning WILLIAM STUART, third Son of John Stuart first Earl of LENNOX.

This William Stuart is mentioned by Duncan Stewart, p. 153, as third son of John the first Earl of Lennox, and is described as Captain of the Scots Gens d’Armes in France.

In the Dépôt des Titres et de la Genealogie kept at Paris, there are several original receipts by this William Stuart, which the Author had occasion to see while at Paris in the year 1789, and of which notes were then taken; particularly there is a receipt by him for money received, dated 25th August 1499, with his subscription and seal to it; in which receipt he is thus described: “Guillaume Stuart, Chevalier, Seigneur d’Oyzon, Conseillier et Chambellan du Roy, notre Sire et Capitain de Cent Lances.”

In a register belonging to the Chambre des Comptes at Paris, beginning in 1499 and ending in 1501, there is the following article:

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“ Mefſire Guillaume Stuart, Chevakier, Seigneur d'Oyzon, Capitaine de Cent Lances, revue à Rozey.”

In the ſame register, fol. 148, “ Guillaume Stuart, Chevalier, Seigneur d'Oyzon et de Grey, Conſeillier & Chambellan du Roy, Capitaine de Cens Lances, revue à Alexandria.”

N.B. In the courſe of examining the different articles in theſe registers it appeared that the phraſe of “ Capitaine de Cens Lances,” muſt have implied a command of 300 men at leaſt, for each lance conſiſted of un homme d'arme et deux archers ; or, un homme d'arme, un archer, et un arquebuſier.

PROOFS concerning JOHN STUART, fourth Son of John the firſt Earl of Lennox.

This John Stuart is in Duncan Stewart's Hiſtory deſcribed as John Stuart of Glanderſtoun ; but in an authentic deed before-mentioned, he is deſcribed John Stuart of Henriſtoun. The deed here referred to is the commiſſion dated 8th July 1493, where John Earl of Lennox gave a commiſſion to Matthew Stuart his ſon and apparent heir, and to John Stuart of Henriſtoun alſo his ſon, to go to the Kirk of Drymen on the 9th of July then inſtant, and to commune and agree with John Haldane of Gleneagles concerning the avail of the earldom of Lennox.

That ſame John Stuart was Reſtor of Kirkenner, in the dioceſe of Galloway, and was choſen Reſtor of the Univerſity of Glaſgow, in which office he continued for ſeveral years prior to the year 1477 (as mentioned in M'Ure's Hiſtory of Glaſgow).

In Duncan Stewart's Hiſtory, p. 153, it is ſtated, that this John Stuart married Marion daughter of Sir Thomas Semple of Elliotſton, by whom he had one child, Margaret his heir, who married John Fraſer of Kuoik in Airſhire.

PROOFS concerning ALEXANDER STUART, fifth Son of John
first Earl of Lennox.

Alexander Stuart is one of the witnesses to the infestment before-mentioned in favor of Matthew Earl of Lennox, and his wife Elizabeth Hamilton, of the lands of Craig of Nielston, &c. dated 11th September 1495, where he is described “Nobilis et egregius
“ vir Alexander Stuart, Germanus, dicti Domini Matthei.

No other evidence concerning him has been discovered in the Records in Scotland; but in the *Depôt des Titres et Genealogie* at Paris, there is an original receipt or quittance granted by Alexander Stuart in the year 1538, described Archer de la Garde Ecoffoise, which was under the command of the before-mentioned Robert Stuart of Aubigny; and in the same place and in the same year, there is a receipt and quittance by Jean Stuart de Galston, described Archer de la Garde Ecoffoise, aux gages du Sieur d'Aubigny, Marechal de France. This John Stuart of Galston was a near relation of Robert the Marechal, and makes it the more probable that Alexander Stuart above-mentioned as Archer de la Garde Ecoffoise was Alexander the brother of the Marechal.

It is most probable that both William and Alexander, following the fortunes of their elder brother Robert the Marechal, had perished in the wars of France; there are no traces of their having left any posterity, or even of their having ever been married.

PROOFS concerning ALAN STUART, sixth Son of JOHN first
Earl of Lennox.

Duncan Stewart, p. 153, says, that John Earl of Lennox had a son Alan, natural as he supposes, for that he is designed by the Earl “*filius meus carnalis*,” when he gets a charter from his father of
the

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the lands of Henriestoun in Renfrewshire, confirmed under the Great Seal in 1488. But it is to be observed, that "filius carnalis" does not always signify a bastard or illegitimate child. The same Alan Stuart is designed simply son of John Earl of Lennox in a charter of the half of the lands of Cardonald granted in his favor by Isabella Norvell Lady of Cardonald, dated 26th July 1496; and in the charter of confirmation thereof by the Crown, 1st April 1499, Records, Book xiii. No. 616. He is also so designed in a charter from Kennedy of Drummelzier, anno 1497, of the other half of the lands of Cardonald; and in another charter in 1496, he is designed simply brother to Matthew Earl of Lennox.

This Alan married Marion Stuart, daughter of Sir William Stuart of Castelmilk, by Isabella Norvel Lady of Cardonald, and had issue John, his apparent heir, who died in the lifetime of his father Alan; which John married Agnes Stuart, daughter of Sir Thomas Stuart of Minto, and by her had an only son James, his grandfather's heir; which James was Captain of Berth for Queen Mary in 1548, and married Helen Semple, daughter of William Lord Semple, and had by her James of Cardonald, and Alan, made Abbot of Crossregnel in 1564; and three daughters, Elizabeth, married to Robert son of Alexander of Garlies, who had no issue; Margaret, married to John Stuart of Minto; and Dorothy, married to John Pollock of that ilk.

James of Cardonald having died without issue, his estate of Cardonald came to Walter, Prior of Blantyre, son of the marriage between John Stuart of Minto and Margaret Stuart, sister of James of Cardonald; and in consequence of that marriage the estate of Cardonald, which originally belonged to Isabella Norvell, the wife of Sir William Stuart of Castelmilk, came to Lord Blantyre's family.

THIRTEENTH GENERATION.

WILLIAM, the eldest Son of MATTHEW Earl of Lennox, married Margaret daughter to WILLIAM Earl of Montrose, but died in his Father's lifetime without Issue.

JOHN, second Son, who succeeded to his Father, MATTHEW Earl of Lennox.

PROOFS concerning JOHN STUART, the third Earl of Lennox.

TO Matthew Earl of Lennox, killed at the battle of Floudon on the 9th of September 1513, succeeded his second son John; the eldest son William having died in his father's lifetime without posterity.

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John, third Earl of Lennox, must have made up his titles to the Derneley estate, held by that family under the Prince and Stewart of Scotland, and to the Lennox estate, held by a different tenure under the King, by a special service and retour; for there is no charter in the Public Records in his favor, excepting one charter in his father's lifetime, dated 2d February 1511, where he is designed son and heir* of Matthew Earl of Lennox, of the barony of Torboltoun, and of the lands of Galfoun and Dregarne, united into the barony of Torboltoun, Book xviii. N° 9.

The Record of Retours in Scotland does not go so far back as the time of John Earl of Lennox's succession to his father in the year

* This description of John, in February 1511, proves that his elder brother William had then died without issue.

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and his special service and retour, as heir to his father Matthew, has not been found amongst the Derneley Papers; neither is there amongst them any charter in his favor.

If John Earl of Lennox made up his titles to the estates of Derneley and of Lennox, by special service and retour, as heir to his father, then it follows, that he held these lands by the same tenure, and under the same conditions and destination of succession, as they had been held by his father Matthew Earl of Lennox.

It appears that this John Earl of Lennox made up his titles to the barony of Bathgate (in West Lothian), comprehending the Inch of Bathgate, Ballencrieff, mill thereof, Bawbardies, Ethefton, Courland, and Torbaine, with the pertinents, lying within the bounds of Linlithgow; for there is amongst the papers relating to these lands, now belonging to the Earl of Hopetoun, a sasine, dated the 16th of February, on a precept furth of the chancellery, dated the 13th of February 1523, for infefting John Earl of Levenox, as heir served and retoured to Matthew Earl of Levenox his father, in the barony of Bathgate, comprehending as above.

By the precept ingrossed in this sasine, security is directed to be taken for 840*l.* Scotch, as ten years and a half duty, while the lands remained in non-entry, and 80*l.* Scotch for the relief due to the King as Stewart of Scotland.

These documents prove that both John Earl of Lennox, and his father Matthew, had made up their titles to the barony of Bathgate, an old possession of the Derneley family, held by them of the Stewart of Scotland, from whom the grant in their favor originally proceeded.

It is presumable that John Earl of Lennox had also made up his titles to the lands of Castlemilk in Annandale, and to the lands belonging to the Derneley family in the barony of Avendale in Lanarkshire, in a similar manner, by taking them up as son and heir

heir of his father Matthew, who had completed his titles to the whole of the estates belonging to him.

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As a fymptom of John's having completed his titles to the lands in the barony of Avendale, there is a charter, dated the 20th of September 1515, by John Earl of Lennox, Lord Derneley, whereby for the fingular love and favor which he had to his *beloved cousin James Stuart, fon of Alexander Stuart of Castelmilk*, and to Janet Auchinleck his spouse, he gave to them, and to the longest liver of them during their lives, the Forty Shilling Land of the town of Kype of Old Extent, lying in the barony of Avendale and shire of Lanark.

And further, there is an assignation dated 3d February 1525 by John Earl of Lennox, Lord Derneley, to his *well beloved cousin James Stewart of Tweedy*, of the right of reverfion of the Forty Shilling Land of Kype in the barony of Avendale.

Thefe deeds are in the charter-room of the Duke of Hamilton, amongst the title deeds of the barony of Avendale; and they infer that John Earl of Lennox had made up his titles to the lands belonging to the Derneley family in the barony of Avendale, otherwife they would have been of no avail.

A further evidence of John Earl of Lennox having made up his titles to the lands belonging to the Derneley family held by them of fubject fuperiors, is a precept of clare confat dated 4th November 1515, granted by James Sandielands of Calder, Knight, fuperior of the lands of Wyftoun in the barony of Wyftoun, shire of Lanark, which narrates that Matthew Earl of Lennox, father of the faid John, died laft veft and feifed in thefe lands of Wyftoun, and that John now Earl of Lennox is his neareft lawful heir, therefore grants warrant for his being infeft therein, whereupon he was infeft conform to the instrument of fafine in his favour dated the 16th of July 1515.

N. B. This instrument of fafine, which contains a verbatim copy of the precept of clare confat, is ftill extant among the papers at Dryden belonging to Mr. Lockhart of Lee's family.

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It proves that both Matthew Earl of Lennox and his son John had made up their titles to these lands.

In the same repository at Dryden, there is a precept of sasine dated 5th of June 1501, by Matthew Stuart Earl of Lennox, for infefting George Stuart son and heir of the deceased Thomas Stuart of Barcubie, in all and fundry the said Earl's lands of Wyftoun.

Instrument of sasine, 13th May 1511, in favor of Robert Stuart, son and heir of the deceased George Stuart of Barcubie, in these lands, proceeding on a precept granted by the said Matthew Earl of Lennox.

The Stuarts of Barcubie, in whose favor these infeftments were granted by the Earl of Lennox, were descended from Robert Stuart, one of the younger sons of Sir Alexander Stuart of Derneley, and Dame Janet Keith his wife. Sir Alexander Stuart gave these lands of Wyftoun to his son Robert, and the heirs male of his body; whom failing, to his other son James, and the heirs male of his body, to be held by them of and under the Stuarts of Derneley, the elder branch of the family, as mentioned in Part Second, N^o VIII. p. 98; and it affords a clear proof of the practice of the Derneley family in giving lands to a younger son to be held under the elder branch; and that in consequence thereof the succeeding representatives of the Derneley family retained the intermediate superiority by making up their titles regularly to the lands which had been given off to younger sons to be held of them, even though these lands were held by the Derneley family themselves of and under a subject superior.

This is perfectly applicable to what happened in the case of the lands of Castelmilk, originally given off to Sir William Stuart, a younger son of the said Sir Alexander Stuart, and brother of Sir John Stuart of Derneley, which lands being held by the heirs of Sir William Stuart of Castelmilk, immediately of and under the elder branch, the Stuarts of Derneley, who at the same time held them of and under the lords of Annandale, it became necessary, for the sake

of

of preserving that intermediate superiority, that the successive heirs of the Derneley family should make up their titles to the lands of Castlemilk by charters from the lords of Annandale, (and after the annexation of these lands to the crown, from the Sovereign, as come in place of the lords of Annandale,) while at the same time the charters or precepts for infeftment in favor of the Stuarts of Castlemilk, proceeded from the Stuarts of Derneley, their immediate superiors.

Accordingly, it will appear from the whole of this Genealogical History, that this was the practice uniformly observed with regard to these lands of *Castlemilk*, in a manner precisely similar to what happened with regard to the intermediate superiority of the lands of *Wyftoun* above-mentioned.

During the minority of King James V. John Earl of Lennox was appointed one of the Lords of the Regency, anno 1524.

He had great favor and confidence from that Sovereign, who, indignant at the restraint under which he was kept by the Earl of Angus and the Douglasses, invited his cousin the Earl of Lennox to assemble what forces he could to rescue him from their hands.

Accordingly the Earl of Lennox, in the year 1526, raised a powerful body of men, and set forward from Stirling, marching towards Edinburgh to accomplish what he had undertaken at the King's command.

The Earl of Angus artfully engaged the Lord Hamilton, first Earl of Arran, though uncle to Lennox, to espouse his cause, and to join their forces together. The Earl of Angus availed himself also of the advantage he had by having the charge and custody of the young King, in whose name proclamations were issued requiring all men between sixty and sixteen to rise immediately, and to follow the King and the Earl of Angus to the field of battle.

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The circumstances of what then happened are thus related by
Lindsay of Pitscottie in his natural manner, descriptive of characters
and of events, p. 137 of his History.

“ By this the word came to the town of Edinburgh, that the
“ Earl of Lennox was within a mile of Lithgow with three great
“ hofts, to the number of twelve thousand men, well furnished with
“ artillery, and was purposed to come to Edinburgh, if he were not
“ flopt. Then George Douglas hearing this, desired the King to
“ rife and pafs forward and help his brother, to fupport him againft
“ his enemies, fhewing him how near hand they were. But the
“ King’s Grace took little thought of the matter, and was flow in
“ his outredding. But at laft the poft came from the Earl of Angus,
“ fhewing the King that both the armies were in fight of each other,
“ and were purposed to fight; therefore prayed the King’s Grace
“ to come forward, with the town of Edinburgh, to refcure the
“ Earl of Angus, or elfe he would be loft, by reafon of the number
“ of the other party.

“ Then the King caufed blow his trumpets, and lap on horfe, and
“ gart ring the common bell of Edinburgh, commanding all manner
“ of man to follow him. So he rufhed out of the Weft port, and
“ all the town of Edinburgh and Leith with him, to the number of
“ three thousand men; and rode forward; but ere they came to
“ Corftorphin, they heard the artillery fhoot on both fides, like as it
“ had been thunder. Then George Douglas cried to the King, be-
“ feeking his Grace, for God’s fake, to ride fafter, that he might
“ refcure and help his brother.

“ By this the poft came, and fhew the King that both the fields
“ were joined, and foughten furiously with others, on the weft fide
“ of Lithgow, two miles weft the town; and that the Earl of Angus
“ and the Earl of Glencairn were yoked together, and the Lord
“ Hamilton’s force and the Earl of Lennox were yoked in like
“ manner,

“ manner, and both fighting furiously. Then the King rode fast to see the manner: but incontinent there met him a post, shewing him that the Earl of Lennox-men were fled from him, and he believed that he had tint the field.

“ But then the King was very sorry, and cried on all his servants, and on all that would do for him, to ride to the field and stench slaughter; and in special, to save the Earl of Lennox, if he could apprehend him alive. With this the King’s servants and sundry gentlemen past, at the King’s command, with Andrew Wood of Largo, which was one of the King’s familiar servants, and carver to him at that time, and hasted their horse as fast as they might bear them to the field, to keep the King’s command, to save all from slaughter; and in special the Earl of Lennox, whom they found lying slain, in the dead-throw, cruelly by Sir James Hamilton, that tyrant, after that he was taken in the field by the Laird of Pardovan, and his weapons taken from him. In this mean time, Sir James Hamilton, that cruel murderer, gart shut him from the takers, and slew him without mercy; and so did he all that he might overtake that day in the field. There were many marked that day with this murderer; some in the chafts with his sword, and some otherwise.

“ This being done, the King’s servants came through the field, and saw the Lord Hamilton standing mourning beside the Earl of Lennox, saying, *the wisest man, the stoutest man, the hardiest man that ever was born in Scotland was slain that day*; and his cloke of scarlet cast upon him, and gart watch-men stand about him till the King’s servants came and buried him*.”

Thus

* The person above described by Lindsay as lamenting over the dead body of the Earl of Lennox, was the Lord Hamilton, Earl of Arran, then at the head of the Hamilton family. The Earl of Lennox was nearly related to him, being the son of the Earl of Arran’s sister; and besides that tie of relationship, was in great esteem by the Earl of Arran, who, however, had been artfully seduced by the Earl of Angus to
take

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Thus fell John Earl of Lennox, one of the most amiable characters of the age in which he lived, and the most generally beloved.

John Earl of Lennox married Ann, daughter of John Stuart, Earl of Athol, by whom he had three sons and one daughter :

1. Matthew, his eldest son and heir.
2. Robert Stuart, Bishop of Caithness, afterwards Earl of Lennox, and thereafter Earl of March.
3. John Lord d'Aubigny, captain of the Scotch Gens d'Armes in France, and governor of Avignon, whose posterity became Dukes of Lennox.

One daughter, Helen, married first to William Earl of Errol, and afterwards to John Earl of Sutherland.

take part against his kinsman in that battle near Linlithgow, which proved fatal to him on the 4th of September 1526.

Sir James Hamilton, to whom Lindfay imputes the murder of John Earl of Lennox in the field of battle, after he had been taken prisoner by Hamilton of Pardovan, was a bastard son of the Earl of Arran's.

There is still extant in the charter-room at Hamilton, a ratification by King James V. of a release granted by Matthew Earl of Lennox, son of the said John Earl of Lennox, to James the second Earl of Arran, and to his friends, kindred, and followers for the slaughter of the said John Earl of Lennox, who was defeated and slain at Canatby bridge by my Lord Arran's father, on certain conditions, one of which was, that Sir James Hamilton of Fynnart, as tutor to this Earl of Arran, and for his own share in that slaughter, should perform the three great pilgrimages of Scotland, and sustain six priests for seven years for the soul of him who was slain.

FOURTEENTH GENERATION.

1. MATTHEW, fourth Earl of Lennox.
2. ROBERT, Bishop of Caithness.
3. JOHN, Lord d'Aubigny.

PROOFS concerning MATTHEW fourth Earl of Lennox, the eldest Son of JOHN.

MATTHEW Earl of Lennox succeeded to his father John in September 1526. The early part of his life he past in the service of the Crown of France in the wars in Italy where he served with gallantry and distinction, and was in great favor at the French court. It was after the death of King James V. who died in the year 1542, that he returned to Scotland, in the reign of Mary the infant Queen of Scots*.

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As John the third Earl of Lennox had established in his person, as heir to his father Matthew the second Earl, the feudal titles to the Derneley estate held of the Prince of Scotland, to the Lennox estate held of the Crown, and to the lands held by the Derneley family of and under subject superiors, so it is presumable, that the method taken by Matthew fourth Earl of Lennox, in making up his titles to these several lands and estates, was by special service and retour, as heir to his father John Earl of Lennox.

* In the rolls of the Scottish parliament, Lennox is marked as one of the peers present in the parliament of 26th April 1531, and 17th May 1532; therefore it must have been after that period that Matthew Earl of Lennox went to France to engage in the wars of that country; unless it be supposed that he had been in France before 1531, and had come over to Scotland in the years 1531 and 1532 for his own private affairs, after his father's death in 1526. There is no mention of the Earl of Lennox as present in any of the parliaments after 1532.

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But as the Record of Retours in Scotland does not go so far back as that period, there are no traces to be found in the Scottish Records of the manner in which this Matthew made up his titles to the Derneley and Lennox estates. The original service and retour, and the infeftments following thereon, have perished or been mislaid, at least they are not now to be found amongst the Derneley papers in the Duke of Montrose's possession.

There are no charters in the Public Records in Scotland in favor of this Matthew fourth Earl of Lennox, which makes it the more probable that his titles must have been made up, not by charter and sasine, but by special service and retour, as heir to his father John Earl of Lennox, who had died last vest and seised in the various lands and estates belonging to the Derneley family.

It was in times of great difficulty, when Scotland was agitated by great factions among the Nobles during Queen Mary's minority, that this Earl of Lennox was invited to come from France to Scotland. The account given by George Crawford in his History of the Stuarts is, "That upon the death of King James V. Matthew Earl of Lennox was sent for to France, and cajoled with hopes of marrying the Queen-dowager, to support her against the factions of the Nobility at home; but was afterwards accused by the Queen and Cardinal Beaton as too much favoring Queen Mary's marriage with Edward Prince of Wales, King Henry the VIIIth of England's son; which obliged him to make an apology for himself to the French King; and after a disadvantageous rencounter with the Earl of Arran, then governor of Scotland, at the city of Glasgow, in the year 1545, his estate was forfeited, and he fled into England, where he was honorably entertained by King Henry VIII. who bestowed upon him in marriage his niece, the Lady Margaret Douglas, only daughter of Archibald Earl of Angus, by Margaret eldest daughter of King Henry VII. of England, and Dowager of James IV. of Scotland; by whom he

" had

“ had two fons, Henry Lord Derneley, and Charles afterwards Earl of Lennox.”

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The account given by Lindfay of Pittscottie, in his History, p. 181, 182, is, that Cardinal Beaton had by secret messages prevailed upon the Earl of Lennox to come home from France, promising to him the marriage of the Queen-mother, and governorship of the realm in place of the Earl of Arran.

That the Cardinal received the Earl of Lennox with many flattering words, but deceived him; for subsequent to his invitation to the Earl of Lennox to come home to Scotland, he (the Cardinal) had made up all his differences with his kinsman the Earl of Arran, governor of Scotland, and only thought how to get rid of the Earl of Lennox with credit.

Then Lindfay mentions a rivalry between the Earl of Bothwell and the Earl of Lennox for the favour of the Queen-mother, and for the honor of being her husband, and takes occasion to give the following description of the two rivals:

“ These two Earls daily frequented the Court, striving in magnificence of dress and in all courtly games, the one to exceed the other, especially in the Queen’s sight; but the Earl of Lennox being well bred in the wars in France, surpassed the other both in ability of body and dexterity of exercise. He was of a strong body, well proportionate, of a sweet and manly visage, straight in stature, and pleasant in behaviour. Bothwell was fair and whitely, something hanging shouldered, and going forward, but of a gentle and humane countenance. These two being fed with fair words for a time, at length the Earl of Bothwell, having spent very much, was forced to return.”

Lindfay relates that the governor, the Earl of Arran, instigated by Cardinal Beaton and the Queen-mother, raised an army and besieged the castle of Glasgow, defended by some friends of the Earl of Lennox’s. That upon the 8th of March 1544, the Go-

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vernor came to Glasgow with 12,000 men, bringing cannon and artillery from Edinburgh; that the siege lasted ten days; that the governor practised with the keepers of the castle to yield it, promising great rewards to them and all that were with them.

That the keepers were John and William Stuarts, sons of the Abbot of Dryburgh, who, knowing of no relief, were glad of the offer, and yielded the castle to the governor.

That these two brothers were imprisoned during the governor's pleasure, and all the rest were immediately hanged.

That the Earl of Lennox himself being summoned was put to the horn for non-compearance, and thereafter forfeaulted; so that he, seeing no refuge in Scotland, shortly thereafter retired into England, where he was kindly entertained by King Henry, &c.

That in the next parliament the Earl of Lennox's whole vassals and followers were forfeaulted; for whose compositions the governor, the Earl of Arran, obtained great sums of money, howbeit he lost their hearts by his extreme rigour.

Upon the forfeiture of Matthew Earl of Lennox, which took place in the year 1544 or 1545, his various estates were granted by the crown, or by the governor acting for the crown, to several different persons, particularly to the Earls of Argyll and Montrose, Lord Semple, Johnston of Johnston, &c. The charters granted in favor of these different persons specify the lands given to each, and that they had formerly pertained to Matthew Earl of Lennox.

As the lands of Castlemilk in Annandale made part of the estates belonging to the Derneley and Lennox family, so it appears that upon the forfeiture of Matthew Earl of Lennox, the superiority of the lands of Castlemilk in Annandale belonging to him, were by a precept under Queen Mary's Privy Seal, dated 28th October 1546, granted to John Johnston of that ilk.

And

And further there is in the Public Records, Book xxxi. N^o 68, a charter dated 15th April 1550, by which the lands of Castlemilk were granted to the said John Johnston de eodem; and the charter recites that they had formerly belonged to Matthew Earl of Lennox, and had devolved to the Crown by his forfeiture. Upon which charter the said John Johnston was infeft on the 28th of April 1550.

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The terms of the above charter from the crown shew that Matthew Earl of Lennox was at that time the last vassal received by the Crown for these lands of Castlemilk; and consequently proves that he had made up his titles to them, though the title deeds themselves do not now appear.

The sentence of forfeiture against Matthew Earl of Lennox was rescinded by act of parliament in the year 1564; which probably had the effect of annulling the said grant to John Johnston of Johnston, and of restoring to Matthew Earl of Lennox and his family, the superiority of the said lands of Castlemilk.

Matthew Earl of Lennox lived at the court of England till the year 1564, when he was called home by Queen Mary; his forfeiture was rescinded in December that year, and he was publicly restored to the honors and estates of his ancestors, after he had been banished near twenty years.

On his return to Scotland he did not meddle in public affairs until the murder of his son Lord Derneley, when he prosecuted the Earl of Bothwell as guilty thereof.

He lived retired till the death of the Earl of Murray, Regent, and was on the 11th of July 1570 elected Regent during the minority of King James VI. of Scotland, his grandson.

In the year 1571, he called a parliament to meet at Stirling, where he was surpris'd and barbarously murdered in a scuffle by a

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Captain Calder, on the 4th of September 1571, and was interred in the chapel of the castle of Stirling*.

Of the marriage between Matthew Earl of Lennox and Lady Margaret Douglas, niece of Henry VIII. there were four sons and four daughters; but none of the sons came to age excepting two:

1. Henry Lord Derneley, who married Queen Mary, and died on the 9th of February 1567.
2. Charles, who afterwards became Earl of Lennox.

Concerning ROBERT STUART, Bishop of Caithness, second Son of JOHN third Earl of Lennox.

The account given by Crawford in his Peerage, p. 309, of this Robert Stuart, under the title of Earl of March, is as follows: "Robert Stuart, Earl of March, was the second son of John Earl of Lennox, by Anne his wife, daughter of John Earl of Athole; who being educated suitable to his noble birth, with a view to the service of the church, the first step he made into it was to be provost of the collegiate church of Dumbarton; and after that he was preferred to the episcopal see of Caithness, anno 1542, but while he was only elect, taking part with his brother the Earl of Lennox, against the Earl of Arran, the governor in Queen Mary's minority, he was deprived of his bishopric, and lived in

* Upon the death of Matthew Earl of Lennox the following epitaph was composed by George Buchanan:

Regis avus, Regis pater, alto e sanguine Regum
Imperio quorum terra Britannia subest,
Matthæus: genuit Levinia, Gallia fovit,
Pulso Anglus thalamum, remque decusque dedit.
Cœpi invicta manu, famam virtute refelli,
Arma armis vici, consilioque dolos.
Gratus in ingratos, patriam justeque pieque
Cum regerem, hostili perfidia cecidi,
Cære Nepos, spes una domus, meliore senectam
Attingas fato, cætera dignus avo.

“ exile upwards of twenty years till the 1563, he was again re-
 “ stored, at least to the profits of the fee; and complying with the
 “ reformation of religion, he had for his share of the riches of the
 “ church the priory of St. Andrew’s given him from the Crown.
 “ In the 1576, the honor of Earl of Lennox devolved upon him by
 “ the death of Charles Earl of Lennox his nephew; but having
 “ no male issue of his body, he resigned the honor to his great
 “ nephew, Esme Lord d’Aubigny, and in place thereof was made
 “ Earl of March in the year 1579; after which he lived privately
 “ at St. Andrew’s, where he spent his old age in a studious and re-
 “ tired manner happily free from any faction, till the 29th of
 “ March 1586 death brought his life to a period in the 70th year
 “ of his age.”

PART
 V.
 N° XIV.

The account thus given by Crawford concerning Robert Stuart’s having enjoyed first the earldom of Lennox anno 1576, and afterwards the earldom of March anno 1579, is confirmed by charters on record, as will be herein-afterwards noticed under N° XVI.

Concerning JOHN STUART Lord d’Aubigny, third Son of
 JOHN third Earl of Lennox.

This John Stuart is mentioned in the Records kept in the *Chambre des Comptes* at Paris, vol. ii. cotté 4914, as having performed foy and homage for the lands of Aubigny in the province of Berry, upon the 14th of July 1560.

He was captain of the Scotch Gens d’Armes in France, and governor of Avignon.

He was succeeded in the lordship of Aubigny in France by his son Esme Stuart, who, on his coming over from France to Scotland in 1579, was, upon the resignation of his uncle Robert Stuart Earl of Lennox, created Earl of Lennox, and thereafter Duke of Lennox, as will be shewn in the next Generation, N° XV.

FIFTEENTH GENERATION.

HENRY Lord Derneley, eldest Son of MATTHEW fourth Earl of Lennox.

CHARLES STUART, youngest Son of MATTHEW fourth Earl of Lennox.

ESME STUART D'AUBIGNY, only Son of JOHN STUART of Aubigny, Brother of MATTHEW fourth Earl of Lennox.

PROOFS concerning HENRY Lord Derneley, the eldest Son of MATTHEW Earl of Lennox.

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HENRY Lord Derneley, born in England during the time of his father's residence at the court of Henry VIII. whose niece he had married, came to Scotland in the year 1565, soon after his father had been invited by Queen Mary to return to his native country*.

Henry Lord Derneley had not been above six months in Scotland, when his marriage to Mary, the young and beautiful Queen of Scots, was settled. She was then in the twenty-third year of her age; and Henry Lord Derneley had not attained the age of twenty years complete.

* There is in the Record of Charters under the Great Seal at Edinburgh, a charter dated 18th February 1565, in favor of Matthew Earl of Lennox of Gargannochan and Ballaigan in Dumbartonshire, B. 32, N^o 272. This charter must have been subsequent to the Earl of Lennox's return to Scotland, and subsequent to the rescinding of his forfeiture.

Upon

Upon the 15th of May 1565, Henry Stuart, eldest son of Matthew Earl of Lennox, was first made Knight; then he was made Baron Banneret, and nominated Lord Arinannock and Lord of Parliament; then Earl of Rosse; and on the 22d of July 1565, he was created Duke of Albany.

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These particulars appear from what passed in the year 1606, when the titles of various Scotch peerages were produced to the Commissioners authorized by commission from King James VI. to settle the precedence of the Scotch Peers.

The marriage of Lord Derneley with Mary Queen of Scots took place on the 29th day of July 1565; and on the 15th of June 1566, the Queen was delivered of a son, King James VI. of Scotland, the first monarch of the united Crowns of England and Scotland.

Henry Lord Derneley, the husband of Queen Mary, and the presumptive heir of Matthew Earl of Lennox, was barbarously murdered at Edinburgh in his own lodgings when in bed, on the 9th of February 1567.

Having thus pre-deceased his father Matthew Earl of Lennox, who lived till the 4th of September 1571, neither the estate or titles of Lennox were ever enjoyed by Henry Lord Derneley.

Concerning CHARLES STUART, second Son of MATTHEW fourth Earl of Lennox, and Brother of HENRY Lord Derneley.

Charles Stuart, the younger brother of Henry Lord Derneley, married Elizabeth daughter of Sir William Cavendish, sister to the Earl of Devonshire, by whom he had only one child, Lady Arabella Stuart, who married William Marquis of Hartford; but had no issue. He died in the twenty-first year of his age at London in the year

1576,

PART V. 1576, as appears from the inscription * upon his mother's monument in Henry the Seventh's Chapel in Westminster Abbey.

N^o XV.

This Charles Stuart received in the year 1572 from his nephew King James VI. charters of the earldom of Lennox and various other lands, dated 18th April 1572, and became Earl of Lennox, as will be more particularly stated under N^o XVI.

Concerning ESME STUART of Aubigny, only Son of JOHN STUART of Aubigny, Brother of MATTHEW the fourth Earl of Lennox.

Esme Stuart d'Aubigny, who had been educated in France, was after the death of the said Charles Earl of Lennox, brother of Lord Derneley, sent for by King James, and came to Scotland in the year 1579. He was received with great favor and confidence; many honors and grants of land were conferred upon him by his Majesty, particularly the dukedom of Lennox in the year 1581, as will be more particularly stated under N^o XVI.

* Hic situs est Carolus Comes Lennoxie, qui duxit filiam Willielmi Cavendish Militis, ex qua cum Arabellam unicam filiam suscepisset dum obiit anno ætatis suæ 21, et salutis humanæ 1576. (Crawford's Peerage, p. 261.)

GENEALOGICAL HISTORY

OF

THE STEWARTS.

PART SIXTH.

Beginning from the death of MATTHEW fourth Earl of Lennox on the 4th of September 1571, and continued to the year 1672, when, upon the death of CHARLES STUART sixth Duke of Lennox, King CHARLES II. succeeded as the nearest collateral heir male of the Stuarts Earls and Dukes of Lennox.

SIXTEENTH GENERATION.

1. KING JAMES VI. of Scotland, only Son of HENRY Lord Derneley, and Grandson of MATTHEW the fourth Earl of Lennox.
2. LUDOVIC, Duke of Lennox, eldest Son of ESME, Duke of Lennox and Grandson of JOHN STUART the Brother of MATTHEW fourth Earl of Lennox.
3. ESME STUART of Aubigny, second Son of the said ESME Duke of Lennox.

PROOFS concerning KING JAMES VI. of Scotland, only Son of HENRY Lord Derneley.

UPON the death of Matthew fourth Earl of Lennox, on the 4th of September 1571, his grandson King James VI. of Scotland, was the heir male of the Stuarts of Derneley and Lennox,

κ κ

and

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and as such became entitled in right of blood to the estates and honours of that family; but King James did not take the benefit of that right of succession for his own use. The steps taken by his Majesty for preventing these estates and honours from being absorbed in the rights of the Crown, for continuing them to the next collateral heirs male, and for securing the representation of the Derneley family in the male line, shall now be stated, from the charters and other authentic instruments on record.

There are in the Public Records in Scotland four several royal charters, dated 18th April 1572, for the purpose of conveying to Charles Stuart, second son of Matthew fourth Earl of Lennox, and younger brother of Henry Lord Derneley, and to his heirs male, the earldom of Lennox, and various other lands which had belonged to his ancestors the Lords Derneley and Earls of Lennox.

One of these charters is a grant of the barony of Torbolton in the shire of Air. Book xxxiii. No. 106.

The second charter is of the earldom of Lennox, lordship and lands thereof, and of the office of Sheriff of Dumbarton. Book xxxiii. No. 108.

The third is of the lands of Ballincreeff, Barbardy, and others in the county of Linlithgow, which being lands held by the Prince, were by annexation, reckoned to belong to the county of Renfrew.

The fourth was of the lands of Gargonock, Barlagin, and others, in the counties of Stirling and Dumbarton.

This Charles Stuart, who thus became the fifth Earl of Lennox, married Lady Elizabeth Cavendish, sister to the Earl of Devonshire, by whom he had only one child, Lady Arabella Stuart. And as in terms of the limitations to heirs male she could not succeed to the honors and estates of the Lennox family, these reverted to King James upon the death of his uncle Charles Stuart in the year 1576.

Upon the death of Charles Stuart fifth Earl of Lennox, King James, by a royal charter, dated 16th June 1578, Book xxxv. No. 8.

granted

granted the earldom of Lennox, the barony of Torbolton, the lands of Cruickisfee, Derneley, and others in the shires of Renfrew, Air, Dumbarton, and Stirling, to Robert Stuart Bishop of Caithness, who was grand uncle to his Majesty, having been the immediate younger brother of Matthew the fourth Earl of Lennox, as stated in Part V. No. XIV.

The charter thus granted contains the Earl's creation, and by it the earldom of Lennox is limited to Robert and the heirs male of his body.

It appears that within a few years after the date of this grant, Robert Earl of Lennox accepted of the earldom of March and lordship of Dunbar, in lieu of the earldom of Lennox; so as that his Majesty might be at liberty to bestow the lands and honours of the earldom of Lennox upon Esme Stuart Lord d'Aubigny, the son and heir of John Lord d'Aubigny, who was the youngest brother of the King's grandfather Matthew Earl of Lennox. In confirmation of which arrangement there is in the Public Records (Book xxxv. No. 655.) a charter dated 5th October 1582, of the earldom of March and lordship of Dunbar in favor of the said Robert Stuart, containing a new erection of these lands into an earldom, and creating him Earl of March.

It is to be observed that, during the period while this Robert Stuart was Earl of Lennox, he appears to have made up his titles to other lands which belonged in superiority to the Derneley family, and which had been held by them originally under subject superiors; particularly this must have been the case with regard to the Forty Merk Lands of Castelmilk in Annandale, held by the Stuarts of Derneley under the Lords of Annandale; for there is positive evidence, that this Robert Stuart Earl of Lennox, as Superior of the lands of Castelmilk, granted the following feudal investiture of these lands in favour of Archibald Stuart of Castelmilk; to wit:

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VI.
N^o XVI.

Precept of clare constat, dated 2d November 1579, granted by Robert Stuart Earl of Lennox Lord Derneley, as Superior of the lands of Castelmilk in Annandale, in favor of Archibald Stuart for infesting him in the lands of Castelmilk and Bromhill in the Stewartry of Annandale, as nearest and lawful heir to his grandfather Archibald Stuart, to be held Ward of the Earl of Lennox.

N.B. In this deed granted by the Earl of Lennox he describes Archibald Stuart of Castelmilk as his beloved cousin: the words are, “*Consanguineus noster dilectus.*”

Charter of novodamus, by Robert Earl of Lennox as Superior of the lands of Castelmilk, in favor of the said Archibald Stuart, granting to him *de novo* the said lands of Castelmilk and Bromhill, dated 13th November 1579.

Archibald Stuart was infest on the precept of clare constat on 9th November 1579; and was infest upon the charter of novodamus on the 2d of February 1579-80.

The deeds thus granted in favor of the Stuarts of Castelmilk, which are still extant in the possession of the Castelmilk family, prove, that Robert Earl of Lennox, the granter of these deeds, must have made up his titles to the Superiority of these lands of Castelmilk, for otherwise he could not have granted to them a valid and effectual charter and infestment; and there is the more reason to be convinced of this from the circumstances of the Castelmilk estate at that time; for upon the 27th of November 1578, a contract had been entered into between John Lord Maxwell and the said Archibald Stuart of Castelmilk, by which he became bound, for valuable considerations, to dispose to John Lord Maxwell, all the lands of Castelmilk which in any time bygone had pertained to the said Archibald Stuart and his predecessors, excepting the Ten Merk Lands of Bromhill and Todlemuir. And in that contract there was a clause particularly obliging the said Archibald Stuart to obtain
from

from the Earl of Lennox, Superior of the lands of Castlemilk, a sufficient charter of confirmation under his subscription and seal. It was in consequence of that contract, that Archibald Stuart, in the year 1579, obtained from Robert Earl of Lennox the precept of clare constat and charter of novodamus above-mentioned. And as by the sale of the lands of Castlemilk which then took place in favor of John Lord Maxwell, there were two parties interested in the validity of the feudal titles at that time established in the person of Archibald Stuart of Castlemilk, there can be no doubt that they were satisfied of the validity of the precept and charter granted by Robert Earl of Lennox as Superior of the lands of Castlemilk; which necessarily implies that he had made up his titles in a feudal manner to the Superiority of the lands of Castlemilk, which had from time immemorial belonged to the Derneley family*.

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Robert

* In the preceding Parts of this Genealogical History it has been shewn, that the first Sir John Stuart of Derneley, who died in the year 1429, made up his titles to these lands of Castlemilk; that his grandson John, the first Lord Derneley, had made up his titles to these same lands about the year 1468; and that Matthew Stuart, second Lord Derneley and Earl of Lennox, had made up his titles to them in the year 1496. It does not appear at what time John third Earl of Lennox, son of that Matthew, nor at what time Matthew the fourth Earl of Lennox, had made up their titles to the lands of Castlemilk; but there are circumstances which leave no room to doubt that they did make up their titles to them; to wit:

With regard to John third Earl of Lennox, who succeeded to his father Matthew in September 1513, and died on 4th September 1526, it has been shewn that he had carefully completed his titles to the Derneley and Lennox estates held by him either under the Crown or the Prince of Scotland, and likewise his titles to the various lands or intermediate superiorities held by him under subject superiors; which makes it very highly probable that he must also have completed his titles to the lands or intermediate superiority of Castlemilk, in the same manner that his father Matthew had done.

The precept of clare constat before mentioned granted by Robert Stuart Earl of Lennox, upon 2d November 1579, in favor of Archibald Stuart, of the lands of Castlemilk, as nearest and lawful heir in these lands to his grandfather Archibald Stuart, proves that Archibald Stuart the grandfather must have made up his titles to these lands by a feudal investiture from his Superior in them, the Earl of Lennox.

Archibald

Robert Stuart Earl of Lennox above-mentioned, died in the year 1586, without leaving heirs male of his body.

Archibald Stuart, the grandfather of Archibald, who received the precept of clare from Robert Earl of Lennox in the year 1579, was a married man in the year 1528, there being a charter in favor of him and his wife Margaret Maxwell, of the lands of Ravenfraig in Renfrewshire; at which time he was not designed of Castlemilk: but in the month of November 1533, in a contract between him and John Johnston of Johnston, subscribed by both parties, his subscription was in these words: "Archibald Stuart, younger, *Laird of Castlemilk.*"

And in a tack and affedation, dated in April 1541, this Archibald Stuart and Margaret Maxwell his wife, let the lands of Castlemilk in favor of Robert Lord Maxwell, for payment of a certain rent. Therefore it is clear, that this Archibald Stuart the husband of Margaret Maxwell, was proprietor of the lands of Castlemilk even during the lifetime of his father Archibald, who did not die till after the year 1541.

It must have been at some period between the year 1528 and 1541, that Archibald Stuart the husband of Margaret Maxwell made up his titles to the Castlemilk estate; which could only be by charter or precept for infeftment from the Earl of Lennox his Superior. And as John Earl of Lennox had died in the year 1526, and was succeeded by his son Matthew fourth Earl of Lennox, who lived till the year 1571; it must have been from this Matthew Earl of Lennox, or from Commissioners acting for him, that Archibald Stuart received his feudal investiture of the lands of Castlemilk; and it must have been before the year 1545, for at that time the estates of Matthew Earl of Lennox were forfeited, and he fled into England, where he remained near twenty years.

What confirms the belief that it must have been Matthew the fourth Earl of Lennox who granted the feudal title to the lands of Castlemilk to Archibald Stuart, the husband of Margaret Maxwell, and the grandfather of that Archibald Stuart who received the precept of clare from Robert Earl of Lennox in 1579, is this circumstance; that there is clear evidence that Matthew fourth Earl of Lennox had made up his titles to the Superiority of the lands of Castlemilk; for there is in the Records of Scotland a precept, under Queen Mary's Privy Seal, dated 28th October 1546, whereby she granted to John Johnston of that ilk, the superiority of all and hail the lands of Castlemilk, which had pertained to Matthew Earl of Lennox, and had been forfeited by the process of treason led against him.

And further there is in the Public Records, Book xxxi. No. 68. a charter dated 15th April 1550, by which the lands of Castlemilk were granted to the said John Johnston de eodem; and the charter recites, that they had formerly belonged to Matthew Earl of Lennox, and had devolved to the Crown by his forfeiture. Upon which charter the said John Johnston was infeft on the 28th of April 1550.

The sentence of forfeiture against Matthew Earl of Lennox was rescinded in the year 1564; which probably had the effect of annulling the said grant to John Johnston

PROOFS concerning ESME STUART Earl of Lennox, Son of
JOHN Lord d'Aubigny, the youngest Brother of MATTHEW
fourth Earl of Lennox.

In consequence of the arrangement before-mentioned made between King James VI. and Robert Stuart Earl of Lennox, Esme Stuart, who had been educated in France, was sent for by King James. And having arrived in Scotland in the year 1579, he was most graciously received by his Sovereign, who conferred upon him many honors and grants of Lands, and particularly the lands composing the earldom of Lennox.

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In the Records of the Privy Council of Scotland kept in the Justiciary Office at Edinburgh, there is the following entry respecting the Earldom of Lennox, and the erection of it into a Dukedom.

“Apud Dalkeith quinto die mensis Augusti, anno Dm̄. j^{mo} v^o lxxxj^o.”

“The King’s Majestie, calling to remembrance how the erldome of Lennox, lordship of Derneley, and barony of Torbolton, (being the ancient heritage of the Erles of Lennox of quhom his Majestie is descendit,) succedit unto his hienes, be the death of umqll the King, his hienes dearest father, and of his Majestie’s guidfyr Matthew Erle of Lennox, Regent to his hienes, his

Johnston of Johnston, and of restoring to Matthew Earl of Lennox and his family the Superiority of the lands of Castelmilk.

Thus the uniform and continued practice of the Derneley and Lennox family to make up their titles to the lands of Castelmilk in Annandale, or at least to the Superiority thereof, has been traced through all the successive Generations from the first Sir John Stuart of Derneley, who died in 1429, to the death of Matthew fourth Earl of Lennox in 1571; and King James VI. as grandson of that Earl of Lennox, succeeded to the Superiority of the lands of Castelmilk, as well as to the other estates which had belonged to his grandfather.

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“ realme, and lieges for the tyme, and after disposition maid be
 “ his hienes of new of the faides erldome, lordschip, and barony,
 “ to his Majestie’s father’s brother Charles likewyse Erll of Lennox,
 “ throw default of airis maill in his person; and be virtew of his
 “ Majestie’s revocation, the same erldome, lordschip, and barony,
 “ returning again to his hienes, his dearest and only great uncle
 “ Robert Erl of March, (quha wes alsuo infest in the faides erldome,
 “ lordschip, and barony,) zielding his place, *his Majestie having still*
 “ *ane earnest desire of the standing of the said hous of Lennox in the*
 “ *possessiou of his next consinges maill of the same hous and blude;*
 “ thairfore gaif and disponit heretable to his dearest coufinge Efne
 “ Erll of Lennox, Lord Derneley, Aubigny, and Dalkeith, Great
 “ Chamberlain of this realme, and his airis, the said erldome of
 “ Lennox, lordschip of Derneley, and barony of Torbolton, with
 “ the honours, richts, and privileges perteing theirto, quha movit
 “ of great and singular affection toward his Majestie, come furth
 “ of the realme of France, his native countrie, to serve and attend
 “ upon his Majestie, and to brouke the title and occupie the hous
 “ and leiving quhair of he is descendit, and quhairunto it hes pleifit his
 “ Majestie to advance and promouve him, having sparit na panes, per-
 “ rilles, nor charges in that q̄lk micht further his Majestie’s auctie and
 “ service, and now his Majestie having zet a desire to favour and
 “ advance the hous quhair of his Majestie on the part of his said
 “ dearest father is descendit for the memorie of his noble and
 “ worthie progenitors of the stok and familie, and for the guide
 “ and worthie deserving of the said p̄nt Erll of Lennox his dearest
 “ coufing towards his Majestie, and for utheris reasonabile causses
 “ and considerationes moving his hienes thairto, hes thairfore maid,
 “ creat, erect, and incorporat the said erldome of Lennox in ane
 “ haill and fre dukerie, to be callit the Dukerie of Lennox in tyme
 “ cuming; and the said lordschip of Derneley in ane haill and fre
 “ erldome,

" erldome, to be called the Erldome of Derneley in tyme cuming;
 " and the said barony of Torbolton in ane haill and fre lordship,
 " to be callit the Lordschip of Torbolton in tyme cuming, without
 " prejudice of the union, annexation, and utheris privileges grantet
 " in the infestment maid thairupon of befoir; and als hes maid,
 " constitute, remit, and ordainit in tyme cuming, his said dearest
 " cousing Esme Duke of Lennox, Erll of Derneley, Lord of Au-
 " bignie, Torbolton, and Dalkeith, with all honours, dignities,
 " richts, rents, privileges, profits, commodities, and dewties belangand
 " thairto, to be broukit, jouisit, usit, occupit, and possesst be him,
 " sicklike and als freliee in all respects and conditions as ony
 " utheris hes broukit the title, richt, and posseffioun of quhatfumevir
 " dukerie, erldome, lordschip, or baronie within this realme in
 " tyme bygane; and that lres be direct to make publication heirof
 " be opin procalmatioun at the Mercat Croce of Edinburgh, and
 " utheris places neidful, charging all and sundrie Erlls, Lordes,
 " Barones, and utheris his Heines subjects, to acknowledge and
 " reverence his said dearest cousing according to the stile, place,
 " and titles befoir specifit, ordaining him to be investit yairin with
 " all solempnities requisite."

P A R T
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From the recital in the above deed it appears that, prior to the 5th August 1581, the King had disposed heretably to his cousin Esme Stuart, Earl of Lennox, Lord Derneley, Aubigny, and Dalkeith, and his heirs, the earldom of Lennox, lordship of Derneley, and barony of Torbolton, with the honours, rights, and privileges pertaining thereto.

That first grant of the earldom of Lennox to Esme Stuart remains yet to be discovered.

It seems most probable that the destination must have been in favor of heirs male; for though in the narrative of the above paper

it is said that the King had given and disposed the earldom of Lennox and lordship of Derneley, &c. to Esme Earl of Lennox and *his heirs*, yet this phrase must have implied heirs male, for in the sentence immediately preceding, the King had expressed his motive for the grant in these words: "An earnest desire of the standing of the House of Lennox in the possession of his next *cousins male* of the same house and blood."

In the erection of the lands into a dukedom, and in the promotion of Esme Earl of Lennox to the rank of Duke, it is not specified to what heirs the dukedom was to go; but certainly it was not intended to limit it to Esme Duke of Lennox personally: therefore the destination of the peerage of dukedom must be gathered from the destination of the lands composing that dukedom.

In the minutes of what passed in the year 1606, when the titles of various Scots peerages were produced to the Commissioners appointed by King James VI. to settle the precedence of the Scots Peers, there is an article in these words:

" DUCK LENNOX."

" The 29th October 1581, Ihone (by mistake, in place of Esme) Stewart was first created Knight of Creuxstone, then Lord Aubigni, Lord of Torboltoune, Lord of Dalkeith, Lord of Aberdour, and Baronne Banneret, Lord of our Sovereign Lords Parliament, Earl of Darnly, and Duck of Lennox, and Great Chamberlain of Scotland."

In the decree of ranking of the Scotch nobility, the Commissioners appointed to regulate the precedence of the Peers, gave their judgment that the first place belonged to the Duke of Lennox.

There are in the Public Records in Scotland the three following charters from the Crown in favor of Esme Stuart, the two first of which

which are granted to him while Earl of Lennox, before the earldom had been erected or converted into a dukedom*.

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Charter, dated 31st December 1580, in favor of Esme Earl of Lennox, of the dominical lands of Inchennan, Letter, Rowilbeg, and Stuckendaff, the fishings of Ballock, &c. in the counties of Renfrew and Dumbarton, Book v. No. 308.

The above charter is granted to Esme Earl of Lennox, "hære-
"dibus suis et assignates;" and proceeds on the resignation of James

* In the Books of Privy Council of Scotland, now kept in the office of the Court of Juficiary at Edinburgh, there is "an inventory of the writs and evidents received
"by my Lord d'Aubigny from my Lady Levenox, (wife of Robert Earl of Lennox,)
"at Holyrood-houfe, the 8th day of January 1579-80, in prefence of my Lords
"Ochiltree, my Lord of Newbottle, Mr. Robert and Mr. David M'Gill."

There are three pages of this inventory inferted in the Books of Council, and on the third page there is the following receipt by Esme Stuart, Lord d'Aubigny, in the French language, whence it is prefumable that the English or Scottifh language was not familiar to him :

"Je reconnois avoir reçu par les mains de Madame de Lennox, tous les papiers
"contenus en ce present inventaire, en teftimoyne de quoi je figne la prefente de
"ma main en l'Abbaye de Holyrood-houfe, le xii^{me} jour du mois de Janvier 1579.

"ESME STUART."

After which follows a difcharge by King James VI. in thefe words :

"WE by the tenour hereof, with advice and confent of our Secret Council, grant
"us to have received from our right trusty — Dame Elizabeth Stuart, Counteff
"of Lennox, for herself, and in name and behoof of our dearest and only grand-uncle
"Robert Earl of Lennox, Lord Dorneley, her spouse, the reversions, writs, and
"other evidents before written, which were delivered by her at our command, to
"our right trusty cousin Esme Stuart, Lord Obigny, concerning the livery and lord-
"ships of the earldom of Lennox and other lands pertaining thereto, as the same are
"mentioned and written in the inventory before written, and therefore we discharge,
"&c. and ordain these presents to be regiftrated in the books of our Secret Council
"ad perpetuum rei memoriam by these presents, subscribed with our hand at the
"Palace of Holyrood-houfe, the 8th day of February 1579."

The writing specified in the inventory are mostly reversions of parts of the lordship of Lennox.

The two last articles in it are,

"An inventory betwixt my Lord of Lennox and the Lord Cathcart.

"Another inventory of writs pertaining to my Lord of Lennox."

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Stuart of Cardonald, who had apprised these lands from Matthew Earl of Lennox, and thereupon had obtained from the Crown a charter of confirmation of his right.

Charter to Esme Earl of Lennox, dated 5th June 1581, of the lordship and regality of Dalkeith, &c. united of new into a lordship and regality, Book xxxv. No. 134.

Charter, dated 13th December 1581, (Book xxxv. No. 508.) in favour of Esme Duke of Lennox, of the earldom and lordship of Lennox, &c. lordship and regality of Dalkeith, Aberdour, &c. united into the dukedom of Lennox, in the counties of Dumbarton, Renfrew, Air, Bathgate, Linlithgow, Stirling, Edinburgh, Haddington, Fife, Berwick, and Perth.

By the terms of the last-mentioned charter, the lands were granted to be held of his Majesty and his successors in fee and heretage for ever, by Esme Duke of Lennox, Earl Darnley, Lord Torboltoun, and Aubigny, and the heirs male of his body; whom failing, to return to his Majesty and his successors.

Esme, the first Duke of Lennox, harassed by the factions which at that time prevailed in Scotland, returned to France in the year 1581 or 1582, and died at Paris on the 26th May 1583.

He married Katherine Balsac, daughter of Balsac Seigneur d'Antragues in France, and by her had two sons :

1. LUDOVIC, who succeeded him, and was second Duke of Lennox.
2. ESME, Lord d'Aubigny, afterwards Duke of Lennox.

He left also two daughters, Lady Henrietta, married to George first Marquis of Huntley; and Lady Mary, second wife to John Earl of Marr, Lord High Treasurer of Scotland in the reign of James VI.

PROOFS concerning LUDOVIC, second Duke of Lennox, eldest
SON of ESME STUART the first Duke.

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Soon after the death of the first Duke of Lennox at Paris in the year 1583, his eldest son Ludovic was brought over from France by order of King James, who gave to him all the estates and honors which had formerly been granted to his father, with several additions and enlargements; particularly there is in the Public Records a royal charter under the Great Seal, dated the last day of July 1583, by which his Majesty granted to Ludovic Duke of Lennox, son of the deceased Esme Duke of Lennox, the earldom of Lennox, which had been erected into a dukedom, and various other lands which had been contained in the former grants to his father. But there is this material difference between the one and the other; that in the charter 1581, granted to Esme Duke of Lennox, the grant was limited to him, and to the heirs male of his body; whom failing, to return to his Majesty. But in the charter 1583, in favor of Ludovic Duke of Lennox, there is no such limitation or clause of reversion; on the contrary, the grant is declared to be in favor of Ludovic Duke of Lennox and *his heirs male whatsoever*; the words are, "Ludovico Duci de Lennox et *hæredibus suis masculis quibuscunque.*" It will hereafter be shewn, that it was in virtue of this extended grant, that King Charles II. in the year 1680 claimed, and was entitled to the dukedom of Lennox as the *nearest collateral heir male*, though not lineally descended from any of the Dukes of Lennox.

In the Charter-room at Hamilton, amongst the papers of No. 124 of James M'Kenzie's inventory, there is a precept from the Chancery, dated 9th April 1585, for infefting Ludovic Duke of Lennox in certain lands in the barony of Avendale which held of the Lord Avendale. This precept recites not only the King's relationship to the family of Lennox, but likewise his anxious desire

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to keep up that family, and to preserve the succession to heirs male whatsoever; for the grant is to Ludovic Duke of Lennox, and the heirs male of his body; *whom failing, to his heirs male whatsoever.*

There are in the Public Records of Scotland many other charters and grants in favor of Ludovic Duke of Lennox, and many proofs both in England and in Scotland of the estimation in which he was held, and of the high situations he enjoyed in both countries.

He was Great Chamberlain and High Admiral of Scotland.

In 1601 he was sent ambassador to France.

In the year 1607, he represented his Majesty as Commissioner to the Parliament in Scotland.

After King James's accession to the crown of England, he was created Earl of Richmond in 1614; and was afterwards, in the year 1623, created Earl of Newcastle and Duke of Richmond in England; where he was likewise master of the household, and first gentleman of the bed-chamber, and was one of the knights companions of the Order of the Garter*.

The various charters granted by King James VI. in relation to the earldom or dukedom of Lennox, beginning with that granted to his uncle Charles Stuart in 1572, and ending with that granted to his cousin Ludovic Stuart in 1583, and particularly those clauses

* Sir Robert Gordon of Gordonstoun, who was cotemporary with this Ludovic Duke of Lennox, and assisted at his funeral, has given a particular account of the Lennox family in his manuscript history of the family of Sutherland; where he mentions, that when King James went to Denmark in 1589, he not only appointed Ludovic Duke of Lennox viceroy of Scotland during his absence, but also named him heir to the crown of Scotland in case he himself had died in that voyage, as being then the next lawful heir to the crown.

In Granger's Biographical History of England, vol. i. p. 327, it is mentioned, that Ludovic Duke of Lennox had a great share of King James's confidence and esteem, which he merited as a man of an excellent character. Granger also mentions that there are in England three original capital pictures of this Duke; to wit, one by Rubens at the Earl of Pomfret's at Easton; one at Gorthambury; but says the most considerable is the excellent whole-length of him by Van Somer at Petworth.

in the preamble of the charters which specify the motives and intention of the grant: all these taken together, strongly testify an earnest desire on the part of his Majesty, not only that the estates and honors of the Lennox family should not be absorbed in, or confounded with the rights of the crown, but further, that the representation of that family *in the male line* should be kept up and supported, while there existed any collateral male heirs of the name and blood of the Stuarts of Derneley and Lennox. In this respect the intentions of King James VI. appear to have been precisely the same with those of his ancestor King Robert II. who in the year 1357, and in the year 1361, while High Stewart of Scotland, before his accession to the crown, granted the lands of the Derneley estate to the Stuarts of Derneley, with an express declaration that these lands should belong to and remain with the heirs male in all time thereafter, while there could be found an heir male of the name and blood of that family.

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Ludovic Duke of Lennox, having had most extensive possessions in Scotland, it was necessary for him to commit the management of his affairs in that country to certain commissioners in whom he could place confidence. Accordingly he executed a commission, dated 28th July 1604, recorded in the Books of Session the 17th of February 1606, by which he committed the management of all his estates in Scotland to certain commissioners, most of whom were relations of the family.—One of the commissioners thus named was Archibald Stuart of Castelmilk; the other commissioners thereby named were Hugh Lord Loudoun, Walter Stuart commendator of Blantyre, Sir William Stuart of Traquair, Sir Matthew Stuart of Minto, &c.

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This Ludovic, second Duke of Lennox, was thrice married: first, to Sophia daughter of William Earl of Gourie; secondly, to Jean, daughter of Sir Matthew Campbell of Loudoun; and lastly, to Frances daughter of Thomas Viscount of Bindon, Countess of Hartford; but left no children of any of his marriages*.

He

* Amongst the papers in the charter-chest of the deceased Sir John Stuart of Castlemilk, there was found some years ago, an original warrant dated in the year 1611, and subscribed by his Majesty King James VI., ordering a charter to be passed under his great seal in due form, in favor of Ludovic Duke of Lennox, of the lands of *Castlemilk* in *Annandale*; which warrant proceeds on the following recital:

“ That his Majesty remembering that the haill erldome of Lennox, and all utheris landis whatever pertinit to the Erles of Lennox, his Henes father and grd father, and yair predecessor, fell and pertinit to his Majestie *jure sanguinis*; and that his Henes, for the advancement of his richt treist and weilbelivit counsular Ludovick Duke of Lennox, Erle Dernelie, Lord Torbolton, Methven, and Obigny, &c. and to gif him the better occasion to waite upon his Majestie, gaif and disponit of befoir to the said Ludovic Duke of Lennox, his hiris maill and assigneys, the said haill erldom of Lennox, with all landis, castellis, tours, and fortalices perteinuing y^{to}; and now his Majestie persytlic understanding and being credable informit, that his predecessors, Erles of Lennox for the tyme, had perteinuing to thaim heretable *all and haill the Twa-part of the landis and lordship of Castlemilk*, extending to Fourty Merk Land of auld extent, and all and haill the *Ten Merk Land of Brumell* of auld extent, togethir with the superiorities of the samyn landis and yair pertinentis lyand in the lordship of Annandail, within the sheriffdome of Dumfries; and his Henes however [*not*] being willin to hurt or prejudice the said Ludovic Duke of Lennox of the said landis and superiority with their pertinentis, nor of any utheris landis quiks pertinit of befoir to any of his predicessores, Erles of Lennox for the tyme, but rather to provide him theirto: Thairfor, and for the guid, trow, and thankful service done to his Henes be the said Ludovic Duke of Lennox, and for divers utheris greit respectis and gude considerationes moving his Majestie, his Henes, with advice aforesaid, gevin, grantit, set, and to few-farm letten, and be the tenoir hereof gevis, grantis, settis, and to few-farm lettis to the said Ludovic Duke of Lennox, his airis maill and assigneys q^{sumever} heretable, all and haill the said *Twa-part of the saids landis and lordship of Castlemilk extending to Fourty Merk Land of auld extent*, and als all and haill the said *Ten Merk Land of auld extent of Brumell*, with the superiorities of the same landis, and with the milne thereof, naine landis, multures, and sequels of the samyn, togethir with all and sundrie manour-places, houfes, biggings, &c. and all their pertinentis, lyand as said is; togidder with all

“ richt,

He died upon the 16th of February 1623-4, in the 50th year of his age, and was buried in King Henry the VIIIth's Chapel in Westminster Abbey, where a sumptuous monument was erected to his memory, with an inscription mentioning his titles and the high offices he held.

“ richt, tytill, entres, claime of richt, alswell petitor as possessor, quikes his Heines,
 “ his predecessores or succcessores, had, hes, or any waies may claime, haif, or pretend
 “ thairto, or to any pairt thairto, or to the maills, fermes, profites, or dewties of the
 “ famyn, of q'fumever zeirs or termes bypast or to cum, by reison of waird, relief, non-
 “ entres, escheit, forsaltor, recognition, purprifone, difclamation, bastardy, reductions
 “ of infestmentis, leissings, or retouris, alienation of all or mair parties, or by virtue
 “ of q'fumever acts of parliament annexand the said landis to his Heines proppertie,
 “ utheris actis, lawis, or constitution of this realme, or throw non-confirmation of
 “ auld infestments theirto, or for any uther fault, impediment, or imperfection of the
 “ fame, or by reason of the annulling, expiring, or foresalting thairto, or for non-pay-
 “ ment of the few duties contentit therein in dew time, or for diminution of the
 “ rental, or by any uther law, or for q'fumever uther cause, action, or occasion by-
 “ gone preceding the date heirof,” &c. “ With special and full power to the said Lu-
 “ dovic Duke of Lennox, and his foresaids, to bruke and joyfe all and fundrie the fore-
 “ saids landis and mylne with yair pertinentis, by vertew of this present infestment, in
 “ all tyme coming, notwithstanding q'fumever prorie, infestment, or other richt,
 “ tytill, or securitie maid to any uther person or persones of the samen of before,” &c.
 —To be holden by the said Ludovic Duke of Lennox in few farm for ever, “ Gevand
 “ thairfoir zeirlic, the said Ludovic Duke of Lennox, *his airis maill* and assigneyes
 “ foresaids, to our said Soueraine Lord and his succcessors, their comptrolleris, cham-
 “ berlanis, and factoris in their names present, and that fall happen to be for the
 “ time, for the said Twa-pairt of the saids landis and lordship of Castelmilk, the
 “ sowe of twentic-nyne pundis six shillings aucht pennies usual monie of Scotland;
 “ and for the saids landis of Brumell with the pertinentis, the sowe of seven pundis
 “ six shillings aucht pennies, and for the auld dewtie contentit in the rentallis of the
 “ fame, usit and wont to be payit thairfoir of befoir; together with the service of sex
 “ shillings aucht pennies money foresaid zeirlic, in augmentation of the rental, mair
 “ nor evir the saids landis payit of befoir, extending in the haill to the sum of thretty-
 “ fevin pundis money foresaid, at two termes in the zeir, Wyfunday and Martymas in
 “ winter, be equal portions, in name of few farme; and als the heiris and succcessors
 “ of the said Ludovic Duke of Lennox doubland the said few farme the first zeir of
 “ their entrie to the said landis, as use is of few ferme allenarlic.”

In a preceding Part of this Genealogical History, Part V. N° XII. it was mentioned, that upon the 25th of February 1611, a receipt and declaration was granted by Sir Matthew Stuart of Minto, wherein he acknowledged that he had by the command of

PROOFS concerning ESME STUART, Lord of Aubigny, third
Duke of Lennox.

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Esme Stuart, second son of Esme the first Duke of Lennox, succeeded to his brother Ludovic Duke of Lennox in the year 1623-4, upon his death without issue male.

It appears by the books kept at the *Chambre des Comptes* at Paris, that Esme Stuart had been received in France as proprietor of the lands of Aubigny, and had performed *foy* and *hommage* for that Seigneurie upon the 8th of April 1600.

There are no charters in the Public Records in Scotland in favor of this Esme third Duke of Lennox; whence it is presumed, that he made up his titles to the various estates in Scotland which had belonged to his brother, by special service and retour, as nearest and lawful heir to him.

This Esme third Duke of Lennox had constantly and faithfully followed the fortunes of Henry IV. of France in his greatest troubles.

He came to Scotland in the year 1601; and in the year 1619 was created Earl of March and Lord Leighton in England.

the Lord Blantyre, one of the Commissioners of Ludovic Duke of Lennox, received out of a bundle of the Lennox Papers an instrument of sasine, dated 10th May 1496, in favor of Matthew Earl of Lennox, as heir to his father John Earl of Lennox in the Forty Merk Lands of Castlemilk, and in the Ten Merk Lands of Brumell, proceeding on a precept under the Great Seal, dated 1496.

The purpose for which that investment in favor of Matthew Earl of Lennox in the lands of Castlemilk had been borrowed up out of the Lennox Papers, on the 25th of February 1611, by Sir Matthew Stuart of Minto, by the order of Lord Blantyre, both of them Commissioners of Ludovic Duke of Lennox, is sufficiently evident by the above-recited warrant in favor of that Duke of Lennox in 1611. It was for proving the fact set forth in the warrant, that the superiority of the lands of Castlemilk and Brumell had belonged to the Lennox family, and to assist in the framing the new grant of the lands of Castlemilk proposed to be given at this time to Ludovic Duke of Lennox.

Upon

Upon his brother's death in February 1623-4, he succeeded to his titles of dignity in Scotland, but the dukedom of Richmond in England reverted to the crown.

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This Esme Duke of Lennox was, soon after his brother's death, made Knight of the Garter with great solemnity at Windsor; and it was remarked to be the first instance of the next heir of any Knight of the Garter immediately succeeding to his predecessor in that high honor.

He married Lady Katherine Clifton, the only daughter and heir of Gervaise Lord Clifton of Bromswald, by whom he had seven sons and three daughters.

The daughters were, 1. Elizabeth, married to Thomas Howard, Earl of Arundel. 2. Anne, married to Archibald Lord Angus, son and heir of William first Marquis of Douglas. 3. Frances, married to Jerome Western, Earl of Portland.

With regard to the seven sons, an account will be given of them in the next Article, under the title of the Seventeenth Generation.

This Esme third Duke of Lennox did not long survive his brother Ludovic, having died in the same year at Kerby, upon the 30th of July 1624, and was buried in Westminster Abbey the 6th of August, near to Mary Queen of Scotland, and Margaret Countess of Lennox*.

* The particulars relating to Esme third Duke of Lennox are taken from the account of the Lennox family given by Sir Robert Gordon of Gordonstoun in his manuscript history of the family.

SEVENTEENTH GENERATION.

1. JAMES, fourth Duke of Lennox, and also Duke of Richmond, eldest Son of the third Duke of Lennox.
2. 3. Lord HENRY and Lord FRANCIS, second and third Sons, both died young.
4. Lord GEORGE, Lord d'Aubigny, fourth Son.
5. Lord JOHN STUART, fifth Son.
6. Lord BERNARD STUART, sixth Son.
7. Lord LUDOVIC STUART, seventh Son.

PROOFS concerning JAMES, fourth Duke of Lennox, the eldest Son.

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JAMES Stuart, the fourth Duke of Lennox, was only twelve years and three months old at the time of his father's death in 1624. King James VI. as being the nearest heir male of the family then of age, became by the laws of Scotland his tutor and guardian. He appointed commissioners for the management of his estates in Scotland, and took a particular charge of his education*.

He

* There are in the Public Records in Scotland the following charters in favor of this James fourth Duke of Lennox, viz.

Charter, dated 7th March 1628, Book lii. No. 108, of the barony of Kilmarnock in Dumbartonshire.

Charter, dated 1st April 1629, Book lii. No. 149, of the office of bailliery and justiciary of the lordship, barony, and regality of Glasgow.

Charter, dated 18th April 1629, Book lii. No. 193, of the lands of Blairghan in Dumbartonshire.

Charter,

He was first sent to the University of Cambridge for his education; several considerable pensions were granted by King James to him, and to his mother the Duchefs of Lennox, which were confirmed by King Charles I.

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By the particular directions of his Majesty, this young Duke of Lennox travelled abroad in France, Spain, and Italy; and while in Spain he had the honor of being created one of the grandees of that kingdom.

In England he was at an early period made a Privy Counsellor, Lord Warden of the Cinque Ports, and Master of the Household*.

He was also made Knight of the Garter, being the third of that family in succession who had the honor of that knighthood.

On his return from his travels, the heritable offices belonging to the family were conferred upon him.

During the civil wars in the time of King Charles I. He adhered to the King's interest so very firmly, that he was particularly pursued by the other party with great acrimony.

Frequent mention is made of this James Duke of Lennox and Richmond by Lord Clarendon in his History of the Rebellion; and from the manner in which his Lordship always speaks of him, it

Charter, dated 2d August 1642, Book lvii. No. 103, of the patronage of the church of Inchennan, &c. in Renfrewshire.

Charter, dated _____, Book i. fol. 47, of the register kept in Chancery for the years from 1646 to 1651, of the advocation of the parish church of Kilmarnock.

Charter, dated 10th December 1647, Book lviii. No. 136, of the advocation of the church of Kilmarnock.

* The particulars concerning this James fourth Duke of Lennox are chiefly taken from the MS. history before-mentioned by Sir Robert Gordon of Gordonstoun, who was one of the Commissioners appointed both by King James VI. and by King Charles I. for managing the estates of James Duke of Lennox in Scotland.

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is evident that he had the highest esteem of his character and conduct.

The first mention of the Duke of Lennox by Lord Clarendon, is in the account he gives of what passed when King Charles was in Scotland in the year 1639, and while he remained with his army on the borders; where it is stated that the Scotch covenanters had from the beginning practised a new sturdy style of address, in which, under the licence of accusing the counsel and carriage of others, whom yet they never named, they bitterly and insolently reproached the most immediate actions and directions of his Majesty himself; and then made the greatest professions of duty to his Majesty's person that could be invented. Lord Clarendon then observes: "The King had not at that time one person about him of his council who had the least consideration of his own honour, or friendship for those who sat at the helm of affairs, the Duke of Lennox only excepted; who was a young man of small experience in affairs, though a man of great honor and very good parts, and under the disadvantage of being looked upon as a Scotfman; which he was not in his actions at all, being born in England of an English mother, and having had his education there; and had indeed the manners and affections of an Englishman, and a duty and reverence for the King and church accordingly; and would never trust himself in those intrigues as too mysterious for him." Lord Clarendon's History, v. i. p. 97.

P. 215. Talking of the Commissioners who had treated with the Scotch, Lord Clarendon remarks, that their design was "to remove the Duke of Richmond from the King; both because they had a mind to have the office of Warden of the Cinque Ports from him, that it might be conferred on the Earl of Warwick; and as he was almost the only man of great quality and consideration about the King, who did not in the least degree stoop or make court to them, but crossed them boldly in the House; and all
" other

“ other ways pursued his master’s service with his utmost vigour
 “ and intentness of mind; they could not charge him with any
 “ thing like a crime, and therefore only intended by some vote to
 “ brand him, and make him odious; by which they presumed they
 “ should at last make him willing to ransom himself by quitting
 “ that office, for which there was some underhand treaty, by per-
 “ sons who were solicitous to prevent farther inconveniences, and as
 “ they found any thing like to succeed in that, they slackened or
 “ advanced their discourse of evil counsellors.”

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P. 243. “ By this time the King was as weary of Scotland, as he
 “ had been impatient to go thither; finding all things proposed to
 “ him as to a vanquished person, without consideration of his honor
 “ or his interest; and having not one counsellor about him but the
 “ Duke of Lennox, (who from the beginning carried himself by the
 “ most strict rules of honor, gratitude, and fidelity to him,) and
 “ very few followers, who had either affection for his person or
 “ respect for his honor.”

In vol. ii. p. 151. Lord Clarendon gives the following character
 of the Duke of Richmond :

“ The Duke of Lennox and Richmond, as he was of the noblest
 “ extraction, being nearest allied to the King’s person of any man
 “ who was not descended from King James; so he was very worthy of
 “ all the grace and favor the King had shewn him; who had taken
 “ great care of his education, and sent him into France, Italy, and
 “ Spain, where he was created a grandee of that kingdom; and as
 “ soon as he returned, though he was scarce one-and-twenty years
 “ of age, made him a privy counsellor; and shortly after, out of his
 “ abundant kindness to both families, married him to the sole
 “ daughter of his dead favourite, the Duke of Buckingham, with
 “ whom he received twenty thousand pounds in portion; and his
 “ Majesty’s bounty was likewise very great to him: so that, as he
 “ was very eminent in his title, he was at great ease in his fortune.

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“ He was a man of very good parts, and an excellent understanding; yet, which is no common infirmity, so diffident of himself, that he was sometimes led by men who judged much worse. He was of a great and haughty spirit, and so punctual in point of honor, that he never swerved a tittle. He had so entire a resignation of himself to the King, that he abhorred all artifices to shelter himself from the prejudice of those who, how powerful soever, failed in duty to his Majesty; and therefore he was pursued with all imaginable malice by them, as one that would have no quarter upon so infamous terms, as but looking on whilst his master was ill-used. As he had received great bounties from the King, so he sacrificed all he had to his service, as soon as his occasions stood in need of it; and lent his Majesty at one time twenty thousand pounds together; and as soon as the war began, engaged his three brothers, all gallant gentlemen, in the service; in which they all lost their lives. Himself lived with unspotted fidelity, some years after the murder of his master, and was suffered to put him into his grave; and died without the comfort of seeing the resurrection of the crown.”

This James Duke of Lennox and Richmond* died on the 30th of March 1655, leaving children by his marriage with Lady Mary daughter of George Duke of Buckingham,

1. Esme, who succeeded him and became fifth Duke of Lennox.
2. Mary, who married Richard Butler, Earl of Arran in Ireland, son of the Duke of Ormond.

* In Granger's Biographical History, vol. ii. p. 117, he mentions a picture by Vandyck of this James Duke of Lennox, in the possession of Sir Paul Methven, and says, that there is a portrait of him in the gallery at Gorbunbury. Granger adds, that this James “ had the sincerest affection for the King his master, and was one of the noblemen who offered to suffer in his stead. That the whole tenor of his behaviour to that Prince, and his extreme regret for his death, shew that he was much in earnest in offering to be a vicarious victim for him. He died, as it is supposed, of the effects of grief, the 30 of March 1655.” Echard, p. 718.

Lord HENRY and Lord FRANCIS STUARTS, second and third
Sons of ESME the third Duke of Lennox.

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They both of them died young, and left no posterity.

Concerning Lord GEORGE STUART, Lord d'Aubigny, the
fourth Son of ESME the third Duke of Lennox.

This George Stuart had been received in France as Seigneur of the lands of Aubigny, for which lands he performed *foy* and *homage* to the King of France upon the 5th of August 1636, as appears from the Record kept at Paris of the *foix* and *hommages*, No. 177.

George Stuart, Lord Aubigny, was killed at the battle of Keinton or Edge-hill on the 23d of October 1642, when fighting in support of his sovereign. Lord Clarendon, in his History of the Rebellion, mentions the Lord Aubigny, son to the Duke of Lennox, as one of the distinguished persons killed at that battle, and gives the following character of him, vol. ii. p. 41.

“ The Lord Aubigny was a gentleman of great hopes, of a gentle and winning disposition. He was killed in the first charge with the horse, where, there being so little resistance, gave occasion to suspect that it was done by his own lieutenant, who was a Dutchman, and had not been so punctual in his duty, but that he received some reprehension from his captain, which he murmured at. His body was brought off and buried at Christ Church in Oxford. His two younger brothers, the Lord John and the Lord Bernard Stuart, were in the same battle, and were afterwards both killed in the war; and his only son is now Duke of Richmond.”

George Lord d'Aubigny married Frances daughter of Theophilus Earl of Suffolk, of which marriage there was issue one son and one daughter, *viz.*

Charles, who, on the death of his cousin Esme fifth Duke of Lennox in the year 1661, became sixth Duke of Lennox, as stated in the next Article under the Eighteenth Generation.

Katherine Stuart, only daughter of George Lord d'Aubigny, and sister of Charles the sixth Duke of Lennox, married Henry Lord O'Brian, son and heir of the Earl of Thomond, of the kingdom of Ireland; of which marriage there was a daughter, Katherine, who married Edward Earl of Clarendon: of that marriage there was an only daughter, Lady Theodosia Hyde, who, upon the 24th of August 1713, married John Bligh, Esq. who by patent, dated 14th September 1721, was created a peer of Ireland, by the title of Baron Clifton of Rathmore, and by patent, 7th of March 1722, was created Earl of Darneley in the kingdom of Ireland.

Katherine Countess of Clarendon above-mentioned, claimed the title and dignity of Baroness Clifton of Leighton Bromswold, as heir to the Lady Katherine Clifton her grand-mother, daughter of Ger-vase Lord Clifton of Leighton Bromswold, and wife to Esme third Duke of Lennox. Her claim to that peerage, which went to heirs general, was allowed by the House of Peers in February 1674, and the present Earl of Darneley (in Ireland), as descended from that Lady, enjoys that English peerage of Baron Clifton of Leighton Bromswold, which originally belonged to the wife of Esme Stuart the third Duke of Lennox.

Concerning Lord JOHN STUART, fifth Son of ESME third Duke of Lennox.

Lord John Stuart, fifth son of the third Duke of Lennox, was general of the horse in the service of King Charles I., and was killed at the battle of Alresford in the year 1644, without leaving any posterity.

In Granger's Biographical History, vol. ii. p. 140, there is the following article concerning Lord John Stuart:

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“ The Lord John Stuart, fourth son to the Duke of Richmond, and elder brother to the Lord Litchfield, was remarkable for every good and amiable quality by which that nobleman was distinguished, nor was he inferior to him in courage; he rather seems to have been valiant to excess; as he with great intrepidity commanded a body of light horse up a hill at Cheriton Downs, in order to attack Sir William Waller's army, where he fell into an ambuscade of the enemy. He had two horses killed under him, and received six wounds before he fell. He died amidst several hundred of his men, with whose dead bodies his own was surrounded. He lies buried at Christ Church in Oxford with another brother, who was killed at Edge-hill. Ob. 29 March 1644.”

In Lord Clarendon's History, after giving an account of the battle of Alresford, fought on the 29th of March 1644, there is the following paragraph: “ On the King's side, besides common men and many good officers, there fell that day the Lord John Stuart, brother to the Duke of Richmond, and general of the horse of that army.” The character given by Lord Clarendon of Lord John Stuart is in these words: “ He was a young man of extraordinary hope, little more than one-and-twenty years of age, who, being of a more choleric and rough nature than the other branches of that illustrious and princely family, was not delighted with the softnesses of the Court, but had dedicated himself to the profession of arms, when he did not think the scene should have been in his own country. His courage was so signal that day, that too much could not be expected from it if he had outlived it, and he was so generally beloved, that he could not but be generally lamented.” Vol. ii. p. 367.

Concerning Lord BERNARD STUART, sixth Son of ESM^o
third Duke of Lennox.

Lord Bernard Stuart, sixth son of the third Duke of Lennox, was commander of King Charles's troops of guards in the times of the civil wars, was created Earl of Litchfield in 1644 or 1645, and was killed at the battle of Chester in the year 1645.

In Granger, vol. ii. p. 139, there is the following article concerning Bernard Stuart, the sixth son of the Duke of Richmond and Lennox :

“ Bernard Stuart, Earl of Lichfield, was the youngest of the five
“ sons of the Duke of Richmond and Lennox who served in the
“ royal army. He commanded the King's troop, which consisted of
“ one hundred and twenty persons of rank and fortune, who on
“ every occasion exerted themselves with a generous ardor for their
“ Sovereign, and were victorious in several actions. He was created
“ Earl of Lichfield in consideration of his gallant behaviour near
“ that city. This excellent young nobleman, who was as much
“ esteemed for his virtues in private life, as he was admired for his
“ valor and conduct in the field, was killed at the battle of Rowton-
“ heath near Chester, having first secured the retreat of the King,
“ whose person was in great danger. Ob. 26 Sept. 1645*.”

This Lord Bernard Stuart is frequently mentioned in Lord Clarendon's History. In giving an account of the battle of Chester, his Lordship relates that Sir Marmaduke Langdale of the King's party, being overpowered by the troops under Pointz, was routed and put to flight, and pursued by Pointz even to the walls of Chester. Lord Clarendon's narrative then proceeds thus :
“ There the Earl of Litchfield with the King's guard, and the Lord

* There is a reference in Granger to a picture of the Lord John and Lord Bernard Stuarts by Vandycke, in the collection of the late Duke of Kent, which picture is now in the possession of the Earl of Hardwicke's family.

" Gerrard with the rest of the horse, were drawn up and charged
 " Pointz, and forced him to retire; but the disorder of those horse
 " which first fled had so filled the narrow ways, which were unfit for
 " horse to fight in, that at last the enemies musqueteers compelled
 " the King's horse to turn, and to rout one another, and to overbear
 " their own officers who would have restrained them. Here fell
 " many gentlemen and officers of name, with the brave Earl of
 " Litchfield, who was the third brother of that illustrious family
 " that sacrificed their lives in this quarrel. He was a very faultless
 " young man, of a most gentle, courteous, and affable nature, and of
 " a spirit and courage invincible; whose loss all men exceedingly
 " lamented, and the King bore it with extraordinary grief."
 Vol. ii. p. 550.

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There was no issue from Lord Bernard Stuart or his brother Lord
 John, as appears from their younger brother Ludovic having suc-
 ceeded to the lands of Aubigny on their deaths.

Concerning Lord LUDOVIC STUART, seventh Son of ESME
 third Duke of Lennox.

Lord Ludovic Stuart was Seigneur of Aubigny in France, as ap-
 pears from an authenticated extract from the Chambre des Comptes
 at Paris, certifying that, upon the 20th of November 1656, Ludovic
 Stuart, therein described " Prince du Sang Royale d'Ecosse, Seigneur
 " d'Aubigny sur Nerre in the province of Berry," had that day
 performed the foy and homage liege which he was bound to do
 for the lands and Seigneurie of Aubigny. And the instrument
 bears, that these lands had fallen to him by the decease of Esme
 Stuart his father, and of Henry, George, John, and Bernard Stuarts,
 his brothers; which also shews that all these brothers had died
 without leaving issue male.

Ludovic

P A R T

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N^o XVII.

Ludovic was Chanoine of the Eglise de Notre Dame at Paris; was also Abbé de Hautfontain, and Great Almoner to the Queen of England. He was a man of letters, much connected with the Duke of Buckingham, Monf. St. Evremont, and the most distinguished spirits of that age. St. Evremond frequently mentions him under the title of Monf. d'Aubigny, and gives this character of him: "Qu'il avoit beaucoup d'esprit, et encore plus de franchise."

In the year 1665, he was named Cardinal by the Court of Rome, and died at Paris in the month of November that year, a few hours after the arrival of the courier who brought him *la calotte* from Rome. He was buried in the church of the Chartreux at Paris, where the Author, in the year 1789, found out the place of his interment in that church, with an inscription; the first part of which has been effaced by the injury of time, what remains of the inscription is in these words:

. " Britannix Regis conjugis magno eleemofynario,
 " viro non tam claris natalibus, quam religione, morum suavitate,
 " urbanitate, ingenii elegantia, cæterisque animi dotibus, conspicuo.
 " Qui, cum in Cardinalum Collegium mox cooptandus esset, imma-
 " tura morte peremptus est anno ætatis 46. r. l. 1665. 3^{to} Id.
 " Novembris.

" De se plura ne dicerentur supremis Tabulis cavit."

EIGHTEENTH GENERATION.

ESME, fifth Duke of Lennox, only Son of JAMES, fourth Duke.

CHARLES STUART, only Son of GEORGE Lord d'Aubigny, who was Brother of JAMES, fourth Duke of Lennox.

Concerning ESME STUART, fifth Duke of Lennox.

THIS Esme Stuart was an infant at the time of the death of his father James fourth Duke of Lennox, in the year 1655, and he died at Paris on the 14th of August 1661, unmarried.

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There are no charters in his favor in the Public Records in Scotland; therefore it is presumed that his titles to the estates enjoyed by his ancestors must have been made up by special service as heir to his father.

Concerning CHARLES STUART, sixth Duke of Lennox.

Upon the death of Esme fifth Duke of Lennox, in the year 1661, without posterity, his cousin-german Charles Stuart, only son of George Lord d'Aubigny, uncle of the said Esme Stuart, succeeded to the honours and estate of the Lennox family.

There are in the Public Records in Scotland, two charters from the Crown in favor of this Charles sixth Duke of Lennox, the one dated 3d May 1671, wherein he is designed Duke of Lennox and Richmond, granting to him the lands of Inchennan and others in Renfrewshire; the other dated 22d February 1672, granting to him the heretable office of High Admiral of Scotland. It is presumed, however,

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however, that his titles to the greatest part of the Lennox estates must have been made up by special service as heir either to his uncle James fourth Duke, or to his cousin Esme fifth Duke of Lennox, or other ancestors in these lands.

It appears also from the Records of the Chambre des Comptes at Paris, that on the 11th of May 1670, this Charles sixth Duke of Lennox had been acknowledged and received as Seigneur of the lands of Aubigny in France, and that, contrary to usual custom, he had been permitted to perform *foy* and *hommage* for these lands by a substitute or procurator, instead of performing it personally. The instrument drawn up on that occasion, of which the Author got an authenticated copy from the Records in France, contains the warrant issued by Louis XIV. of France, reciting, "That the lands
" and Seigneurie of Aubigny, with its appurtenances and depend-
" encies, situated in the province of Berry, having descended to
" Charles Stuart, Duke of Richmond and Lennox, Great Cham-
" berlain and Admiral of Scotland, Prince of the blood of the said
" kingdom, as being the eldest male descendant in direct line from
" John Stuart, Constable of Scotland; and that in consequence of
" the donation made by the lettres patentes of King Charles VII.
" dated at Bourges the 26th day of March 1422, the said Duke of
" Richmond and Lennox had supplicated his Majesty to receive
" him in the said lands, and to be permitted to perform *foy*
" and *hommage* by a substitute, on account of his absence from
" the kingdom of France, and the important affairs which de-
" tained him; therefore his Majesty, desiring to treat favorably the
" said Duke of Lennox and Richmond, had dispensed, for once
" only, and without being drawn to a precedent, with his perform-
" ing the *foy* and *hommage* personally, and permitted him to do
" it by a substitute, which had been done that day in the hands of
" the Chancellor of France, by Raphael de Tartareau, Chevalier,
" Sire de Villebrosse, Gentleman of the Chamber of the deceased
" Queen,

“ Queen, mother of the King of Great Britain, and aunt of the
 “ King of France, having a special procuracy for that purpose from
 “ the Duke of Richmond, which had been accepted of by his Ma-
 “ jesty, without prejudice to his rights; therefore gave order that
 “ the said Duke should have free possession of the said lands and
 “ Seigneurie of Aubigny, without any disturbance.”

It is to be observed, that ever since the time of the first grant of the lands of Aubigny to John Stuart, the Constable of the Scottish army, who had been killed during the siege of Orleans in February 1429, these lands of Aubigny had always, by the permission of the Kings of France, been enjoyed by one of the younger branches of the Derneley family, descended from the said John Stuart; the persons so enjoying the lands of Aubigny generally residing in France. But in the year 1670, when Charles the sixth Duke of Lennox applied to Louis XIV. to be received as Seigneur d'Aubigny, and to the safe possession of these lands, there was no longer any younger branch of the Derneley family existing, as will immediately be shewn under the next Article.

This Charles Stuart, sixth Duke of Lennox, married Frances Stuart*, daughter of Walter Stuart, Esq. son of Walter Lord Blythburgh; but there was no issue of the marriage.

He was sent by King Charles II. ambassador extraordinary to the Court of Denmark, and died at Elsinore in the month of December 1672.

* The portrait of Frances Stuart, Duchess of Richmond, is among the beauties at Windsor, and her effigy in wax is preserved in Westminster Abbey. She was reckoned the greatest beauty and finest figure that appeared at the Court of Charles II.

CONCLUSION of PART SIXTH, and INFERENCES.

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CHARLES STUART, the sixth Duke of Lennox, who died at Elfinour in December 1672, was the last of the male descendants from Esme the first Duke, in whose favor the dukedom of Lennox was erected in 1581, with a destination to him and the heirs male of his body; but as that dukedom was, by a royal charter in the year 1583 in favor of Ludovic, the son of Esme the first Duke, expressly granted to Ludovic and his *heirs male whatsoever*, so King Charles II. of Great Britain, though not lineally descended from either Esme the first, or from Ludovic the second Duke of Lennox, yet as the nearest *collateral heir male* of the last Duke of Lennox, was entitled to, and claimed the estates of the dukedom in consequence of the death of Charles the sixth Duke, who was the last male descendant from any of the Dukes of Lennox.

King Charles's titles to the estates composing the dukedom of Lennox were made up according to the laws and practice of Scotland, and the same forms were observed in the case of the sovereign claiming this succession, as if it had been a private individual who claimed it, in the manner directed by the inquisitions *post mortem*; for there was a jury assembled at Edinburgh in the month of July 1680, to whom the title deeds under which his Majesty claimed the succession were presented, and the proofs of his Majesty's being the nearest collateral heir male of the Dukes of Lennox were produced; upon consideration whereof, the jury, upon the 6th of July 1680, pronounced their verdict in the usual form, ascertaining his Majesty's right to the Lennox estates as the *nearest col-*

lateral heir male, being descended from Matthew the fourth Earl of Lennox, who was uncle of Efme Stuart, the first Duke of Lennox.

The proceedings upon that occasion containing the verdict of the inquest or jury, known in Scotland by the description of a special service as heir, are in the records of the Chancery in Scotland, Book xxxvii. fol. 211.

Frances Duchefs of Lennox, the widow of Charles the sixth Duke of Lennox, who died in December 1672, had right to the enjoyment of the Lennox estates during her life, and there was a charter under the Great Seal for that purpose passed in her favor on the 22d of December 1673.

By letters patent, dated at Windsor, 9th September 1675, (recorded in the Register of Charters in Scotland, Book lxiv. No. 243,) King Charles II. created Charles Lennox (natural son to his Majesty, by the Duchefs of Portsmouth) Duke of Lennox, Earl of Darnlie, and Lord of Torbolton.

The patent recites, that it being known to his Majesty that the Dukes of Lennox and their predeceffors had for many ages past been splendid and illustrious Noblemen in his ancient kingdom of Scotland, and had endeared themselves to his Majesty and to his predeceffors by many signal services; therefore being desirous, and resolving that the titles of honour hereinafter named, pertaining and belonging to the Dukes of Lennox, but now falling and descending to his Majesty as *heir male* of the deceased Duke of Lennox, *should by no means be suppressed and confounded in his royal person*, but that they should be created, preserved, and established in the person of some man nearly related to him; his Majesty, for the love and favor which he bears to his most beloved natural son Charles Lennox, makes, constitutes, and creates the said Charles Lennox Duke of Lennox, Earl of Darnlie, Lord

of Torbolton. These honors and titles of dignity are thereby granted to the patentee, and to the heirs male lawfully descending from his body.

Upon the 20th of August 1680, a charter passed under the Great Seal of Scotland in favor of the said Charles Lennox, Duke of Lennox and Richmond, by which the lands, dukedom, earldom, and lordship of Lennox were granted to him, and to the heirs male of his body; whom failing, to return to his Majesty his heirs and successors.

The charter recites the right which his Majesty had to these lands as *nearest heir male* of the deceased Charles Duke of Lennox, and contains a reservation to the Duchess of Lennox, his widow, of the right which she had to the estate during her life; which life-rent right she enjoyed during many years.

After the death of the Duchess Dowager, the Duke of Richmond and Lennox, about the beginning of the present century, sold the whole of the Lennox estates belonging to him in Scotland; and they were purchased by the ancestors of the present Duke of Montrose from the person to whom the Duke of Richmond had sold them. Upon that occasion, such of the Lennox papers as had been preserved, were delivered up to the Duke of Montrose's family; and it is from these archives that some parts of the information and proofs referred to in the preceding Genealogical History have been derived.

FROM the whole of the preceding GENEALOGICAL HISTORY it evidently appears, that when King Charles II. succeeded in the year 1672, as nearest collateral heir male of Charles the sixth Duke of Lennox, and when his title as such was proved and acknowledged by the verdict of a jury in the inquisition *post mortem*, all the male descendants from Esme Stuart the first Duke of Lennox had failed; for King Charles not being descended from any of the six Dukes of Lennox, he could not have taken up the succession as *heir male collateral* if there had been descendants in the direct line from any of these Dukes of Lennox. King Charles's special service in the year 1680, as nearest heir male collateral, amounts therefore to a complete proof of the extinction of the whole of the male descendants from Esme Stuart the first Duke of Lennox, only son of John Stuart Lord of Aubigny, Governor of Avignon, who died in the year 1560.

It remains therefore only to be examined, whether in the Generations which preceded that John Stuart Lord of Aubigny, since the time of Sir John Stuart of Derneley, who was killed during the siege of Orleans in February 1429, there now exist any male descendants from that Sir John Stuart, after the extinction of the whole race of the Stuarts, Earls and Dukes of Lennox, descended from him.

The answer to this question must be perfectly obvious, on inspection of the Tree of the Family compared with the preceding Genealogical History, wherein every one of the male descendants from that Sir John Stuart of Derneley, whether belonging to the elder or younger branches of the families descended from him, have been particularly named, and an account given of such of them as left any posterity; the result of which is, that all the younger branches of the Stuarts of Derneley and Lennox descended from John.

John the third Earl, and from Matthew the fourth Earl of Lennox having failed, by the deaths of the Earls and Dukes of Lennox without male posterity, the only male descendant now existing from the said Sir John Stuart, grandfather of John the first Earl of Lennox, is the Cardinal York, as being descended from King James VI. of Scotland and the First of England, only son of Henry Lord Derneley, eldest son of Matthew the fourth Earl of Lennox, who died in the year 1571.

The pedigree from Henry Lord Derneley is so well known that it is scarcely necessary here to state it.

His only son was King James I. of England, who died in March 1625; succeeded by his son King Charles I. who died in January 1649; succeeded by his son King Charles II. who died in February 1685; succeeded by his brother King James II. of England, who died in August 1701, leaving one son James, born in the year 1688, who died at Rome upon the first day of January in the year 1766. This last James left two sons, Charles and Henry; the eldest of whom, Charles, died without issue in the year 1787; and Henry, the youngest, is the present Cardinal York at Rome, who never was married; and it is universally known that he is the only male descendant now alive from King James VI. of Scotland and the First of England.

There cannot therefore be a more complete proof than what has thus been exhibited, of the extinction of the whole male line of the Stuarts descended from Sir John Stuart of Derneley, the first Lord of Aubigny in France, grandfather of John Stuart the first Earl of Lennox of the Stuart line, excepting only the said Cardinal York.

It necessarily follows, therefore, that upon his death the representation in the male line of the Stuarts of Derneley and Lennox *must devolve upon the person who shall be able to prove himself descended*

descended from Sir William Stuart, the next brother of Sir John Stuart of Derneley the first Lord of Aubigny.

The pedigree and representation thus alluded to will not be attended with any pecuniary benefits or emoluments; for although the terms of the original grants of the Derneley estates, made by the Stewart of Scotland in the years 1356 and 1361, had anxiously provided that the succession to that estate should *in all time coming* belong to the *heirs male* of the grantee, being persons of the name and blood of Stuart; and although the grant by King James in the year 1583 to Ludovic Duke of Lennox, had, upon the same plan, expressly given the Derneley estates, and the earldom and dukedom of Lennox, to that Duke, and to his *heirs male whatsoever*; in consequence whereof all these vast estates must, if the succession to them had been secured by the clauses of a strict entail, have gone to the person who shall now be able to prove himself the *nearest heir male collateral* of Sir John Stuart of Derneley (by the same rule that these estates went in the year 1680 to King Charles II. as the nearest heir male collateral of the family, though not descended from any of the Dukes of Lennox): yet all the prior settlements of these estates were legally and effectually defeated by the grant made by King Charles II. in the year 1680, in favor of Charles Lennox, Duke of Lennox and Richmond, his son by the Duchess of Portsmouth; and all the Lennox estates in Scotland, where their property chiefly lay, were sold by the Commissioners of the Duke of Lennox, in the beginning of the present century, to purchasers for valuable considerations, who have enjoyed those estates long beyond the years of prescription; therefore their rights to the estates so acquired by them, even if they had been originally subject to any doubt or imperfection, are now beyond all possible reach of challenge.

Still

Still however there remains the honor of belonging to, or being connected with those whose virtues and talents had rendered them so eminent and so dear to their country. Nor will it be deemed a blameable or unworthy ambition in any man sincerely convinced of the fact, that he should be desirous to establish the truth of that connection by the most unquestionable proofs, and should wish to submit to public scrutiny and discussion the foundation of the pretensions to the honor of being *the heir male and representative of the Dornley and Lennox families.*

R E S U L T

OF THE

FACTS established by the Contents of the preceding Six Parts of this GENEALOGICAL HISTORY.

FIRST, with respect to the *Characters* and *Actions* of the STUARTS of DERNELEY, LENNOX, and AUBIGNY.

SECONDLY, with respect to the *Identity* of Sir WILLIAM STUART of Castelmilk, Knight, with Sir WILLIAM STUART, Knight, Brother of Sir JOHN STUART of Derneley. On which Point the Validity of the pretensions of some of the Competitors for the Representation of the Derneley Family must ultimately depend.

FIRST POINT—The CHARACTERS and ACTIONS of the STUARTS of Derneley, Lennox, and Aubigny.

GENEALOGICAL Histories, exhibiting merely a catalogue of the names of a long line of ancestors, and of the possessions belonging to them, but without being able to specify any great or good actions performed by these ancestors, and without being able to point out any instances of conduct fit for imitation, must be

little qualified to afford either instruction or entertainment ; such Genealogical Histories will, by most readers, be felt and considered as a very unprofitable sort of reading. It will be still more fatal to the success of such histories, if in the list of those ancestors there should be found some whose established characters point them out as having been prejudicial, rather than serviceable to the interests of society, and of the state to which they belonged.

The clearest and most convincing proofs of the *antiquity* of a race so insignificant, or worse than insignificant, will not be able to confer upon them any degree of lustre or respect. Their descendants will certainly not be entitled to pride themselves on the antiquity of their family ; on the contrary, they should be anxious to conceal from public view that the family to which they belong had existed upon the face of the earth for a great length of time without having, during the course of many generations, performed any thing memorable or praise-worthy, and without having left to their posterity any example worthy of imitation.

But it cannot fail to be of real use and advantage to the state, that great actions and great men should be commemorated with the honor due to them ; such marks of public approbation naturally excite others to pursue the same paths of honor ; and must be particularly qualified to produce in succeeding generations a strong desire to emulate the virtues of their ancestors, or at least to do nothing unworthy of them. The experience of all ages affords solid proofs of the advantages derived from adopting and cultivating this principle. The Greeks and Romans constantly appealed to the heroic or patriotic deeds of illustrious ancestors for the purpose of animating their descendants to similar exertions. They knew it was building on a solid foundation, to build on a principle so generally felt and so deeply rooted in the human breast.

On this subject the late Mr. Gibbon has so very well expressed his sentiments, that it may not be improper here to state them in
his

his own words, as they contain much good sense, and lead to a very fair, temperate, and rational conclusion with respect to the utility of the principle or prejudice founded on the natural attachment to the merits and characters of our ancestors. His words are: "We seem to have lived in the persons of our forefathers. "We fill up the silent vacancy which precedes our birth, by associating ourselves to the authors of our existence. Our calmer judgment will rather tend to moderate, than to suppress the pride of an ancient and worthy race. The satirist may laugh, the philosopher may preach, but reason herself will respect the prejudices and habits which have been consecrated by the experience of mankind.

"Whenever the distinction of birth is allowed to form a superior order in the state, education and example should always, and will often produce among them a dignity of sentiment and propriety of conduct which is guarded from dishonor by their own and the public esteem. If we read of some illustrious line so ancient that it has no beginning, so worthy that it ought to have no end, we sympathize in its various fortunes; nor can we blame the generous enthusiasm, or even the harmless vanity, of those who are allied to the honors of its name*."

In the preceding Genealogical History, some account has occasionally been given of the characters and actions of several of the Stuarts of Derneley, Lennox, and Aubigny during the course of many generations; which account has been taken from the most authentic sources of information that could any where be discovered. No facts relating to them have been stated without specifying the authority from whence taken. It is therefore in the power of every man to consult these authorities, and to satisfy himself of the accuracy of the accounts given.

* Gibbon's Memoirs of his own Life and Writings, vol. i. p. 3.

After obtaining sufficient information of the characters and conduct of the successive representatives of the Stuarts of Derneley, Lennox, and Aubigny, it must be left to the judgment of every impartial reader to decide whether they fall under the description first given of insignificant persons, unprofitable to their country, and as such fit to sink into oblivion; or whether they ought to be considered as a gallant and a worthy race, well entitled to general esteem and to the grateful remembrance of their country.

It has long been a subject of regret that no historian or antiquary had ever taken the pains to collect, from the various sources of just information, the facts and events in which the families of Derneley, Lennox, and Aubigny were so much interested as principal actors. Nay, there is not even any tolerably accurate genealogical account of the successive representatives and members of these families. Every account hitherto given by the Genealogical Writers is full of errors, even as to dates and the names of persons, and other material particulars, so much so, that, in drawing up this History, one great labor has been, to trace and to correct the numerous errors of those authors who had pretended to give a genealogical account of the Stuarts of Derneley, Lennox, and Aubigny, or of detached parts of their history*.

The

* In confirmation of what has been said concerning the remarkable inaccuracy of the Genealogical Writers in what relates to the Derneley and Lennox families, it may be proper here to mention that George Crawford himself, an Author who had written much upon the subject of these families, both in his History of the Shire of Renfrew, and in his Peerage of Scotland, was sensible that what he had written, was very defective and erroneous; particularly in the early period of their history; and therefore that he meant to have those errors corrected in a new edition of his Peerage: with a view to which he had got a printed copy of his Peerage interleaved with blank paper bound up in two volumes, for the purpose of intended corrections and additions; and it further appears that in that copy he had cancelled, or torn out several printed pages of what related to the Lennox family, and substituted in their place many manuscript notes. This fact, and the manner in which it came to the

Author's

The opportunities which the Author had of examining records, public libraries, and private collections in France and in Italy, as well

Author's knowledge, will appear from the following copy of a memorandum taken on the 16th of January 1793, the very day on which he had perused the above-mentioned copy of the Peerage, which belonged originally to George Crawford himself, and was purchased from his heirs by Mr. Cumming of the Heralds' Office at Edinburgh. The memorandum taken by the Author on that occasion, and inserted on p. 184, of a book which he kept for entering memorandums relating to the Derneley and Castelmilk affairs, is in these words :

“ January 16, 1793.

“ Have this day had an opportunity of glancing over Crawford's Peerage of Scotland, in two volumes, belonging to Mr. Cumming of the Heralds' Office, who purchased it from the heirs of George Crawford the author.

“ The plan of these two volumes is, that George Crawford the author has in many parts made manuscript additions and corrections upon the first edition of his Peerage, which he seems to have been sensible was very defective and erroneous; and these corrections appear to have been made with the view to a new and more correct edition of the Peerage, which he did not live to execute.

“ In particular it appears that he was sensible that his first edition of the Lennox family was very defective, especially in the early part of their history; for in this copy in Mr. Cumming's possession, George Crawford has cancelled or torn out pages 255, 256, 257, and 258, of the first edition, and has substituted in place of them many manuscript notes of his own. In particular there is at the top of page 259 of the printed copy, this note of George Crawford's writing :

“ Line Make Sir William Stuart of Castelmilk, to be a son of Sir Alexander of Darnley, brother to Barcube, but no authority but my own account in my manuscript of the shire of Renfrew.”

“ From this note it would be desirable to see the manuscript copy of George Crawford's History of the Shire of Renfrew, where it appears that he had stated Sir William Stuart to be the son of Sir Alexander Stuart of Derneley, though it is not so stated in his printed History of Renfrew.

“ Crawford certainly must, at the time of his composing that manuscript, have seen some evidence for the above fact, though the recollection of it appears to have escaped him at the time of his writing the above note on the printed copy of his Peerage. It would therefore be very desirable to find out his manuscript copy of the History of the Shire of Renfrew, which may be either in Mr. Cumming's hands, or in the hands of Mr. Crawford of Cartburn's heirs.—This to be mentioned to Mr. Robertson of Bedley, and to Mr. Dillon.

“ Inquiry

well as in England and in Scotland, enabled him to correct many former errors, and to ascertain facts with their dates and circumstances, in a manner which, if at all practicable without possessing those advantages, could not easily have been accomplished by any one without dedicating much time and labour to the prosecution of a work of this nature.

With these advantages, and possessing also the advantage of having had, during the years in which he has been engaged in this work, much more the command of his time than had fallen to his lot at any former period of his life, the Author felt it to be a *species of sacred duty on him* to collect from the most authentic sources

“ Inquiry to be made at Mr. Cumming whether, in that part of Crawford’s Peerage between pages 254 and 259 of the printed copy, there were not more interjected manuscript leaves relating to the Lennox family than what now appears; for at present there is but one interjected leaf of manuscript, and manuscript notes on the margin of pages 259, 260, 261, and 262 of the printed copy.

“ In the manuscript leaf interjected between pages 254 and 259 of the printed copy, there is the following article by George Crawford :

“ Walter Stuart, the Duke of Albany’s son, being accused of treason with this Earl his grandfather, and were all condemned by the same assize, and executed at the of the Castlehill of Stirling; and so the estate of Lennox was, by the Earl’s treason, forfeited to the Crown, so that his heirs had no title to claim it.

“ So that house of Lennox came to the Crown, and was given for a title of honour by King James, who bestowed it on John Lord Derneley.

“ It is all a fable that ever Duke Murdock’s forfeiture was reduced, or that ever the heirs of Duncan Earl of Lennox did produce any kind of right to his estate that was in the Crown in 1471, when it was given to Andrew Lord Avendale for life; and it was of mere grace and favor, and upon a bargain with the Lord Avendale, that John Lord Derneley was created Earl of Lennox in the year 1484, which is the precise year that he is first designed Comes de Lennox; but it is certain that James Haldane of Gleneagles was returned to him Earl Duncan, but it has been dispensed with in 1491; but in the return which I have seen, there is no dispensation in it at all.”

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the materials for furnishing to the world a true and accurate Genealogical History of the Derneley and Lennox Families, with some short sketches of their actions and characters, calculated to give a general notion of what related to them, and to excite others to an examination of the sources from whence a more particular acquaintance with their characters and actions might be acquired and communicated.

In the mean time, even the short and imperfect sketches contained in these sheets may perhaps be sufficient for shewing, that the families of Derneley, Lennox, and Aubigny have, in the course of many successive generations, produced such remarkable instances of great and worthy characters as may be of advantage to be known, for the sake of exciting others to follow their example.

THE SECOND POINT proposed to be considered, as resulting from the facts established by the contents of the preceding Parts of this Genealogical History, relates to the *Identity* of Sir WILLIAM STUART of Castelmilk, Knight, with Sir WILLIAM STUART, Knight, the brother of Sir JOHN STUART of Derneley. On this Point it may be requisite to enter into some detail, and to submit to the strictest investigation the following particulars:

The proposition intended to be established is, that Sir William Stuart, the son of Sir Alexander and the brother of Sir John Stuart of Derneley, was precisely the same person with Sir William Stuart of Castlemylke, who is mentioned in Rymer's *Fœdera*, in the year 1398, as one of the sureties given on the part of Scotland for the

the preservation of the peace of the Western Marches between England and Scotland.

In disquisitions of this sort, where the object is to discover the identity or diversity of persons described under different designations, there are some preliminary observations requisite to be attended to, in order to guide us to a just and certain conclusion.

It is requisite, in the first place, that it should clearly appear that Sir William Stuart described of Castelmilk, and Sir William Stuart described as the son of Sir Alexander, or as the brother of Sir John Stuart of Derneley, lived precisely in the same period; and that the age and rank, and other circumstances relating to the one, corresponded with those known to relate to the other.

At the same time it must be admitted, that whatever number of circumstances may be collected together for shewing a correspondence or identity between Sir William Stuart of Castelmilk and Sir William Stuart son of Sir Alexander Stuart of Derneley; yet if any one circumstance relating to the one be such as is totally inconsistent with or inapplicable to the other, that single circumstance will destroy the effect of any given number of circumstances of coincidence, and prove fatal to any supposition of the identity of the persons so described; the fair conclusion must then be, that these different descriptions or designations did not apply to the same, but to two different and distinct persons.

Having made this admission, it is also reasonable to conclude, that if in a great variety of facts and circumstances there shall be found a perfect coincidence, such as to make it appear beyond all the rules of probability that the same incidents should have happened at the same time to two different persons of the same name; and that it shall also appear, that no circumstances or incident known to belong to the one was such, as to be totally inconsistent with or inapplicable to the other; then it may be considered as a just and true proposition, that the corresponding circumstances did not relate

to two separate distinct persons, but to one and the same person, whose designation was occasionally varied; of which there are thousands of similar instances in the histories, as well as in the charters and other written documents of ancient times.

To authorize a conclusion such as that which has now been mentioned, it would not be sufficient to specify or rest upon a few facts or circumstances; there must be a great variety of facts, incidents, and circumstances of coincidence.

In the present case, the first circumstance to be considered relates to the history and origin of the title of Castelmilk; for it is solely this designation which at first sight creates a doubt whether Sir William Stuart, designed of Castelmilk, could be the same person with Sir William Stuart, the son of Sir Alexander, and the brother of Sir John Stuart of Derneley. And it must be admitted, that if there were no evidence that Sir Alexander Stuart of Derneley, or his son Sir John, had any connection with the lands and estate of Castelmilk, either as the superiors or the proprietors of these lands, then the designation of Castelmilk enjoyed by Sir William Stuart in 1398, would be adverse to the supposition of his being the son of Sir Alexander, or the brother of Sir John Stuart of Derneley; and a just prejudice would be entertained against any attempt for identifying these two persons.

But if, on the other hand, it be established by solid evidence, as in this case it has been, that so far from there being no connection between the Stuarts of Derneley and the lands of Castelmilk, that these very lands of Castelmilk did actually belong to the Stuarts of Derneley, and that Sir John Stuart of Derneley, the son of Sir Alexander, made up his titles to these lands of Castelmilk, which were held by him under the Lords of Annandale as his Superiors thereof, and continued for many generations to be held by the successors of that Sir John Stuart under the Lords of Annandale while they existed, and afterwards under the Crown; while at the same time the said

Sir William Stuart and the descendants from him held the property of the same lands of Castelmilk immediately of and under the Stuarts of Derneley, the successors of Sir John Stuart of Derneley: then the circumstance of Sir William Stuart being designed of Castelmilk, instead of being repugnant to the supposition of his being the brother of Sir John Stuart, will furnish a link in the chain of circumstances by which it is to be proved that this Sir William Stuart of Castelmilk was truly the brother of Sir John Stuart of Derneley.

If a person of the name of William Stuart obtained from the Derneley family a grant of the property of the lands of Castelmilk, which gave rise to his being described Sir William Stuart of Castelmilk, while it is certain that Sir John Stuart had a brother of the name of William, the following question may reasonably be put: Whether is it more likely that Sir John Stuart should have made a grant of the property of the lands of Castelmilk in favor of a William Stuart who was his own brother, or in favor of another William Stuart who was a more distant relation or no relation at all? This would be the fair state of the question supposing it proved, or probable, that besides William Stuart, Knight, the acknowledged brother of Sir John Stuart of Derneley, there had existed precisely at the same period another William Stuart, Knight, with similar or colourable pretensions for his being considered as the person who had received from Sir John Stuart of Derneley the grant of the lands of Castelmilk. But there is no evidence, or shadow of evidence, of that sort or of that tendency. It would therefore be conceding too much to sceptical suppositions, first, to take it for granted that another Sir William Stuart with several concurring circumstances, but different from William the brother of Sir John Stuart of Derneley, had existed precisely at that period; and then to suppose that Sir John Stuart of Derneley preferred that other William to his own brother William in the grant of the lands of Castelmilk: and yet without the

concurrence of both these suppositions it is impossible to allot to any other person than Sir William Stuart the brother of Derneley, the role of being Sir William Stuart of Castelmilk.

The presumption that the grant of the property of the lands of Castelmilk must have been given by Sir John Stuart of Derneley to his brother William, is strongly fortified not only by the practice of ancient times, when it was usual for the elder brother and representative of the family to give to the younger brother, either as a provision, or from motives of favor, a certain portion of lands to be held immediately under the granter and his heirs; but also by the instances which have been given of that being the practice in this very family of the Stuarts of Derneley, and at a period too very near to that in which Sir John Stuart of Derneley and his brother William lived.

If, notwithstanding these considerations, it should still be maintained, that Sir William Stuart of Castelmilk was a different person from Sir William Stuart the brother of Sir John of Derneley; then it would be incumbent on those who maintain that proposition, to find out a Sir William Stuart to whom a variety of circumstances of coincidence would be equally applicable, as those which are known to have taken place with respect to Sir William Stuart the ascertained brother of Sir John Stuart of Derneley, and Sir William Stuart of Castelmilk.

This leads to the detail of various circumstances of coincidence which serve to establish the identity of these two Sir William Stuarts.

(I) COINCIDENCE in point of Rank and the Period in which they lived.

The rank held by Sir William Stuart of Castelmilk, and the period in which he lived and died, form one circumstance of coincidence.

It has been shewn that Sir William Stuart, son of Sir Alexander Stuart of Derneley, was present with two of his brothers, Alexander and Robert, in the Baron Court of Camnethan, held by Sir Alexander Stuart of Derneley on the 13th of October 1390; and that William Stuart was at that time described as *Miles* or Knight, though neither of his brothers Alexander or Robert had attained that honor.

It has also been shewn that Sir William Stuart, designed of Castelmilk, in the year 1398, had attained the honor of knighthood, for he is expressly designed "de Castelmilk, Miles."

In this respect therefore there was a coincidence as to the rank of knighthood enjoyed at or about the same period.

(2) The SITUATION enjoyed by Sir WILLIAM STUART of Castelmilk, and the LANDED ESTATES belonging to him.

But further, the situations and possessions which are known to have been enjoyed by Sir William Stuart of Castelmilk, were such as might naturally be expected to have been enjoyed by a younger son of Sir Alexander, or a younger brother of Sir John Stuart of Derneley: for Sir William Stuart of Castelmilk, Knight, was, in the year 1398, one of the sureties on the part of Scotland for preserving the peace of the Western Marches between England and Scotland; which honourable situation was allotted to him in conjunction with Sir John de Johnston, ancestor of the Marquis of Annandale, Sir John de Carlisle, and other persons of high rank and distinction.

Further, Sir William Stuart is described as cousin to Archibald Earl of Douglas in an original charter still extant by that Earl about the year 1411, in favor of John de Park; to that charter Sir William Stuart of Castelmilk is a witness, and the Earl of Douglas describes him

as *dilectus consanguineus noster*. The Stuarts of Derneley were unquestionably related to the Earls of Douglas, as appears from the genealogical trees of the Derneley and Douglas families: this accounts for Sir William Stuart of Castelmilk being described as a cousin of the Earl of Douglas, upon the supposition of his being a brother of Sir John Stuart of Derneley, but would be very difficult to be accounted for on any other supposition.

As to the landed property or possessions belonging to Sir William Stuart of Castelmilk and his immediate descendants, it is certain that they had not only the Forty Merk Lands of Castelmilk, and the Ten Merk Lands of Brummell in Annandale; but likewise the lands and estate of Fynnart Stewart in Renfrewshire, being a Forty Merk Land of Old Extent; and further the Forty Merk Lands of Old Extent of Cassiltoun in the shire of Lanark; all which considerable estates were enjoyed by the sons of the said William Stuart, and most probably by himself; and all these three estates remained with the descendants of Sir William Stuart of Castelmilk for many generations. In point therefore of rank, situation, and landed property or possessions enjoyed by Sir William Stuart of Castelmilk, it must be admitted that these were such as were perfectly consistent with what might be expected of Sir William Stuart, the younger son of Sir Alexander, and the brother of Sir John Stuart of Derneley.

(3) The acknowledged RELATIONSHIP between the Descendants of Sir JOHN STUART of Derneley, and of Sir WILLIAM STUART of Castelmilk.

Another strong proof in favour of the identity arises from the acknowledged relationship between the descendants of Sir John Stuart of Derneley and the descendants of Sir William Stuart of Castelmilk; of which there are several instances. There is the precept of *clare constat*

confat before mentioned, whereof the original is still extant, dated 2d November 1579, granted by Robert Lord Derneley and Earl of Lennox, in favor of Archibald Stuart of Castelmilk, as heir to his grandfather Archibald Stuart in the lands of Castelmilk, in which precept Archibald Stuart is described as the *beloved cousin* of the Earl of Lennox the granter of the precept.

But there are instances of acknowledgment of the relationship at more early periods, and much nearer to the time when Sir William Stuart of Castelmilk came off the Derneley family; particularly there is a charter, dated 16th August 1477, (Public Records, Book xii. N° 15.) granted by John Stuart the first Lord Derneley and Earl of Lennox, in favor of Thomas Stuart of Minto, and Isabel Stuart his wife, of the lands of Househill in the lordship of Derneley; in which charter the Earl of Lennox narrates that these lands formerly belonged to Janet Cameron, spouse of *our deceased cousin Walter Stuart of Arthurly*, Knight, and mother of the said Isabel Stuart.

The relationship here acknowledged between John Lord Derneley and Sir Walter Stuart of Arthurly, was equally applicable to all the sons or grandsons of Sir William Stuart of Castelmilk, for it was by his descent from Sir William Stuart of Castelmilk that Sir Walter Stuart of Arthurly became *cousin* to the first John Lord Derneley and Earl of Lennox. There is in the Public Records a charter dated in the year 1439, of the lands of Arthurly in favor of Walter Stuart, wherein he is expressly designed son of the deceased Sir William Stuart of Castelmilk, Knight. That Walter Stuart was the father of Sir Walter Stuart of Arthurly, whom the Lord Derneley here acknowledges to be his cousin; and this was at a period not fifty years after the death of Sir William Stuart, who died in the year 1429.

John, the first Lord Derneley and Earl of Lennox, who made the above acknowledgment, was a married man in the year 1438, and, most

most probably, was personally acquainted with his grand-uncle Sir William Stuart, who had died but nine years before that time; at least he could not be ignorant of the degree of relationship that subsisted between them, and between himself and the sons and grandsons of that Sir William Stuart: he here acknowledges the grandson of that Sir William Stuart to be his *cousin*, which is precisely the degree of relationship between the grandson of Sir William Stuart and the grandson of Sir John Stuart of Derneley, upon the supposition that Sir John and Sir William were brothers.

If there had been now extant any writing or authentic instrument wherein this John first Lord Derneley had expressly acknowledged and declared that Sir William Stuart of Castlemilk was his grand-uncle, or, in other words, the brother of his grandfather Sir John Stuart of Derneley, such instrument, it must be admitted, would of itself have afforded a complete proof of the point in question. Therefore the instrument now referred to, wherein that John Lord Derneley acknowledges the grandson of that Sir William Stuart to be his cousin, goes near to the same point.

It may further be remarked, that at the time, and upon the occasion when John Lord Derneley made this acknowledgment of Sir Walter Stuart of Arthurly having been his cousin, it was not liable to the interpretation of its being meant as a compliment to Sir Walter Stuart, or as a piece of flattery for gaining his good will and attachment; for the instrument itself shews that Sir Walter Stuart was at that time deceased, therefore the description of him as *beloved cousin* of John Lord Derneley, the granter of the charter, could proceed from nothing but the force of a well known truth that they really stood in that degree of relationship.

At a subsequent period, to wit, in the year 1515, there is a charter and precept, dated 20th September, 1515, granted by John Stuart,

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the third Lord Derneley and Earl of Lennox, in favor of James Stuart, son of Alexander Stuart of Castelmilk, wherein it is expressed, "that for the singular love and favor which he John Lord Derneley bore to his *beloved cousin James Stuart, son of Alexander Stuart of Castelmilk,*" he gave to him and to Janet Auchinleck his spouse, and to the longest liver of them during their lives, the Forty Shilling Land of Old Extent of the town of Kype, lying in the barony of Avendale and shire of Lanark.

James Stuart here described as the cousin of John Earl of Lennox was the second son of Alexander Stuart of Castelmilk.

(4) The long and uniform CONNECTION between them.

Of this connection many strong proofs, some of them on critical and important occasions, have been given in the course of the preceding History: particularly the memorable instance of the strong connection between the Stuarts of Derneley and the Stuarts of Castelmilk in the year 1489, when there were no less than five of the Castelmilk family, to wit, the proprietor Sir William Stuart of Castelmilk, with his two sons and two nephews, who had joined and confederated with Matthew Stuart, the son and heir apparent of John Earl of Lennox, and his two brothers Alexander and Robert, in the holding out the Castle of Dumbarton against his Majesty's royal authority, and in the burning the town of Dumbarton. For which rebellious conduct, both the Stuarts of Derneley and the Stuarts of Castelmilk stood in need of, and obtained, a pardon or remission, dated 12th February 1489-90, which was granted by King James IV. with consent of the Three Estates of the kingdom assembled in full Parliament.

Another proof of the connection between the Stuarts of Derneley and Lennox, and the Stuarts of Castelmilk, arises from the terms
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of a bond of manrent granted by Archibald Stuart of Castlemilk, to Robert Lord Maxwell, dated 23d May 1528. The original of that bond of manrent, with twenty other original bonds of manrent, are still in the possession of the heirs of that Robert Lord Maxwell, who in those times was a very powerful Lord, to whom many of the great proprietors in Scotland attached themselves by bonds of manrent. The bond granted by Archibald Stuart of Castlemilk was in the usual style of bonds of manrent, but with this peculiarity in it, that there is an exception in the following words: "Excepting that I shall not be compelled by this my bond to come with the said Robert Lord Maxwell, or stand with him in any actions contrary to my Lord of Levenax." None of the other bonds of manrent to Lord Maxwell contained any similar clause or exception, whence it appears that Archibald Stuart of Castlemilk felt himself particularly connected with the Lennox family, and in a manner preferable to every other connection.

(5) ARMS and ARMORIAL BEARINGS, and MOTTOS.

A further proof of the identity of Sir William Stuart the brother of Sir John of Derneley, and Sir William Stuart of Castlemilk, arises from the arms, armorial bearings, and mottos of the families of Derneley and Castlemilk. The arms of the Stuarts of Derneley and the Stuarts of Castlemilk were precisely the same, with the difference only of what served to distinguish the elder from the younger branch of the same family.

With regard to the motto, Nisbet, in his Book of Heraldry, vol. ii. p. 24. gives an account of mottos and cries of war, and says that "Cries of War, or cries de guerre, belonged anciently to none but to Sovereign Princes, Dukes, Earls, great Barons, and Chiefs of potent families who had the command of troops of men; by which cry they gathered them, led them on to battle, and when distressed or put into confusion did rally them." The

fame author, p. 25, says, "Cries of war are ordinarily placed as
 "mottos upon escrolls above the crest, as that of France is at this
 "time placed over the pavilion of the arms of France; as also that
 "of the Dukes of Lennox, '*Avant Derneley*,' ever since the old
 "cry became the motto of the family.

"Many old families with us and abroad use their old cries in
 "place of mottos, having no use of them of late, the way of
 "fighting being altered, so that now they are only marks of great-
 "ness and power, and continued for the antiquity and honor of
 "families."

The above extracts from Nisbet leave no room to doubt that the motto of "*Avant Derneley*" was the *crie de guerre* of Sir John Stuart of Derneley, who went over to France about the year 1420 or 1421, in the rank of Constable of the Scots army which assisted Charles VII., and enjoyed during many years a distinguished military command in that country. His brother William Stuart went to France at the same time, and during many years distinguished himself in military exploits, and was killed in the same battle with his brother in February 1429, during the siege of Orleans.

As the *crie de guerre* or motto of the elder brother Sir John Stuart of Derneley was "*Avant Derneley*," it was not unnatural that the motto of the immediate younger brother William and his descendants should be "*Avant*," leaving out the word *Derneley* as belonging only to the elder branch.

When therefore we find that the motto of the Stuarts of Castelmilk, descended from the first Sir William Stuart of Castelmilk, has uniformly been "*Avant*," as far back as can be traced, this may be allowed to add to the other circumstances in support of the identity of Sir William Stuart of Castelmilk, with Sir William Stuart the brother of Sir John of Derneley.

It is remarkable that of all the families of the Stuart name, none but the Stuarts of Castelmilk have been in possession of the motto "*Avant*;" in which motto there is every appearance of an allusion

to "*Avant Derneley*," the motto or crie de guerre of the eldest branch of the Derneley family.

(6) The MILITARY TENURE by which the Lands of Castelmilk were held by the STUARTS of Castelmilk, under the STUARTS of Derneley.

The following particulars may also be considered as deserving a place in the enumeration of circumstances of coincidence or agreement :

The Forty Merk Lands of Castelmilk in Annandale, as appears from the old charters, were held by the Stuarts of Castelmilk of and under the Stuarts of Derneley, by the military tenure of wardholding, by which the vassal was bound to attend his Superior in war. There is the most precise and unquestionable evidence that Sir John Stuart of Derneley was attended by his brother Sir William Stuart in his warlike expeditions in France: he was his faithful companion in all enterprizes of hazard. This increases the probability that this Sir William was the proprietor of the lands of Castelmilk; by the military tenure of which he was bound to attend his brother Sir John of Derneley in his military expeditions. Can it be supposed that Sir John Stuart of Derneley would not have carried to France with him his military vassal of the lands of Castelmilk? It is certain that he carried with him his own brother Sir William Stuart; and if the vassal in Castelmilk had been a different person from that Sir William Stuart, then the consequence would be, that Sir John Stuart of Derneley had carried with him to France two Sir William Stuarts; and some mention would have been made of both of them in the French records and histories of that period; but in these records and histories there is no mention of any William Stuart, excepting William the brother of Sir John Stuart the Constable of the Scots army, of whom frequent mention is made. There is therefore no evidence, or shadow of probability that Sir John Stuart had carried with him to France any other

Sir William Stuart besides Sir William his own brother; which affords an additional circumstance in the chain of evidence, for shewing that Sir William Stuart, the military vassal of Sir John Stuart of Derneley in the lands of Castelmilk, must have been Sir William, the brother of that Sir John Stuart who was the Superior of the lands of Castelmilk.

(7, 8) Sir WILLIAM STUART, killed and buried in France.

All authors agree, and it is ascertained beyond a doubt, that after the battle des Harans, in which both the brothers Sir John and Sir William were killed, their bodies were carried to Orleans and interred with great funeral pomp in the cathedral church of St. Croix of Orleans, in the chapel of Notre Dame Blanche, behind the choir, where, in consequence of a foundation made by Sir John Stuart, a mass was said daily for him and for his family; and that mass, known by the description of the Scotch Mass, was continued to be said daily down to the present times. The bodies of Sir John Stuart of Derneley and of his brother Sir William Stuart never were brought to Scotland, but remained in France: and some additional evidence of the body of Sir William Stuart of Castelmilk having remained in France arises from

The Mass founded in 1473 by MATTHEW STUART, son of that Sir WILLIAM STUART, and the inference from it.

Matthew Stuart, of Caffiltoun, Castelmilk, and Fynnart, son of the said Sir William Stuart of Castelmilk, made a donation in the year 1473, to the Convent of the Predicant Friars of Glasgow of ten merks yearly, for a mass to be said for his soul, and for the souls of his "mother and bairns, whose bones rested in that convent." The terms here made use of are deserving of attention; for it appears from thence, that the mother and children of the said Matthew Stuart had been buried in that convent, *but not*

not his father. This is perfectly consistent with the known established fact of Sir William Stuart having been buried in a foreign country, and of his bones remaining at Orleans, where a mass was established for the souls of Sir John Stuart of Derneley's family. But it would be difficult to be accounted for upon the supposition of Sir William Stuart's having died in Scotland; as in that case the presumption would be that he would have been buried in the same convent where it appeared that his wife and children had been buried, which was the convent of the Predicant Friars at Glasgow. And it is to be observed, that the Derneley family had a particular attachment to that convent; for the first Sir John Stuart of Derneley executed a deed in September 1419, before his setting out for France, by which he mortified to the Predicant Friars of Glasgow two bolls of corn and two bolls of bear from the mains of Cruyton, and two bolls of meal from the mill of Derneley; and Alan Stuart, the son and heir of Sir John Stuart of Derneley, granted a deed, 19th of January 1433, by which he mortified to the said Predicant Friars of Glasgow twenty shillings yearly out of the lands of Cathcart; and there are other proofs of the connexion between the Derneley family and that convent*.

- (9) The PROGRESS of the TITLE DEEDS relating to the Superiority and Property of the Lands of Castlemilk, clearly indicate that Sir WILLIAM STUART'S Right to the Property of the Lands of Castlemilk must have proceeded from Sir JOHN STUART of Derneley.

It has been shewn, that in 1387 Sir John Stuart was *Dominus de Castlemilk*; and that he had made up his titles to these

* These three deeds of mortification by Sir John and Alan Stuart, and by Matthew Stuart, are in the possession of the University of Glasgow, who succeeded to the revenues of the Predicant Friars of Glasgow.

lands, and had been received by the Lord of Annandale, the Superior, as his vassal therein.

It has also been shewn that these lands were in non-entry from the death of Sir John Stuart in February 1429 till the year 1468, when his grandson John Stuart, Lord Derneley, was received by the Duke of Albany, then Lord of Annandale, as his vassal therein.

Upon the forfeiture of the Lords of Annandale, that lordship vested in the Crown, and it has likewise been shewn that Matthew Stuart, Lord Derneley and Earl of Lennox, son of the said John first Lord Derneley, and great-grandson of the first Sir John Stuart, made up his titles to these lands of Castelmilk in the year 1496, as vassal therein to the crown.

The manner in which the successors of the said Matthew Lord Derneley made up their titles to these lands of Castelmilk has also been stated, from whence the connexion of the Stuarts of Derneley and Lennox with the lands of Castelmilk, at every period from the year 1387, down to the commencement of the last century, or at least till the time of the forfeiture of Matthew Earl of Lennox in the sixteenth century, is very apparent.

On the other hand, all the descendants from Sir William Stuart of Castelmilk, who is mentioned in the year 1398 by Rymer, have in their several generations been specified in the preceding History and in the Genealogical Table connected with it; and it has been shewn that the same lands of Castelmilk in Annandale, to wit, the Two-thirds or Forty Merk Lands of Castelmilk, whereof the superiority was enjoyed by the Stuarts of Lennox, were constantly enjoyed in property by the descendants from the said Sir William Stuart, who uniformly took the title of Stuarts of Castelmilk, though they occasionally took the titles also of Fynnart, or Fynnart Stuart and Caffiltoun; and that these Stuarts, the proprietors of Castelmilk, made up their titles to the lands, not by charters or precepts from the Lords of Annandale, but by charters or precepts of

clere

clare constat from the Derneley or Lennox family as their immediate superiors.

If Sir William Stuart of Castelmilk had been a person different from Sir William Stuart the brother of Sir John Stuart of Derneley, then it is presumable that in the histories or records of Scotland, some traces would have appeared of a family of the Stuarts of Castelmilk different from the Stuarts of Derneley, and anterior to the time either of Sir John Stuart of Derneley, or of Sir William Stuart of Castelmilk; but no traces are any where to be discovered of any person of the name of Stuart having been connected with the lands of Castelmilk before the Stuarts of Derneley. And as the first appearance of Sir William Stuart under the title of Castelmilk was in the year 1398, at which time it is certain that Sir John Stuart had a brother of the name of William, who was a Knight (Miles), the matter comes to the short issue before-mentioned; to wit, there being a certainty that Sir John Stuart had a brother of the name of William, and a certainty also, that the property of the lands of Castelmilk which had belonged to Sir John Stuart was transferred to a Sir William Stuart, whether is it presumable that Sir John Stuart made this grant in favor of his own brother William, or in favor of another William Stuart with whom he had not the same connexion? But before there is room even for this question, it would be requisite to give some satisfactory evidence of the existence at that period of another Sir William Stuart, and of some circumstances relating to him, such as could induce a probability that he might be the proprietor of the lands of Castelmilk.

It must also be supposed, that this other Sir William Stuart, though different from the brother of Sir John Stuart of Derneley, united in his person all the various circumstances of coincidence and resemblance to Sir William Stuart the brother of Sir John, which have been above-mentioned as having existed between the brother of Sir John and Sir William Stuart of Castelmilk.

As there is no proof or probability in favor of any of these suppositions, the co-existence of all of them becomes in the highest degree incredible; and yet nothing short of the co-existence of so many improbable events could support the supposition of Sir William Stuart of Castelmilk being a different person from Sir William Stuart the brother of Sir John Stuart of Derneley; while on the other hand, all the known and ascertained circumstances of the case clearly point out the identity of those two Sir William Stuarts, and in this manner afford a natural, easy, and consistent solution of a question, which would otherwise be involved in endless difficulties and inconsistencies.

(10) **THE CONCURRENCE** of various Authors concerning the **RELATIONSHIP** between Sir **JOHN STUART** of Derneley and Sir **WILLIAM STUART** of Castelmilk.

Sir Robert Gordon of Gordonstoun, who was reckoned a good antiquary, wrote in the last century a History of the Family of Sutherland, in the course of which he has given a pretty full account of the Derneley and Lennox family; and in that account he mentions Sir John Stuart of Derneley and three of his brothers, one of them of the name of William; after the mention of whose name, the manuscript has these words: "This William was slain at the battle of Verneuil in the year of God 1424; of whom the family of Castelmilk is descended."

This Sir Robert Gordon lived about one hundred and fifty years ago; was one of the commissioners appointed by King James VI. of Scotland for managing the affairs of James Duke of Lennox, who succeeded in July 1624 to his father Esme Duke of Lennox; and thereby had access to the papers of the Derneley family, and opportunities of being acquainted with the history of the different branches of that family. His testimony therefore, with regard

regard to William of Castelmilk being a brother of Sir John Stuart of Derneley, is entitled to some weight.

With regard to William Stuart being killed at the battle of Verneuil in France, that is evidently a mistake of the battle where he was killed; which might easily happen from knowing in general that he was killed at a battle in France; a mistake as to the precise battle where it happened was of no consequence, and does not lessen the weight of his testimony as to the more material fact, that of William's being the brother of Sir John Stuart of Derneley, and the ancestor of the Stuarts of Castelmilk.

There has been discovered among the Harleian manuscripts at the British Museum, No. 2218 of the catalogue, an heraldical book, containing a pedigree of the Stuarts from the earliest ages, in which there is the following article relating to Sir John Stuart of Derneley and Sir William Stuart of Castelmilk, where they are placed as brothers thus :

“ John Stuard, Constable of Scot.— “ *William Stuard of Castelmilk*, Earl of Evreux in France, “ *milk*, bore Stuard within a bore France within a border gules, “ border engrailed gules.”
 “ femy of buckles Or, quarterly, with
 “ Stuard within a border gules.”

It appears that the manuscript in which the above article is found, was bequeathed to Lord Oxford by Mr. Hugh Thomas; and as Lord Oxford died in the year 1724, it must have been written before that period, and may have been copied by Mr. Hugh Thomas from some writing or instrument of a much more ancient date.

There has also lately been discovered in the library of Caius College at Cambridge, a Book of Genealogies, referred to in the printed index of manuscripts in heraldry, given to the College by Dr. John Knight, Serjeant Chirurgeon to King Charles II. This Book of Genealogies, which is written very distinctly and neatly bound, is marked on the back with the number 1219, and on p. 54,

there is a pedigree of the Stuarts, beginning with the period of Walter the Stewart who married the daughter of King Robert Bruce, tracing the pedigree of the Stuarts of Derneley and Lennox, and ending with Charles Duke of Richmond and Lennox, who died in the year 1672, in the time of King Charles II. In the course of that pedigree there is the following article relating to John Stuart and William Stuart, who are there placed as brothers :

“ Joannes Stuart, Scotiæ	“ Gulielmus Stuart, Dominus
“ Conestabularius, Comes de	“ de Castlemilk.”
“ Evreux.”	

From the comparison of the Genealogy thus found in Caius College at Cambridge, with that found in the British Museum among the Harleian manuscripts, it is very evident that the one has not been copied from the other ; for they are drawn up on a different plan, and in many particulars they differ from each other : but in this they concur, that in both of them, *Sir William Stuart of Castlemilk* is stated to be the brother of Sir John Stuart of Derneley.

It is admitted, that the facts thus stated in genealogical books, would not of themselves afford any sufficient or conclusive proof ; but when they happen to coincide with a variety of other proofs of a more unquestionable nature, they are entitled to some weight in the scale of evidence ; and at any rate, they shew that the idea of Sir John Stuart of Derneley and Sir William Stuart of Castlemilk being brothers has not taken rise in modern times, nor with those who may now have an interest in establishing that fact, and who till very lately were totally ignorant of the Genealogies found at the Museum and in Caius College in Cambridge.

STATE of the COMPETITION for the REPRESENTATION
of the Derneley and Lennox Families.

EVERY person claiming to be descended from Sir William Stuart, the brother of Sir John Stuart of Derneley, and through that channel claiming to be considered as the heir male and representative of the Derneley and Lennox families, must be equally interested in the whole of the preceding discussions; and particularly in what has been stated for proving the *identity* of Sir William Stuart of Castlemilk with Sir William Stuart, the son of Sir Alexander and the brother of Sir John Stuart of Derneley; for without establishing that point, all their pretensions must fall to the ground.

There are only two families in Scotland who pretend to be descended from Sir William Stuart of Castlemilk, or from Sir William the brother of Sir John Stuart of Derneley; these are, the Earl of Galloway's family, and the family of the Stuarts of Castlemilk in the county of Lanark. No other competitors have hitherto appeared.

On the part of the Earl of Galloway, there has been printed and circulated about two years ago, a paper intitled "A View of the Evidence for proving that the present Earl of Galloway is the lineal Heir Male and lawful Representative of Sir William Stuart of Jedworth, so frequently mentioned in history from the year 1385 to the year 1429."

In that paper the writer of it concurs with the Stuarts of Castlemilk in maintaining, that Sir William Stuart of Castlemilk was the brother of Sir John Stuart of Derneley; but he goes further, by supposing that Sir William Stuart of Jedworth and Sir William Stuart of Castlemilk were one and the same person: in short, it is alleged on the part of Lord Galloway, that Sir William Stuart of Jedworth was the proprietor of the estate of Jedworth in Tiviotdale, and of the estate of Castlemilk in Annandale; and that in consequence thereof, he was sometimes described of Jedworth and at other times of

Castlemilk. These facts being assumed, that paper proceeds to state that Sir William Stuart of Jedworth and Castlemilk had two sons; to wit, Sir John Stuart the eldest son, who married the heiress of Dalwinton, of which marriage the Earl of Galloway is descended; and a second son, Sir William Stuart of Castlemilk, from whom the present family of the Stuarts of Castlemilk in Lanarkshire are supposed to be descended. In the said paper, on the part of Lord Galloway, it is related that these lands of Castlemilk were, during some time, enjoyed by Sir John Stuart of Dalwinton the eldest son, as well as the lands of Dalwinton and Jedworth; and that upon his death they went to his younger brother William, the ancestor of the present Stuarts of Castlemilk.

Accordingly, there is on p. 37 of that paper, a pedigree of the Derneley family, commencing from Sir Alexander Stuart of Derneley in the year 1370; in which pedigree Sir John Stuart of Derneley, and Sir William Stuart of Jedworth and Castlemilk, are represented as brothers; and it is stated, that there were two sons of that Sir William Stuart of Jedworth; to wit, John Stuart of Dalwinton, the ancestor of the Earl of Galloway, and Sir William Stuart of Castlemilk, the ancestor of the Stuarts of Castlemilk in the county of Lanark. The same thing is repeated in another more full pedigree of the Derneley family, which is subjoined to the said printed paper drawn up on the part of the Earl of Galloway.

The Author of this present Genealogical History having bestowed several years in the investigation of what relates to the Derneley family, and in tracing the different branches of that family, is ready to admit, that if it can be established by an authentic instrument, or by any thing deserving the name of solid good evidence, that Sir William Stuart of Jedworth was the son of Sir Alexander, or the brother of Sir John Stuart of Derneley, Or that he possessed the lands of Castlemilk, as well as those of Dalwinton and Jedworth, and in consequence thereof was sometimes designed *of Jedworth*, and at

other times of *Castelmilk*; then and in either of these cases, he should be of opinion, that the present Earl of Galloway must be the undoubted heir male and representative of the Derneley family on the failure of Cardinal York, the last of the male descendants from Sir John Stuart of Derneley: for it is very well ascertained that the Earl of Galloway is descended from, and is the true heir male and representative of Sir William Stuart of Jedworth, whose son John married the heiress of Dalswinton.

But the Author has seen no satisfactory evidence of some of the assumed facts above-mentioned, and therefore cannot admit, either that Sir William Stuart of Jedworth was the son of Sir Alexander Stuart of Derneley, or that Sir William Stuart of Jedworth ever was possessed of the lands of *Castelmilk*, or ever enjoyed the title of *Castelmilk*; on the contrary, the course of the evidence which has fallen under his consideration, necessarily decides his opinion and leads him to maintain, that Sir William Stuart of *Castelmilk*, the brother of Sir John Stuart of Derneley, was quite a different person from Sir William Stuart of Jedworth; and the authority of various concurring proofs and circumstances compel him also to maintain, that Sir William Stuart of Jedworth could not possibly be the son of Sir Alexander, or the brother of Sir John Stuart of Derneley, though it may be true, and indeed it seems highly probable, that Sir William Stuart of Jedworth was descended from the same stock with the Stuarts of Derneley; but he must have come from that stock some generations antecedent to the time of Sir Alexander Stuart of Derneley. Various authors indeed have expressly said, that Sir William Stuart of Jedworth, the ancestor of the Earl of Galloway, was descended from Sir John Stuart of Jedworth, a younger son of Sir John Stuart of Bonkill, which Sir John last mentioned was the ancestor likewise of the Derneley family.

With regard to the time of the death of that Sir William Stuart of Jedworth, it will be found to be totally irreconcilable with the supposition

supposition of his having been the brother of Sir John Stuart of Derneley, whose brother Sir William certainly lost his life in France in the year 1429. But Sir William Stuart of Jedworth had been taken prisoner by Hotspur Percy at the battle of Homildon, on the 14th of September 1402, and was soon thereafter, at his instigation, tried, condemned, and executed as guilty of high treason against the King of England; upon the pretence that he was a subject of that monarch, having in his early youth belonged to the county of Teviotdale, while it was subject to the English Crown. The particulars of his trial, condemnation, and execution are minutely related in the *Scotichronicon*, vol. ii. p. 434*; where it is mentioned, that Sir William Stuart, therein designed Sir William Stuart of the Forest, which meant the same thing as of Jedworth, or Jedworth Forest, had very ably pleaded his own cause, and that he had been acquitted by the three first juries appointed to try him, but that a fourth jury was assembled, which very unjustly condemned him.

The same facts of Sir William Stuart's being taken prisoner, tried, condemned, and executed, with further particulars, are related by Winton in his *Chronicle of Scotland*; where he is described Sir William Stuart of Teviotdale.

Winton's *Chronicle*, whereof the author was a Canon Regular of St. Andrews, and Prior of the monastery of Lochleven, was composed between the years 1408 and 1418: the latest event noticed by him is a transaction of the year 1418; and he died about the

* "Captus ibi fuit valens Miles, et inter sapientes primus, Dominus Willielmus Stuart de Foresta; et coram Domino Henrico Percy juniore de traditione falso ad-judicatus, pro eo quod, cum puer esset, antequam Thevidalia venit ad pacem regis, ipse sicut ceteri de Patria, Anglicatus erat et de necessitate; de hoc acrius accusatus, sed sagaciter sua propria peroratione defensus, tres Anglorum assisas tanquam immunis evasit, sed et dictus Percy, qui Hotspur dicebatur, inveterata excandescens malitie probitati nimium, et sapientie militis invidens, non passus est ipsum sic libertate donari; sed et de assentatoribus suis nova assisa electa prepropere, et perperam condemnatur, et tanquam traditor, tractus et demembratus innocens martyr pro justitia passus a plerisque etiam Anglis reputatus est."

year 1424. The continuation of the *Scotichronicon* by Walter Bowmaker, Abbot of St. Colomb, must have been written at some period between the year 1385, when he was born, and the year 1449, when he died. Both these authors, therefore, must have been well qualified to write an account of events so recent as those of the battle of Homildon and the trial and execution of Sir William Stuart, which had happened in their own time. There is internal evidence that the one author did not copy from the other; and further there is reason to believe, that neither of them could have had an opportunity of seeing the works of the other: they differ in some of the circumstances, but they are both agreed, and affirm with certainty, that Sir William Stuart was taken prisoner at that battle, and that he was tried, condemned, and executed soon thereafter; and that Hotspur Percy was the principal cause of his condemnation. It must have happened then in the period between the 14th of September 1402, the date of the battle of Homildon, and the 21st of July 1403, the date of the battle of Shrewsbury, when Hotspur Percy was killed*.

There

* Winton's Chronicle in manuscript had long been held in estimation, and referred to by historians and antiquaries, on account of the author's veracity and character.— That Chronicle was, according to the fashion of remote times, written in a sort of verse; and on pages 401, 402, 403, of volume ii. of the lately printed edition, after mentioning the battle of Homildon, there is the following account of what related to Sir William Stuart:

“ Schire William Stewart of Tetüidale
 “ That day wes tane in that batale,
 “ And ane-uthir gud Sqwyere,
 “ That be name wes cald Thom Kere:
 “ This Schire Henry de Percy
 “ Thá twa demaynit unlauchfully:
 “ As in jugemente sittand he
 “ Gert thir twa accufit be,
 “ That thir twa before then
 “ Had bene the King of Ynglandis men,
 “ And armyt agane hym ware: for-thi
 “ Thai ware accufit of tratowry,

“ Suá

There can be no reliance on any historical fact whatever, if credit is not due to this fact relating to Sir William Stuart, ascertained as it is by contemporary authors of great reputation, who could have no

“ Suá in coloure of justis,
 “ Set it wes náne, he raft affis.
 “ Anc affis first máid thaim qwyte;
 “ Bot this Percy wyth mare difpyte
 “ To this afs ekyt then
 “ Mare malitious felone men,
 “ That durst nocht do, but all as he
 “ Wald; fwá behovit it to be.
 “ Than accusit he thir twa men
 “ Sarare fer, than before then.
 “ Be this accusatioune
 “ Of dede thai tholit the passioune:
 “ And of thare quarteris he gert be fet
 “ Sum in-til York upon the yet.
 “ In-til Yngland wes a man,
 “ That oft oifit to speke than
 “ Syndry thingis, or thai fell,
 “ Bot of quhat spirite, I can-nocht tell:
 “ Quhen he hard, as this wes done,
 “ Quhare hym likyt, he said rycht fone;
 “ ‘ Men may happyn for to fe,
 “ ‘ Or a yere be gáne, that he,
 “ ‘ That gert yone lym be yondyr fet
 “ ‘ Now apon yon ilke yhet,
 “ ‘ His awyn lym to be rycht fwá,
 “ ‘ Swá may fal the gamyn to gá.’
 “ And fwá it hapnt that deid done,
 “ As yhe fal here eftyr fone.”

George Crawford in his manuscript “ Genealogical and Historical Deduction of the Stuarts of Dalwhinton and Garlies, now Lords Garlies and Earls of Galloway,” not only asserts the fact of Sir William Stuart of Jedburgh being the paternal ancestor of the Earl of Galloway; but also concurs with Winton and the Scotchchronicon, that he was taken prisoner at the battle of Homildon in the year 1402; and that at the instigation of Hotspur Percy he was tried, condemned, and executed soon thereafter. G. Crawford bestows much praise and admiration on Sir William Stuart as an heroic and patriotic character, but admits that he had raised the resentment of the Percy family by his hostile incursions and devastations of their estates in Northumberland.

induce-

inducement to falsify the fact; and who, if they had invented the story of the trial and execution of Sir William Stuart, could so easily have been detected; which would have ruined their characters for veracity, and destroyed the credit of the histories they were then giving to the public. Sir William Stuart alluded to by these historians was a great and distinguished character in those times, and so eminent both in Scotland and in England, that what related to him must easily have been known. If he had not been taken prisoner at the battle of Homildon, or had not been tried, condemned, and executed soon thereafter, but on the contrary, had lived many years after that period, as is stated in the said publication on the part of Lord Galloway; it would have been a most ridiculous attempt for any contemporary author to endeavour to persuade the world that Sir William Stuart, then alive, had been tried, condemned, and executed immediately after the battle of Homildon in the year 1402.

If credit is given to this fact of Sir William Stuart's being put to death in the year 1402 or 1403, as related in the *Scotichronicon* and by Winton; which credit cannot easily be withheld by any man of judgment and impartiality; then it is totally impossible that he could ever have attended Sir John Stuart of Derneley to France in 1420 or 1421; or that any of the actions described as belonging to Sir William Stuart, the brother of Sir John of Derneley, could have been applicable to this Sir William Stuart, whose career of life was finished in 1403.

The competition between the Earl of Galloway and the Stuarts of Castlemilk, for the representation of the Derneley family, will be brought within a narrow compass; for it will depend on this point, which of them shall be able to prove, by the most unquestionable evidence, that he is descended from Sir William Stuart the brother of Sir John Stuart of Derneley.

The remaining part of this Genealogical History shall be dedicated to tracing and proving the pedigree of the Stuarts of Castlemilk in

the county of Lanark, from Sir William Stuart of Castlemilk, the brother of Sir John Stuart of Derneley, down to the present time. It is from that Sir William Stuart that they claim to be lineally descended, without connecting their pedigree in any shape with that of Sir William Stuart of Jedworth. As every link in the chain, and the proofs in support of them, will thus be laid before the Public, it will not be difficult for a discerning reader to judge of the sufficiency or insufficiency of these proofs. Neither does the Author of these sheets grudge the advantages which the Earl of Galloway or any future competitor may derive from thus laying open to them by this publication, all the grounds on which the family of the Stuarts of Castlemilk mean to found their pretensions to the representation of the Derneley family.

In matters of this sort, the only fair and proper object is, that the truth should be ascertained, whether favorable or unfavorable to one family or another; and if any competitor ventures to produce a pedigree or state of facts not qualified to stand the test of the strictest examination, he must take the consequences; ill founded pretensions will justly be set aside to make way for those of other competitors.

In all events, the person who, after the strictest investigation of the evidence, shall finally be the successful competitor for the honor of representing the Derneley family, will at least have one obligation to the Author of this Genealogical History, that he will find the history of the Derneley and Lennox families cleared from a great deal of rubbish, by which means every competitor will be assisted in shaping his course with more precision, and with much less trouble and hazard than must otherwise have fallen to his share; particularly he will be saved the trouble of refuting many gross errors and inaccuracies, with which the history of the Derneley and Lennox families had been perplexed by the Genealogical Writers.

GENEALOGICAL HISTORY
OF
THE STEWARTS.

PART SEVENTH.

Comprehending the Period from the Year 1398, at which Time Sir WILLIAM STUART of Castelmilk is mentioned in Rymer's Fœdera, down to the present Year 1798 ; shewing the successive Representatives of the Castelmilk Family during that Period, commencing with the said Sir WILLIAM STUART of Castelmilk, the Brother of Sir JOHN STUART of Derneley, with References to the Proofs.

NINTH GENERATION RESUMED, *from the first* WALTER
Son of ALAN the High Stewart.

Sir WILLIAM STUART of Castelmilk, second Son of Sir ALEXANDER STUART of Derneley.

THE Proofs relating to this Sir William Stuart have been so fully stated in Part Third, and in the Discussion immediately preceding, that little remains to be added here on that subject. It will be sufficient to mention briefly some articles of evidence relating to him, for the purpose of bringing under view the Proofs of his existence at different period towards the close of the fourteenth and the beginning of the fifteenth centuries.

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VII.
N^o 1X.

PART
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PROOFS.

N^o. IX.
Rymer's Fœdera, tom. viii.
p. 58.

Rymer's Fœdera Angliæ, tom. viii. p. 58, where Sir William Stuart of Castelmilk is named as one of the sureties given on the part of Scotland for the preservation of the peace of the Western Marches of Scotland, in consequence of a truce or treaty of peace agreed upon between England and Scotland in the year 1398. The description of him in Rymer's Fœdera is, "*Willielmus Senescal de Castelmylke, Miles;*" and the other sureties with him were Sir John de Johnstoun, (ancestor of the late Marquis of Annandale,) Sir John Iile, &c.

This charter is amongst the papers belonging to Sir John Stuart at Castelmilk.

Original charter by Archibald Earl of Douglas, therein described Lord of Galloway and of Annandale, to John de Park and Janet Chisholme, his spouse, of the lands of Gilbertfield in the barony of Drumfargat, in the shire of Lanark, the testing clause of which charter is in these words: "In cujus rei testimonium, huic præsentì
" cartæ nostræ sigillum nostrum fecimus apponi, apud castrum
" nostrum de Bothwell, his testibus, Dominis Willielmo de Haya
" de Loucherwart, Willielmo de Borthwick de eodem, *Willielmo*
" *Senescalli de Castelmylke, Militibus, consanguineis nostris dilectis,*
" Magistris Alexandris de Cairns præposito de Lyncluden, Mathæo
" de Geddes et Jacobo de Fawside ecclesiarum Beatæ Mariæ de
" Forresta et de rivale rectoribus clericis nostris, cum aliis multis."

There can be no doubt that Sir William Stuart of Castelmilk, here mentioned as a witness, was the same Sir William Stuart of Castelmilk, Knight, who had been mentioned in Rymer's Fœdera in the year 1398. But this charter by the Earl of Douglas does not specify any precise date; and the question is, Upon what date, or in what year it was granted, and particularly whether it was granted before or after the year 1409? The solution of which question happens to be of some consequence, for the reasons to be immediately mentioned.

It will be found that the contents of the charter, and the seal appended to it, afford solid ground for ascertaining pretty nearly the date of it, or at least for proving that it must have been granted subsequent to the year 1409.

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In the charter above-mentioned in favor of John de Park, the Earl of Douglas is described as Lord of Galloway and of *Annandale*; it must therefore have been granted subsequent to the time when that Earl of Douglas was first created Lord of Annandale.

Nothing can be more certain than that the Earl of Douglas's first right to the lordship of Annandale was that which was conferred upon him by a Crown charter, dated 2d of October 1409, which is upon record, Roll ii. No. 47; it was the original grant of the lordship of Annandale to the Douglas family. This fixes the date of the Earl of Douglas's charter to John de Park to have been subsequent to the 2d of October 1409 at least. But further, the original grant of the lands of Borthwick to Gulielmus de Borthwick, was a charter upon record, dated 4th of June 1410; therefore till that time Gulielmus de Borthwick, one of the witnesses to the above charter, could not be design'd "*de eodem*;" but that is his designation in the charter above-mentioned. His designation before obtaining the lands of Borthwick was Gulielmus de Borthwick de Catkine; under which description he is one of the witnesses to the charter granted upon the 2d of October 1409, by Robert Duke of Albany, as governor of Scotland, to Archibald Earl of Douglas, of the lordship of Annandale; therefore the charter from the Earl of Douglas to John de Park must have been of a date subsequent to the 4th of June 1410. But the seal appended to that charter, containing the arms of Annandale quartered with those of Douglas, proves that charter to have been of a still later date than the month of June 1410. For it was not till the beginning of the year 1411, at soonest, that that Earl of Douglas had got prepared and made use of his new seal, with the addition of the arms of Annandale quartered with

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with those of Douglas. To get a new seal prepared, such as was requisite for the Earl of Douglas, after he had obtained the grant of the lordship of Annandale, was in those days, when there were but few artists skilled in workmanship of that nature, a work of some time; and it appears that it was more than twelve months after the date of that grant before the new seal was prepared and used. Of this there is good proof from two original charters still extant, granted by that same Archibald Earl of Douglas, the first of which charters is dated the 4th of November 1410, in favor of Alexander de Cairns; and the other charter is dated in March 1411, in favor of William de Cairns. The seals appended to these two charters * are still extant. The seal appended to the first of these charters of the 4th of November 1410, was the seal made use of by the Earl of Douglas before he became Lord of Annandale; but the seal appended to the second charter, dated the 1st of March 1411, contains the arms of Annandale quartered with those of Douglas. Hence it is evident, that the Earl of Douglas's charter to John de Park, to which Sir William Stuart of Castelmilk is a witness, with the seal of the Earl of Douglas, as Lord of Annandale, appended to it, must have been of a date subsequent to the 4th of November 1410; at which time it appears that the Earl of Douglas had not yet got prepared, or at least had not begun to make use of his new seal as Lord of Annandale.

This charter is in the possession of the Duke of Queensbury, among the archives at Drumlanrig.

Another original charter by Archibald Earl of Douglas, therein designed Lord of Galloway and Annandale, to Simon Carruthers of Mouswald, of the lands of Hodholme, &c. in the lordship of Annandale, dated the 4th of December 1411, to which charter William Stuart, Knight, and described as cousin of the Earl of Douglas, is one of the witnesses. The testing clause of the charter

* These two original charters in favor of Alexander and William de Cairns, were in the year 1788 in the possession of the late Mr. David Erskine, who then shewed them to the Author, for the purpose of ascertaining that in the month of November 1410, the Earl of Douglas either had not got prepared, or did not make use of his new seal as Lord of Annandale.

is in these words: " In cujus rei testimonium, huic præfenti cartæ
 " nostræ figillum nostrum fecimus apponi, apud Lochmaben, quarto
 " die mensis Decembris, anno Domini millesimo quadringentesimo
 " undecimo, his testibus, Jacobo de Douglas, Scutifero, fratre nostro
 " carissimo, Dominis Willielmo Domino de Græme, Willielmo de
 " Douglas de Middisdale, Willielmo de Douglas de Drumlanrig,
 " Willielmo de Haya de Loucherwart, Willielmo de Borthwick, Um-
 " frido Jardine, *Willielmo Senescallo*, Joanne de Carlile, Thoma de
 " Moravia, et Roberti Hennis, *Militibus*, consanguineis nostris, ac
 " multis aliis."

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N. B. Lochmaben, at which place this charter is dated, is in the near neighbourhood of Castelmilk, which belonged to Sir William Stuart, one of the witnesses to the above charter.

As both these charters were granted by the same Archibald Earl of Douglas, Lord of Annandale, and that in both *William Stuart, Miles*, described as a cousin of the Earl of Douglas, is one of the witnesses along with Willielmus de Haya de Loucherwart, and Willielmus de Borthwick, who were also witnesses to the Earl of Douglas's charter to John de Park; there can be no doubt that it was the same Sir William Stuart of Castelmilk who witnessed both charters, though his designation of *Castelmilk* is specified only in one of them; in the same manner as William de Borthwick is in one of the charters described as "*de eodem*," and in the other without that designation of *de eodem*, that is to say, without his designation.

It is further observable, that the title of cousin to the Earl of Douglas was not given at random in these charters; for in the first of them a line is drawn between the witnesses who were described as cousins of the Earl, and those who were not so described, the appellation of cousin finishing with the name of Sir William Stuart of Castelmilk, though there followed the names of other three witnesses to that charter.

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These two charters therefore by the Earl of Douglas, to which his cousin Sir William Stuart, Knight, was a witness, prove in a satisfactory manner, that the same Sir William Stuart of Castelmilk, Knight, who was mentioned in Rymer's *Fœdera* in the year 1398 as surety given on the part of Scotland for the peace of the Western borders, was alive in the year 1411, and enjoying the same title of Sir William Stuart of Castelmilk, Knight. If any doubt could be entertained whether it was the same Sir William Stuart who was witness to the charter in favor of Simon Carruthers of Mouswald, dated 4th December 1411, still the other charter in favor of John de Park, where Sir William Stuart is expressly designed "*de Castelmilk, Miles,*" would of itself be sufficient to establish the fact, that Sir William Stuart of Castelmilk was alive in the year 1411.

The reason why so much pains has here been taken to fix these dates is, for the purpose of refuting a very erroneous account given by George Crawford, in his *History of the Shire of Renfrew*, concerning the successive representatives of the Castelmilk family. In that history, p. 92, there is the following paragraph :

"The barony of Finnart Stuart, which, in the reign of King James II. by the forfeiture of the Earl of Douglas (anno 1445) came to Stuart of Castelmilk, whose ancestor was William Stuart, a younger son of Sir John Stuart of Darnley, in the reign of King Robert II., *John Stuart of Castelmilk his son*, who lived in the reign of King Robert III. is a witness in that resignation which William Urrie made of Fultoun to the monks of Paisley anno 1409. *He was killed at the battle of Verneuil in France in 1424. Archibald Stuart of Castelmilk his successor, obtained the lands of Finnart Stuart in the reign of James II. To him succeeded Alexander Stuart of Castelmilk, who was returned in these lands anno 1500.*"

Every article in this account given by Crawford is grossly erroneous, and must have been the effect either of shameful inaccuracy, or great

great ignorance of the title deeds and history of the family whose history he here pretended to give an account of. In the first place, it is not true that the lands of Finnart Stewart ever belonged to the Douglas family; or that they came to the Stuarts of Castelmilk by the forfeiture of the Earl of Douglas; for they belonged to the Stuarts of Castelmilk before that forfeiture of the Douglas family. Neither is it true that William Stuart, the ancestor of the Castelmilk family, was William Stuart a younger son of Sir John Stuart of Derneley; for their ancestor was William Stuart, a younger son of Sir Alexander Stuart of Derneley. There is no truth in the assertion, that William Stuart had a son *John* Stuart of Castelmilk. And it is equally false, that a *John Stuart of Castelmilk* was killed at the battle of Verneuil in France, anno 1424. It is also false, that Archibald Stuart of Castelmilk, the supposed successor to that John Stuart, obtained the lands of Finnart Stewart in the reign of James II.; for these lands belonged to the Castelmilk family before the reign of James II. as will be shewn under the next Article relating to David Stuart of Finnart and Castelmilk. The assertion that Alexander Stuart of Castelmilk succeeded to an Archibald Stuart of Castelmilk, is also contrary to the fact; for it will be shewn by indisputable evidence that Alexander Stuart of Castelmilk, who lived in the beginning of the sixteenth century, was the son of a William Stuart of Castelmilk, who was the son of a Matthew Stuart of Cassiltoun, Finnart, and Castelmilk. Hence it appears how completely erroneous Crawford has been in every article of the above pedigree of the Castelmilk family.

The random state of facts thus given by Crawford has however served to mislead some other genealogical writers, who have evidently copied from him without any correction of his errors; and it has also served in some degree to mislead the Author of the printed paper before-mentioned, circulated on the part of the Earl of Galloway; where it has been supposed, that the estate of Castel-

milk belonged, in the year 1409, to a John Stuart mentioned as a witness to William Urry's resignation of the lands of Fulton; and taking that for granted, it is immediately assumed as a fact, that the John Stuart therein mentioned, was John Stuart of Dalwinton, the ancestor of the Earl of Galloway, who, without any proof, is supposed to have been possessed of the estate of Castlemilk as well as of the estate of Dalwinton; and in order to account for the lands of Castlemilk not remaining with Lord Galloway's family, it is supposed that, after being enjoyed for a certain time by John Stuart of Dalwinton, they went to his younger brother Sir William Stuart who, on the part of Lord Galloway, is asserted to have been the ancestor of the Stuarts of Castlemilk in Lanarkshire.

The only foundation for all this superstructure is what George Crawford has said concerning a witness to William Urry's resignation of the lands of Fulton in the year 1409, under the description of John Stuart of Castlemilk; from which circumstance George Crawford has inferred that this John Stuart was proprietor of the lands of Castlemilk; and further, without appealing to any evidence or authority, has taken the liberty to send him to the wars in France, and to get him killed there at the battle of Verneuil in the year 1424. But it shall immediately be shewn that, even supposing there should be no inaccuracy in the testing clause of the copy of William Urry's resignation of the lands of Fulton referred to by George Crawford, though there is reason to suspect inaccuracy either in the name or description of John Stuart, witness to that resignation *; yet

* The deed referred to is a notarial instrument drawn up by John Hawke, Notary, setting forth what passed on William Urry's resigning the lands of Fulton, in favor of the Abbot and Monks of Paisley, on the 9th January 1409, *the testing clause* of which instrument is in these words: "Præsentibus *diēbus* Johanne Senefcallo de Castelmilk, Johanne Sympell, Domino Elliotston, Domino Roberto Maxwell, Domino de Calderwood, Johanne Wallas Ellersie, Thoma de Crawford de Auchennans, Johanne Logan Restaltig, Magistro Christophero Towninfret, et Domino Waltero
" Brus,

yet that there are other infallible facts and circumstances which render that instrument of William Urry's of no manner of consequence in the question about the successive representatives of the Castelmilk family.

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“ Brus, rector et vicario ecclesiarum de Crawford et de Kirkpatrick Glasguensis diocensis, testibus ad premissa vocatis specialiter et rogatis.”

If the above testing clause is accurate, John Stuart, the first named witness, must have been mentioned in some preceding part of that instrument; for the words “ *dictis Johanne Senefcallo de Castelmilk*” implies that he had been so mentioned; but there is no mention of him any where excepting in the testing clause: therefore it is evident, either that there has been in the original instrument a clause which has been omitted in this copy of it; or that the manner in which John Stuart is mentioned in the testing clause is very inaccurate; consequently cannot be relied upon as to any part of it, without seeing the original instrument, or the true Chartulary of Paisley which belonged to the Monks.

It must be observed, that what is called the Chartulary of Paisley from which that deed is copied, is not the original Chartulary which belonged to the Abbey of Paisley, and afterwards to the Earl of Dundonald's family, but a copy now in the Advocates' Library at Edinburgh, which formerly belonged to Richard Hay of Drumboote, who does not mention how he came by it, nor upon what grounds the accuracy of it may be depended upon. It would be requisite, therefore, before giving complete reliance to the accuracy of the deeds there inserted, either to see the original deeds themselves which authorized that insertion, or to have some evidence that Richard Hay's copy of the Chartulary had been compared with that which belonged to the Abbey of Paisley.

This circumstance above-mentioned gives reason to think that there must be some inaccuracy or omission in the copy of William Urry's resignation, inserted in Richard Hay's copy of the Chartulary of Paisley in the Advocates' Library; and if in that copy of the instrument of resignation there has been an omission of what related to the witness John Stuart, who by his being described *the said* John Stuart must certainly have been mentioned in a former part of the instrument; then it is very probable that his description in the first part of the instrument might, if the whole had been faithfully transcribed, have contained something that would have pointed out more particularly what related to John Stuart, who, in the testing clause is described de Castelmilk; and might have led to a discovery whether there was a mistake in the mention of a John Stuart of Castelmilk, or whether the John Stuart there mentioned was meant to be stated as the proprietor of the lands of Castelmilk, or merely as a tenant in these lands, or a portioner of part of them; either of which suppositions are the more probable, as the real proprietor of the lands of Castelmilk, Sir William Stuart, Knight, was at that time, in the year 1409, alive, and lived many years thereafter.

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It must be admitted, that if it can be shewn that at that very period in the year 1409, or at a later period, there existed a Sir William Stuart of Castelmilk, the known and acknowledged proprietor of that estate, his existence must of itself be destructive of any argument or conjecture founded upon the circumstance of there being a John Stuart of Castelmilk mentioned as a witness to William Urry's resignation in the year 1409. For the supposition of John Stuart's having been proprietor of the lands of Castelmilk in that year must go for nothing, unless those who make use of that supposition can either prove, or make it appear probable, that Sir William Stuart of Castelmilk had ceased to exist before the year 1409; or that he had before that period ceased to be proprietor of the lands of Castelmilk: one or other of these suppositions is indispensably necessary to the admission of a John Stuart as proprietor of these lands of Castelmilk. It must be with a view to make it probable that the first Sir William Stuart of Castelmilk had died before the year 1409, that Lord Galloway lays so much weight on the circumstance of there being a John Stuart described as of Castelmilk in the year 1409 in Urry's instrument of resignation; but the certain proof of Sir William Stuart's existence long after the year 1409, must at once defeat every argument or conjecture founded on the notion of a John Stuart of Castelmilk in Urry's resignation in 1409. It has been proved by the charters before-mentioned from the Earl of Douglas in the year 1411, to which Sir William Stuart of Castelmilk was witness, that the same Sir William Stuart, Knight, mentioned in Rymer's *Fœdera* in the year 1398, was alive in the year 1411, and continued to be described in the same manner, de Castelmilk, Miles.

Further it has in Part III. been proved, in the most conclusive manner, that the same Sir William Stuart, who is admitted by Lord Galloway to have been the brother of Sir John Stuart of Derneley, continued to live till the year 1429, when he was killed in France

in

in the same battle with his brother. This fact has been established beyond the reach of controversy; and not only admitted, but founded upon by Lord Galloway himself, who says, that his ancestor Sir William Stuart of *Castelmilk*, whom he holds to be the same with Sir William Stuart of Jedworth, lived till the year 1429, when he was killed during the siege of Orleans. It is scarcely necessary, therefore, to appeal to the charters before-mentioned, granted by the Earl of Douglas in 1411, for proving that Sir William Stuart of Castelmilk was alive in the years 1409 and 1411; for if he lived till the year 1429, which it is admitted he did, he necessarily must have been alive also in the years 1409 and 1411, and in all the years which intervened between the time of the first mention of him in Rymer's *Fœdera* in 1398, and the time of his death in 1429. Hence it follows that, even supposing no mistake in the description of a John Stuart of Castelmilk, as witness to William Urry's resignation in 1409, it can serve no purpose to appeal to that instrument as a proof of the existence of a John Stuart of Castelmilk, in the year 1409, unless it necessarily inferred the *non-existence* of Sir William Stuart the known and acknowledged proprietor of the estate of Castelmilk.

The certain fact is, not only that Sir William Stuart the proprietor of the lands of Castelmilk was alive in the year 1409, but that he continued to live for twenty years thereafter, till he was killed in France in the same battle with his brother in 1429. But this is not the only answer to the inferences and arguments drawn by George Crawford and his followers from the supposed existence of a John Stuart of Castelmilk in the year 1409. There is a further answer in point of fact which, on the part of the Stuarts of Castelmilk is confidently asserted, to wit, that there *never was a John Stuart proprietor of the lands of Castelmilk*, either in the year 1409, or at any other period in the fifteenth century. They are confident that it will not be in the power of any person whatever to produce real
solid

solid evidence of a John Stuart proprietor of the lands and estate of Castelmilk, excepting Sir John Stuart of Derneley, who was Lord of Castelmilk in the year 1387, as already mentioned.

The family of the Stuarts of Castelmilk in the county of Lanark connect their pedigree directly with Sir William Stuart of Castelmilk, Knight, mentioned in Rymer's *Fœdera* in the year 1398, who lived down to the year 1429; and as they do not connect their pedigree in any shape with a John Stuart of Castelmilk, whom they consider as an ideal person, they are under no obligation to account for that John Stuart, or to remove him out of the way.—It is the business of those who found upon that John Stuart to prove what relates to him, and to shew that he was at some period proprietor of the lands and estate of Castelmilk, and representative of the Castelmilk family. Without proving these points, it is impossible for Lord Galloway to make out his case, as he claims directly through that John Stuart, who, he says, was John Stuart of Dalwinton his ancestor: he therefore forms an essential link in the line of the Earl of Galloway's pedigree, and it will be incumbent on his Lordship to produce evidence concerning him.

Sir William Stuart of Castelmilk who was killed in France during the siege of Orleans, on the 12th of February 1429, left four sons, David, Archibald, Matthew, and Walter Stuarts; and one daughter, Elizabeth, married to Robert Lyle, Chevalier de Deuchal. Of these four sons the proofs will be stated under the next Article relating to the Tenth Generation.

TENTH GENERATION.

1. DAVID STUART of Castelmilk and Fynnart, who had one Son, ALEXANDER, and both died without leaving issue male to inherit the estates.
2. ARCHIBALD STUART, who, on the death of DAVID and ALEXANDER, succeeded to Castelmilk, &c. This ARCHIBALD had one Son, WILLIAM, who succeeded him, but died without male issue.
3. MATTHEW STUART of Cassiltoun, who, on the death of his two Brothers DAVID and ALEXANDER, and their Sons, succeeded to the estates of Castelmilk and Fynnart, and carried on the line of the family.
4. WALTER STUART of Arthurly, who in a charter from the Crown in February 1439 is described Son of the deceased WILLIAM STUART of Castelmilk, Knight.

PROOFS concerning DAVID STUART the eldest Son of Sir WILLIAM STUART of Castelmilk.

N^o 1. **A** DECREE by Sir John Forster of Corstorphin, Chamberlain of Scotland, dated 3d January 1429, (which according to modern computation was the year 1430,) pronounced in a contest between the Burghs of Dumbarton and Renfrew, relating to their respective rights of fishing in the river Clyde; in the course of which contest the matters in dispute were referred to

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This decree in the possession of the Burgh of Renfrew.

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the cognizance of an Affize or Jury composed of noblemen and gentlemen of the country, who assembled at Glasgow on the 22d of November 1429. The names of the Jury are inserted in the said Chamberlain's decret, and amongst these there are the following names and descriptions :

“ Alan Stuart, Lord of Darnlee.

“ Robert Stuart, Lord of ———.

“ Alexander Stuart, ———.

“ David Stuart, Lord of Finnart.”

It has been shewn in Part IV. that the Alan Stuart, Lord of Derneley, above-mentioned, was the eldest son of Sir John Stuart of Derneley, who had been in that same year, 1429, killed in France in the month of February. And there can be as little doubt that the David Stuart here mentioned as Lord of Finnart was the eldest son of Sir William Stuart of Castelmilk, who had been recently killed in the same battle with his brother Sir John of Derneley ; for both Finnart and Castelmilk belonged to the same family ; and the same David Stuart here designed of Finnart was at other times designed of Castelmilk, as appears from the following authentic papers still extant :

This charter in the possession of the family of Marr.

N^o 2. Charter dated 19th February 1444-5, granted by Robert Lyle, Lord of Deuchal, of the lands of Strathdee, and others lying in the earldom of Marr, in favor of Sir Alexander Forbes of that ilk, to which charter *David Stuart of Castelmilk* is a witness.

This charter is verbatim inserted in the charter of confirmation thereof from the Crown, dated 18 April 1485. Vide Article No 5.

N^o 3. Charter dated 8th February 1445-6, granted by Robert de Lyle, Lord of Deuchal, in favor of John de Rofs, Lord of Haukhead, of the lands of Wester-third and Middle-third, lying in the lordship of Bo'quhan and shire of Stirling ; to which charter, David Stuart Lord of Castelmilk is a witness, and he is there described as uncle to Robert de Lyle, the granter of the charter. The testing clause is in these words. “ In cujus rei testimonium sigillum meum “ presenti cartæ meæ est appensum, apud Renfrew, octavo die “ mensis Februarii, anno Domini 1445, his testibus honorabilibus
“ viris

“ viris ac avunculis meis carissimis, *David Stewart Domino de Castelmilke, Alexandro de Lyle* *, Alexandro Stuart filio et hærede Domini de Castelmilke, Archibaldo Stewart, Roberto Semple, et Jacobo Stewart, armigeris; et multis aliis.”

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It is to be observed, that Robert de Lyle, Lord of Deuchal, who granted the above charter in February 1445-6, and who soon thereafter was created Lord Lyle, was the son and heir of Robert Lyle, Chevalier de Deuchal, who married Elizabeth Stuart, daughter of Sir William Stuart of Castelmilk; consequently all the sons of that Sir William Stuart were uncles to Robert the Lord of Deuchal, who granted the said charter in February 1445. The description therefore in that charter of *David Stuart of Castelmilk*, as *uncle to Robert de Lyle*, would of itself afford strong evidence that he was son of Sir William Stuart of Castelmilk. And if any doubt could be entertained as to that point, or as to David's being the eldest son, these facts would be supported and enforced by the substantial evidence arising from David's having succeeded to, and enjoyed the same lands and estate which had been enjoyed by his predecessor Sir William Stuart.

Another of the witnesses to that charter was Alexander Stuart, son and heir of David Stuart of Castelmilk. This is the latest mention that has any where been discovered of that Alexander Stuart, who, it is presumed, died before his father David, as he never was in possession of the estates, which, upon the death of David, devolved on his brother Archibald Stuart of Castelmilk.

* This is not the only instance where Alexander de Lyle is described as uncle to Robert de Lyle; for there is in the Chartulary of Paisley, p. 276, a precept of feisin, dated 25th September 1452, granted by Robert Lord Lyle in favor of William Semple, where Alexander de Lyle and William de Lyle are both of them described as uncles of the granter of that precept, without any other designation; the words are, “ testibus, Alexandro de Lyle, Willicmo de Lyle, patris meis carissimis.”

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This feifin is in the Earl of Glasgow's charter-room.

This charter is in the poffeffion of the Earl of Glasgow, amongst the papers belonging to the family of Haulkhead.

N^o 4. Seifin, dated 15th of February 1445, given by Robert de Lyle, Lord of Deuchal and Boquhan, *propriis manibus*, in favor of his coufin John de Rofs, Lord of Haulkhead, of the faid lands of Wefterthird, &c. proceeding on the forefaid charter; to which feifin one of the witneffes is *David Stuart, Dominus de Caftelmilk*.

N^o 5. Charter of confirmation, dated 14th April 1458, granted by King James II. in favor of Sir John de Rofs of Haulkhead, confirming the faid charter, dated 8th of February 1445, granted in his favor by Robert de Lyle, Lord of Deuchal; in which charter of confirmation, the original charter confirmed, with the telling claufe, is verbatim inferted.

The two preceding articles, No. 4 and 5, are recorded in the Register of Probative Writs on the 20th of September 1793.

N^o 6. A precept of feifin, dated 25th of February 1445-6, by Willielmus Dominus de Crichton, Miles, by which he names *David Stuart of Caftelmilk* one of his bailiffs for giving feifin to John de Schaw of Hally, of the lands of Dryveholme, Bekhoufe, and Langholm in Annandale. This precept is verbatim inferted in a notarial instrument, dated the 27th of March 1446, to which James Bifhop of Dunkeld, Chancellor of Scotland, Mr. William Turnbull, Keeper of the Privy Seal, James of Aukinleck, Knight, and Walter Scott of Buccleugh, Knight, are witneffes.

This notarial instrument is amongst the papers of the late Mr. D. Erskine, W. S.

It is to be obferved, that as this David Stuart of Caftelmilk and Fynnart was, within a few months after his father's death in the year 1429, defigned *of Fynnart*, it leaves little or no room to doubt that thefe fame lands of Fynnart had belonged to his father Sir William Stuart, as well as the lands of Caftelmilk; for it is certainly much more probable that David Stuart fhould have fucceeded to the lands and eftate of Fynnart as heir to his father, than that he fhould have acquired fo considerable an eftate himfelf, in the fhort period between the death of Sir William Stuart in February

1429, and the said meeting at Glasgow in the month of November 1429*.

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* The late Mr. David Erskine, who during many years had the charge of the affairs of the Castelmilk family, and had access to their papers and title deeds, was very positive that he had seen among the papers at Castelmilk the original grant of the lands of Fynnart in favor of the Stuarts of Castelmilk; which grant, according to the best of his recollection, was from Robert II. or Robert III.

This opinion or recollection of Mr. Erskine's was frequently mentioned by him to the Author, who in consequence applied to Sir John and Lady Stuart of Castelmilk, to make diligent search amongst their old papers for that original grant of the lands of Fynnart; which search proved unsuccessful. Mr. Erskine however continued in the opinion that he had seen and read that original grant at Castelmilk. This appears from a paragraph in a letter written by him to Lady Stuart in the year 1789, at the time when he forwarded to her the notes he had taken from the decret above-mentioned of the Chamberlain of Scotland.

The letter is in these words :

“ On looking over some notes taken from time to time of papers going through my hands, I find a copy of a decret of the Chamberlain of Scotland, 3d January 1429, in a question between the burghs of Renfrew and Dumbarton about the fishings in Clyde; among the assize are, Alan Stewart, Lord of Darnelie, Robert Stewart, Lord of —, Alexander Stewart, *David Stewart, Lord of Fynnart*. This last I have no doubt was David of Castelmilk, who Mr. Andrew Stuart says got Gouroch in 1435 (1); but from this writing it is evident he had it six years before; and indeed I still think I saw at Castelmilk the original grant of Fynnart from Robert II. or III.

“ The original of this decree is among the writs of the borough of Renfrew; so you know where to find it in case it be of use.

(Signed)

“ DAVID ERSKINE.”

Mr. Erskine was remarkable for the accuracy both of his memory and judgment in all matters of business; and if his recollection of having seen the original grant of the lands of Fynnart from Robert II. or Robert III. was well founded, that of itself would necessarily prove, that these lands of Fynnart had belonged to the Castelmilk family before the time of the above-mentioned David Stuart of Castelmilk and Fynnart, the son of Sir William. For if proceeding from a grant either of Robert II. or Robert III. that grant must have been either in favor of Sir William Stuart of Castelmilk, or of his father Sir Alexander Stuart of Darnelie, most probably it was a grant in favor of the former; and as he was proprietor of the lands of Fynnart, it was most natural that upon his death in the year 1429, the title of Fynnart, as well as that of Castelmilk, should go to his eldest son David Stuart.

(1) At the time of Mr. Stuart's conversation with Mr. Erskine alluded to in this letter, Mr. Stuart had been misled by what was said by George Crawford in his History of the Shire of Renfrew, p. 92, where he asserts that the lands of Fynnart had come to the Castelmilk family by the forfeiture of the Earl of Douglas. This he mentioned to Mr. Erskine, but upon better consideration afterwards became satisfied that George Crawford's account of that matter was totally erroneous.

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As it is established by the most unquestionable evidence that Sir John Stuart of Derneley and his brother William were both of them killed in France on the same day, 12th of February 1429, this meeting at Glasgow on the 22d of November 1429, affords an additional proof of Sir William Stuart of Castelmilk being one and the same person with Sir William Stuart the brother of Sir John Stuart of Derneley; for at the time of this meeting when Alan Stuart was designed Lord of Derneley, which had belonged to his father Sir John, and when David Stuart was designed Lord of Finnart, which had belonged to his father Sir William, both of them had recently succeeded to these titles by the deaths of their fathers; and therefore the coincidence in point of time, with the established fact of the deaths of Sir John Stuart of Derneley and of his brother Sir William Stuart in February 1429, furnishes an additional link to the chain of circumstances which indicate the identity of Sir William Stuart of Castelmilk, with Sir William Stuart the brother of Sir John Stuart of Derneley; for if it could be supposed that they were different persons, then it must further be supposed that those two Sir William Stuarts, besides the fallacious resemblances in other respects, had increased that perplexing resemblance, by dying much about the same time in the year 1429.

If there had been any proof, or any reason to believe that Sir William Stuart of Castelmilk was alive at any period after the 12th of February 1429; or if there were any proofs that his son David Stuart had been designed of Castelmilk or of Finnart at any period before that date, thus inferring that his father had died before that time; then either of these circumstances would have proved, that Sir William Stuart of Castelmilk must have been a different person from Sir William Stuart killed in France in February 1429; but there is no vestige of any evidence of that sort, and the decret above-mentioned, containing the account of the meeting in November 1429 between Sir Alan Stuart, Lord of Derneley, and David Stuart, Lord of Finnart, is perfectly consistent

with

with the ascertained fact relating to the time of the death of Sir William Stuart, the brother of Sir John of Derneley. The contents of that decret therefore are of use, both for the purpose of adding to the circumstances which establish the identity of Sir William Stuart of Castelmilk with Sir William Stuart killed in France; and for that of proving that David Stuart of Finnart and Castelmilk was the son and heir of that Sir William Stuart.

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PROOFS concerning ARCHIBALD STUART of Castelmilk, the second Son of the first Sir WILLIAM STUART of Castelmilk; and concerning WILLIAM the Son of ARCHIBALD.

From the papers referred to in the preceding Article, it appears that David Stuart, the eldest son of Sir William, was alive in the year 1446. How much longer he lived, has not as yet been ascertained; but it is certain, that both he and his son Alexander had died before the year 1464; for in that year, Archibald Stuart, the younger brother of David, was proprietor of the estate of Castelmilk, as appears from an authentic instrument hereinafter mentioned, N° 1.

In an old manuscript, by Mr. Hamilton of Wislaw, a very intelligent antiquary, and much respected for his knowledge and accuracy, he mentions, that "he had found Archibald Stuart returned to the lands of Fynnart, lying in the sheriffdom of Renfrew, anno 1463;" whence it is presumable, that David, the preceding proprietor, had died but a little before the year 1463; but as that return has not yet been found, the evidence to be here stated will refer only to the proofs now existing either upon record or in original papers.

N° 1. Charter under the Great Seal, by King James III. dated 21st October 1464, confirming a charter dated at Edinburgh, 19th

In the Public
Records,
b. vi. N° 122,
and contains a

October

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 verbatim copy
 of the charter
 confirmed.

October 1464, granted by Robert Crichton of Sanquhar, in favor of Robert Charteris of Amisfield, of an annual rent of 20*l.* Scots, to be levied out of the barony of Sanquhar, the witnesses to which charter are thus described: "Testibus *nobilibus viris* Dominis David "Herris de Avendale, Joanne Carlyle de Tortheral, Militibus, "Joanne Maxwell, Senescallo Annandæ, *Archibaldo Stewart de* "Castelmylk, et David Kirkpatrick, et Thoma Unthank, notario publico; cum multis aliis."

The witnesses to the preceding charter described as noble persons, it is well known, were great proprietors in Annandale, and considerable men in those times.

Archibald Stuart of Castelmilk did not long survive his brother David; for in the beginning of the year 1467, William Stuart, the son of that Archibald, was in possession of the estate of Castelmilk, as appears from the following instrument:

In the possession of Lord Cathcart, and recorded in the Register of Probative Writs on the 9th April 1793.

N^o 1. Notarial instrument, dated 20th March 1466, (in modern style 1467,) under the subscription of Joannes Preston, presbyter Glasgwen. diocese, concerning a judicial declaration made by Jacobus de Cathcart, in relation to a resignation made by him to Allan Lord Cathcart of the Two Merk Lands of Drumnean and others, in the shire of Air; to which notarial instrument *William Stuart, Dominus de Castelmilk*, is a witness, along with Robert Lord Lyle, and several other witnesses.

N^o 2. Notarial instrument, dated 6th July 1484, ascertaining what passed that day in the Court-house of Dumfries, when Elizabeth Stuart, describing herself daughter and heir-apparent of the deceased *William Stuart* of Castelmilk, claimed to be served as nearest lawful heir of her grandfather *Archibald Stuart*, in the *third* part of the lands of the tenement of Castelmilk lying in the lordship of Annandale.

From

From that notarial instrument it appears, that upon the 6th of July 1484, in presence of the deputy of Robert Crichton of Sanquhar, sheriff of Dumfries, compeared Archibald Carruthers of Mousewald, producing letters of attorney from Elizabeth Stuart, "filia et hæres apparens quond. Gulielmi Stuart de Castelmilk;" and that the said Archibald Carruthers asserted and alleged, that *Archibald Stuart, grandfather of the said Elizabeth Stuart*, died last vest and seized as of fee in the *third part of the lands of the tenement of Castelmilk* lying in the lordship of Annandale; and that the said Elizabeth was nearest and lawful heir of the said *Archibald Stuart, her grandfather*, in the said third part of the lands, with their pertinents. The notarial instrument then proceeds to state, that an honorable man, *William Stuart of Castelmilk*, (who, as it will appear hereafter, was son of Matthew Stuart of Castelmilk, and then in possession of the family estate,) objected to the service, and alleged bastardy. The words are, "Honorabilis vir Willielmus Stuart de Castelmilk objecit et allegavit bastardiam;" that this objection was not made until the oaths had been taken by the persons going out of court upon the said inquest. Upon all which the said Archibald Carruthers, as attorney foresaid, required to have a public instrument; and that these things were done in presence of the following witnesses thereto called, *viz.*

John Maxwell, Steward of Annandale,
 Gilbert Johnstoun of Elphinston, Knight,
 John Johnstoun of that ilk,
 John Carruthers of Holmends, and
 Henry Kirkpatrick of Golrig.

The contents of the notarial instrument above-mentioned, joined with this circumstance, that Elizabeth's service was opposed, not by any younger son of Archibald's, nor by any grandson of his, but by a collateral heir male, William Stuart, then in possession of the family estate of Castelmilk, prove, that Archibald Stuart of Castelmilk, the grand-

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In the possession of Mr. Carruthers of Holmends; and recorded in the Register of Probative Writs 10th April 1793.

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grandfather of Elizabeth Stuart, (the claimant in 1484,) had left no other sons beside William the father of Elizabeth, and that he, William, had left no sons; for she, in her claim, first describes herself as daughter and heir-apparent of the deceased William Stuart of Castelmilk, and then states, that she was nearest and lawful heir of Archibald Stuart her grandfather; and the instrument shews, that the person who objected to the service was William Stuart of Castelmilk, a collateral heir male. These things could not have happened, nor would the assertions have been made in presence of so many respectable witnesses, all of them persons of that part of the country, unless the facts had been notorious, that Archibald Stuart of Castelmilk had left no other sons besides William, and that William had left no sons.

It has been shewn, that the said Archibald Stuart, grandfather of Elizabeth, died before the year 1467; and it will appear, under the following Article, that William Stuart, the son of Archibald, died before the year 1470, when Matthew Stuart of Cassiltoun, the brother of Archibald, succeeded to the estates of Castelmilk and Fynnart; Matthew died in the year 1474, and was succeeded by his son William Stuart of Castelmilk, who continued in possession of the family estates from the year 1474 till the time of his death in the year 1495. It was therefore this William Stuart of Castelmilk, the son of Matthew, who appeared and objected, in the year 1484, to the service which Elizabeth Stuart was then carrying on, for being served heir to her grandfather Archibald Stuart of Castelmilk in certain parts of the old original estate of Castelmilk.

It is to be observed that the original or complete estate of Castelmilk had consisted of lands to the amount of a Sixty Merk Land of Old Extent; but by a very antient division made in the times of remote antiquity, these lands had been divided into two-thirds and one-third. The *two-thirds* were sometimes described as the *Forty Merk Lands of Castelmilk*, and as frequently described

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as the *Two-thirds* or *Two Parts of Castlemilk*. The One-third was described sometimes the *Third of Castlemilk*, and at other times as the *Twenty Merk Lands of Castlemilk*, or the *Twenty Merk Lands of Middlebowe*, which meant the same thing. The property of the Two-thirds or Forty Merk Lands of Castlemilk belonged in the year 1387 to John Stuart, Lord of Castlemilk, afterwards Sir John Stuart of Derneley. The property of these Forty Merk Lands of Castlemilk were before the year 1398 transferred to Sir William Stuart of Castlemilk, to be held by him and his heirs of and under his elder brother Sir John and his heirs; by which means the superiority of those Two-thirds or Forty Merk Lands of Castlemilk remained for many generations with the Stuarts of Derneley and Lennox, descended from the said Sir John Stuart of Derneley; while the property of these same Two-thirds remained with the Stuarts of Castlemilk descended from the said Sir William Stuart of Castlemilk. The rights of the Derneley family to the superiority, and the rights of the Stuarts of Castlemilk to the property were precisely of the same and no greater extent, and related solely to the said Two-thirds or Forty Merk Lands of Castlemilk; neither of them had any interest in or connection with the Twenty Merk Lands of Castlemilk, called the Third of Castlemilk.

The single instance of any of the Stuarts having ever had any connection with the Third or Twenty Merk Lands of Castlemilk was in the case of Archibald Stuart, the grandfather of Elizabeth Stuart mentioned in the said instrument in the year 1484, which instrument proves that Archibald Stuart had died last vest and seized in that Third of Castlemilk, and that his grand-daughter Elizabeth Stuart claimed to be served heir to him therein. It must be remembered that this Archibald Stuart upon the death of his elder brother David Stuart of Castlemilk and of his son Alexander, without leaving issue male, had succeeded to and enjoyed the Two-thirds or Forty Merk Lands of Castlemilk, which were held of the Derneley family; which Two-thirds or Forty Merk Lands went, upon the death

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of Archibald and of his son William, to the next collateral heir male, Matthew Stuart of Cassiltoun, brother of the said Archibald, and to his heirs male, in preference to Elizabeth Stuart the granddaughter of Archibald and the daughter of William Stuart of Castelmilk. But as she was the person who by the said instrument in 1484 claimed to succeed to her grandfather Archibald in the third part of Castelmilk, in which he had died last vest and seised, without ever pretending any right to the *Two-thirds* which went to collateral heirs male; and as these collateral heirs male, though they opposed her service and right to the *Third* of Castelmilk on account of alleged bastardy, yet never pretended to have any right to that Third themselves; it follows from thence that Archibald Stuart had derived his right to the *third part* of Castelmilk, through a channel different from that by which he succeeded to the *Two-thirds*, and must have held it upon a tenure and with a destination of succession different from that by which he had succeeded to and enjoyed the *Two-thirds* of Castelmilk. The most probable solution of this point is, that the said Archibald Stuart of Castelmilk had himself purchased or acquired right to that third part of the lands of Castelmilk in which he died vest and seised, and having acquired it by his own means, naturally allowed that part of his property to go to his heirs general, while the other *Two-thirds* held of the Derneley family, and to which he, Archibald Stuart, had succeeded as heir male of the Castelmilk family, were limited to go to heirs male collateral, in preference to heirs general.

This supposition, authorised by all the known circumstances of the case, serves to remove those apparent difficulties which would otherwise make it appear so extraordinary that Elizabeth Stuart should have claimed the third part of Castelmilk, which had belonged to her grandfather Archibald Stuart, without claiming the other two-thirds which had also belonged to him: and accounts also for the other extraordinary circumstance of no claim having been made by the collateral heir male Matthew Stuart, or his son William of

Castel-

Castlemilk, to the said third part of Castlemilk which had been enjoyed by their relation Archibald Stuart.

Elizabeth Stuart, who claimed the third part of Castlemilk in 1484, as heir to her grandfather Archibald Stuart, though she did not succeed at that time in her claim, appears to have succeeded in it at some subsequent period; for there is an instrument of feisin in the year 1495 in favor of that Elizabeth Stuart, wherein she is designed spouse of an honorable man, Robert of Carruthers; which feisin proceeds upon a precept of feisin from the Crown, directed to John Lord Maxwell, Steward of Annandale, ordering him to give feisin to Elizabeth Stuart of the Forty Shilling Land of Old Extent of Thundergarth, and of the Forty Shilling Land of Whitflames; and it is said that she and her husband were infeft in the lands of Middleshaw and Sorryfikes by Robert Lord Maxwell in the year 1516. And the said Robert de Carruthers, husband of Elizabeth Stuart, was, upon the 14th of May 1495, witness along with Alexander Stuart of Castlemilk, to a feisin hereinafter mentioned of the lands of Pennerfex in Annandale in favor of Adam Kirkpatrick, in which feisin Robert de Carruthers is designed *of Middleshaw*; which it is clearly ascertained was the same thing as the Twenty Merk Lands of Castlemilk, or the Third of Castlemilk.

After the death of the said Elizabeth Stuart, and of her husband Robert de Carruthers, the said Twenty Merk Lands or Third of Castlemilk passed through various hands, till they came at last into the possession of David Viscount Stormont, the ancestor of the present Lord Stormont and Earl of Mansfield, to whom the whole of these lands of *Middleshaw or third of Castlemilk* do now belong either in property or in superiority. But these lands of Middleshaw or third of Castlemilk have at no time belonged to the Derneley family either in property or superiority; neither have they ever belonged to the Stuarts of Castlemilk, excepting in the single instance of Archibald Stuart which has been accounted for as above.

PROOFS CONCERNING MATTHEW STUART of Cassiltoun, Castlemilk, and Fynnart, third Son of Sir WILLIAM STUART of Castlemilk.

N^o 1. Charter, dated 6th January 1464, by John Stuart Lord of Derneley, in favor of Thomas Stuart of Albany, of the lands of Balderran in Stirlingshire, to which charter Matthew Stuart of Cassiltoun is a witness, along with Andrew Stuart Lord Avendale, Chancellor of Scotland, Murdoch Stuart, Miles, John Maxwell of Nether Pollock, and other witnesses. This charter is *verbatim* inserted in a charter of confirmation under the Great Seal, in the Public Reords, lib. vi. N^o 52.

Public Records, lib. vi. No. 52.

In the charter-chest of Sir John Stuart of Castlemilk.

N^o 2. Judicial ratification, dated 24th November 1466, by Isabella Norvel, Lady of Cardonald, wherein she is thus designed: "Sponsa " Gulielmi Stewart, filii et apparen' hæredis honorabilis viri *Matthæi Stuart de Casseltone*."

In the possession of Sir John Maxwell of Pollock.

N^o 3. Instrument of resignation, dated 14th July 1468, by Lady Katherine de Seton, Lady of Derneley and of Maxwell, with consent of her son George Maxwell, eldest son and heir of the marriage between the deceased Herbert Lord Maxwell her husband and her the said Katherine; whereby she resigned into the hands of Robert Lord Maxwell, son and heir of the deceased Herbert Lord Maxwell, certain lands in Renfrewshire. To which resignation the witnesses, among others, are, James Lord Hamilton, *Matthew Stuart of Cassiltone*, &c.

N. B. Lady Katherine Seton, who made this resignation, had first married Alan Stuart of Derneley, and after his death married Herbert Lord Maxwell. By her first marriage she had John Stuart of Derneley, afterwards Lord Derneley and Earl of Lennox; and by her second marriage she had George Maxwell of Carnsallock, who was brother-uterine of John Stuart Lord Derneley; and

it appears that Matthew-Stuart and George Maxwell were frequently witnesses to deeds by this John Lord Derneley.

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This Matthew Stuart was uniformly designed of Caffiltoun only, while his elder brothers David and Archibald, or their sons, existed. But by the death of William Stuart of Castelmilk, the son of Archibald, Matthew Stuart having succeeded to the family estates of Castelmilk in Annandale, and of Fynnart in Renfrewshire, he then took the titles of Castelmilk and Fynnart promiscuously, being sometimes designed of the one and sometimes of the other, as will appear in the sequel.

It has been shewn, that William Stuart, the son of Archibald Stuart, was alive on 20th March 1466 (1467). How soon thereafter he died has not as yet been precisely ascertained, but it must have been before the year 1470, as there is evidence, that in that year and ever thereafter, Matthew Stuart took the designation of Fynnart and of Castelmilk, in the same manner as had been done by his elder brother David Stuart, who, as has been shewn, was sometimes designed of Fynnart and sometimes of Castelmilk.

N^o 4. Charter, dated at the city of Glasgow, 3d May 1470, by *John Lord Derneley*, granting to his cousin James Campbell of Braekenrig, all and haill the lands of Brownside, lying in the barony of Strathaven, in the shire of Lanark; to which charter the witnesses are,

Amongst the
Awendale
papers, in the
Duke of Hamilton's
charter-room.

Matthew Stuart of Fynnart,
George Maxwell of Carnfalloch,
Alexander Stuart of Galtoun,
John Stuart, Provost of Glasgow.

N^o 5. Precept of feisin, dated 3d May 1470, by *John Lord Derneley*, directed to his friends Alexander Stuart of Galtoun and John of Hamilton, of the Hainshaw; in which precept the witnesses are thus described:

In the charter-
room at
Hamilton

Matthew

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Matthew Stuart of the Fynmart,
George Maxwell of Carnfalloch,
Alexander Stuart of the Galfoun,
John Stuart, Provost of Glasgow.

In the charter-
room at Ha-
milton.

N^o 6. Discharge, dated 3d May 1470, by John Lord Derneley, relating to the lands of Brownfide, in the lordship of Avendale, before these witnesses,

Matthew Stuart of Fynmart,
George Maxwell,
John Stuart, Provost of Glasgow,
Alexander Stuart of Galfoun, &c.

In the charter-
chest of John
Murray, Esq.
of Murray-
thwart.

N^o 7. Instrument of feisin, dated 23d April 1473, in favor of Patrick Murray, of certain lands in Annandale, proceeding on a charter from Alexander Duke of Albany, Lord of Annandale; to which feisin Sir Archibald Cairuthers of Mouswald was bailiff; and one of the witnesses to the instrument is thus described: "William Stuart, son and apparent heir to *Matthew Stuart of Castelmilk*."

This feisin is recorded in the Register of Probative Writs, on 21st January 1794.

In the posses-
sion of the
University of
Glasgow.

N^o 8. Obligation, dated 8th June 1473, by the Vicar General of the Convent of Predicant Friars at Glasgow, relative to a donation of ten merks yearly, made to that convent by *Matthew Stuart, Laird of Castelmilk*, for a mass to be said for his soul, and for the souls of his modder and bairns, whose bones rested in that convent.

Idem.

N^o 9. Seisin, dated 11th December 1475, in favor of Simon de Dalgleth; to which seisin one of the witnesses is Magister Joannes Stuart, filius quond' *Matthæi Stuart de Castelmilk*.

N. B. The preceding papers shew, that Matthew Stuart was promiscuously designed of *Castelmilk* or of *Fynmart*, after his succeeding to these two estates. The last of them shews that he

died

died before December 1475. He must have died therefore in the period between 8th June 1473, the date of the obligation to him from the Predicant Friars at Glasgow, and the 11th December 1475, when in the *saime* above-mentioned he was described the *deceased* Matthew Stuart of Castlemilk.

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PROOFS concerning WALTER STUART of Arthurly, the fourth and youngest Son of the first Sir WILLIAM STUART of Castlemilk.

N^o 1. Charter, dated in the year 1439, by which John Pollock disposed to John Ross, Laird of Haulkhead, and Walter Stuart, *son of William Stuart of Castlemilk*, equally betwixt them, the lands of Arthurly in the barony and shire of Renfrew.

This charter is amongst the Haulkhead papers in the possession of the Earl of Glasgow.

N^o 2. Charter under the Great Seal, dated 1st February 1439, (in modern style 1440,) by King James II. whereby he grants the one-half of the lands of Arthurly in the barony of Renfrew, to *Walter Stuart, son of the deceased Sir William Stuart of Castlemilk, Miles.*

This charter in the Public Records, Vol. iii. No 137.

The two preceding articles are here inserted precisely in the same manner that they were inserted on p. 15 of the "State of the Evidence for proving the late Sir John Stuart of Castlemilk, to be the lineal heir male and representative of Sir William Stuart of Castlemilk:" which State was printed in January 1794.

Of that printed paper a copy was given to the Earl of Galloway, or to Mr. Williams for his Lordship's behoof. In consequence of which communication there appeared in the printed paper, which was soon thereafter circulated on the part of the Earl of Galloway, several hostile attacks on the import of the evidence thus produced, or intended to be produced, on the part of Sir John Stuart of Castlemilk, particularly there are, on pages 25 and 26 of Lord Galloway's publication, the following remarks and criticisms on the supposed contents of the two charters above-mentioned, N^o 1 and 2.

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“ From accurately comparing these two charters it will appear evident, that Sir William Stuart was alive in 1439, when the former was dated, and that he died before the 1st of February 1440; for in the one he is styled Sir William Stuart of Castlemilk, and in the other the *deceased* Sir William Stuart of Castlemilk. This is further confirmed by David Stuart, the eldest son of this Sir William Stuart’s assuming the designation of *de Castlemilk*, in the year 1441; whereas in 1430, &c. he was signed David Stuart de Fynnart, the usual designation appropriated to the heir apparent of that family.”

The inference meant to be drawn on the part of the Earl of Galloway from the two charters thus quoted is not very obvious; but so far as that meaning can be guessed at it must be this, that Sir William Stuart, the father of Walter Stuart of Arthurly, was alive in the year 1439, and that he died in the interval between the year 1439 and the 1st February 1440. Therefore Walter Stuart could not have been the son of the first Sir William Stuart of Castlemilk, who was killed during the siege of Orleans in the month of February 1429; but must have been the son of a subsequent Sir William Stuart who died about ten years after that period: and upon that supposition it is taken for granted, that the Sir William Stuart, father of Walter Stuart of Arthurly, must have been a Sir William Stuart, brother of Sir John Stuart of Dalwinton, ancestor of the Earl of Galloway.

That this is the inference meant to be drawn, appears from a paragraph on page 25, of the said printed paper of the Earl of Galloway, where it is said that “ Sir John Stuart of Dalwinton died before the year 1420, and that it seemed evident that his brother Sir William Stuart succeeded him in the lands of Castlemilk.”

One answer to this statement is, that there is no evidence of the lands of Castlemilk having ever been enjoyed either by a Sir John Stuart of Dalwinton, or by a brother of his of the name of William; on the contrary these supposed facts are rendered inadmissible by certain established facts and proofs totally exclusive of such a supposition; but the more direct answer to the preceding observations and inferences is, that the whole of them proceed upon a gross mistake in point of fact; for although in the printed state of the proofs given in by the late Sir John Stuart relating to Walter Stuart of Arthurly, two charters were referred to, No. 1 and 2; the first of which charters were referred to as being amongst the Haulkhead papers in the possession

possession of the Earl of Glasgow, and the second was referred to as a charter in the Public Records, book iii. No. 137.; yet the fact is, there has hitherto been access only to the second of these charters, to wit, that in the Public Records, dated 1st February 1439-40; and in that charter the half of the lands of Arthurly are given to Walter Stuart, where he is expressly designed son of the *deceased* Sir William Stuart of Castelmilk, Knight: and it is there also mentioned that this half of the lands of Arthurly had last be longed to John de Pollock of Arthurly, and were resigned by him.

With regard to the charter No. 1. by which John Pollock is said to have disposed to John Ross, Laird of Haulkhead, and Walter Stuart, son of William Stuart of Castelmilk, equally betwixt them, the lands of Arthurly, that charter has never yet been seen either by the Author of this Genealogical History, or by any other person on the part of the Stuarts of Castelmilk. The article No. 1. above printed, is merely a copy of a short article in the inventory of the Earl of Glasgow's papers, which was communicated by his Lordship's man of business, Mr. Tod, Writer to the Signet; and as it was not doubted that the charter itself would easily be found amongst the papers at Haulkhead, in the possession of the Earl of Glasgow, so it was thought proper, for shewing the progress of the title-deeds of the lands of Arthurly, and for shewing that they had been acquired from John Pollock, to print the article as in the said inventory, with a reference to the charter itself indicating where it was supposed it might be found. Accordingly, after getting a copy of the article in the inventory of Lord Glasgow's papers, application was made to his Lordship and to the person who had the charge of his papers at Haulkhead for inspection of that charter by John Pollock; the answer received was, that it had somehow or other been misplaced or mislaid, for that a search had been made for it without being able hitherto to find it. Most probably however that charter will yet be found on a more diligent search; and there can be little doubt, that it will then appear that Walter Stuart is therein designed or described, precisely in the same manner as in the charter under the Great Seal, dated 1st February 1439-40, *son of the deceased Sir William Stuart of Castelmilk, Knight*; for the disposition or charter by John Pollock was the warrant for the crown charter which followed upon it; and it is well known to every man of business, that the descriptions in crown charters of persons and places, are regulated by the descriptions in

the warrants of these charters; therefore the description of Walter Stuart in the charter or disposition from John Pollock must have been the same with that which is found in the crown charter which followed upon that disposition.

As John Pollock's charter or disposition had not been found among Lord Glasgow's papers at Haulkhead, it occurred that there might be another method of supplying the want of it, by making a search in the Public Records for a charter under the Great Seal, in favor of John Rofs, Laird of Haulkhead, of his half of the lands of Arthurly; which charter it was presumed would be found in the Public Records, much about the same period with that which had been granted to Walter Stuart for his half of these lands; and as both charters must have proceeded upon that same disposition from John Pollock, so it was highly probable that in that crown charter in favor of John Rofs, some mention would have been made of the terms of the charter or disposition granted by John Pollock, from which it would have appeared whether Walter Stuart had in that disposition been designed son of the *deceased* Sir William Stuart of Castelmilk.

The result of that search in the Public Records was, that upon the same date, and in the same book where the charter in favor of Walter Stuart for his half of the lands of Arthurly is inserted, and where he is designed *son of the deceased Sir William Stuart of Castelmilk*, there is immediately subjoined a short entry of a charter under the Great Seal which was granted at the same time in favor of John de Rofs of the other half of the said lands of Arthurly. That short entry in the Records is in these words:

Same Book,
 same No. 137.

“Carta alterius dimidietatis dictarum terrarum concess. Johi de Roffe, et hæredibus suis, et resignat. in manu Regis per dictum Johem de Pollock *in forma prescripta.*”

From the latter charter being entered in this abridged manner in the Records, immediately after the charter to Walter Stuart, and from the concluding words “in forma prescripta,” there can be little doubt that the charter in favor of John de Rofs was literally in the same terms with that of Walter Stuart, changing only the name of the person in whose favor it was granted; but every other person whose name might happen to be mentioned would be described in the same manner in the two charters
 from

from the crown; and as Walter Stuart was, in the crown charter in his favor in the year 1439, described son of the *deceased* Sir William Stuart of Castelmilk, there can be no doubt that he would be described in the same manner in the crown charter in favor of John Rofs of his half of the lands of Arthurly, if there was occasion to mention him in the course of that charter: this would have been verified if there had been found in the Records, as there was reason to expect, a complete copy of that charter in favor of John de Rofs, instead of the short entry before-mentioned.

The person who made up the inventory of Lord Glasgow's papers from which the article No. 1. in Sir John Stuart's printed State of Evidence was taken, naturally thought it sufficient, in an inventory meant solely for the purpose of indicating where the papers were to be found, to mention briefly the papers referred to. In this manner the charter by John Pollock in 1439, of the lands of Arthurly, in favor of John Rofs, Laird of Haulkhead, and Walter Stuart, was briefly mentioned, without distinguishing whether Sir William Stuart of Castelmilk, the father of Walter, was therein described *as deceased* or not;—that was a matter of no importance to the heirs of John Rofs; it was sufficient for their purpose that the inventory which referred to the papers in the charter-room should give a short description in the manner it has done. It is however, from this article in the inventory having been copied literally into Sir John Stuart's State of the Evidence, that the person who drew up the printed paper on the part of the Earl of Galloway has, without making further inquiry, and without pretending ever to have seen the charter by John Pollock, been led into a train of conjectures, reasonings, and inferences, which now appear to be totally destitute of foundation.

No author has ever doubted of Walter Stuart of Arthurly having been the son of the *first* Sir William Stuart of Castelmilk. Neither is there any evidence of a *second* Sir William Stuart of Castelmilk, who could possibly have been the father of Walter Stuart of Arthurly. That second Sir William Stuart of Castelmilk is only to be found in the paper drawn up on the part of the Earl of Galloway; where, by the bye, it is supposed that this second Sir William Stuart had succeeded to the estate of Castelmilk upon the death of his brother Sir John Stuart of Dalwinton, who died before the year 1420. According to this supposition, therefore, there must have been two Sir Wil-

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liam Stuarts of Castelmilk alive at the same time during a certain period, from the year 1420 to the year 1429; the inconsistency of which is abundantly evident. The only method of avoiding these inconsistencies is by restoring to Walter Stuart of Arthurly his true father, Sir William Stuart of Castelmilk who died in the year 1429.

Walter Stuart of Arthurly having been the youngest son of Sir William Stuart of Castelmilk, neither he nor any of the descendants from him ever succeeded to the family estates of Castelmilk or Fynnart; but the charter above-mentioned in the year 1439, wherein Walter Stuart was described *son of the deceased Sir William Stuart of Castelmilk*, becomes of great utility for confirming the other proofs in favor of David, Archibald, and Matthew Stuarts, who successively enjoyed the estates of Castelmilk and Fynnart, as sons of Sir William Stuart, and elder brothers of Walter Stuart: for it cannot possibly be disputed, that Walter Stuart was a son of Sir William Stuart of Castelmilk, being expressly so designed in a charter from the Crown within a few years after the death of Sir William. This then proves, that the first Sir William Stuart of Castelmilk left one son at least, which son, if he had been an only son, must have succeeded to the family estates of Castelmilk and Fynnart; but as neither Walter nor any of the descendants from him ever enjoyed either of these estates, that of itself would indicate that he must have had elder brothers: and as it is proved, that after the death of Sir William Stuart of Castelmilk, the estates of Castelmilk and Fynnart were successively enjoyed by David Stuart, Archibald Stuart, and Matthew Stuart, in exclusion of Walter Stuart of Arthurly and his descendants; hence it appears clearly who were those elder brothers of Walter Stuart of Arthurly; and thus the proofs relating to the different members of the first Sir William Stuart of Castelmilk's family are not only consistent, but mutually strengthen and confirm each other.

ELEVENTH GENERATION.

1. WILLIAM STUART of Castelmilk, eldest Son of MATTHEW, succeeded to his Father in 1474.
2. JOHN STUART, second Son of MATTHEW, survived his Father.

PROOFS concerning WILLIAM STUART, eldest Son of
MATTHEW.

N^o 1. JUDICIAL ratification before-mentioned, dated 24th of November 1466, by Isabella Norvel, Lady of Cardonald, wherein she is designed wife of William Stuart, son and apparent heir of an honorable man, *Matthew Stuart of Casteltone*.

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chest of Sir
John Stuart.

N^o 2. Instrument of feisin before-mentioned, dated 23d April 1473, to which William Stuart was one of the witnesses, and is there designed William Stuart, son and apparent heir to *Matthew Stuart of Castelmilk*.

In the charter-
chest of John
Murray, Esq.
of Murray-
thwait.

N^o 3. Judicial transfumpt by the official at Glasgow, of a charter by King Robert I. to Malcolm Earl of Lennox. This transfumpt is dated 29th March 1474; and among the witnesses to it, there are Gulielmus Stuart, *Dominus de Caffiltoun*, and Joannes Stuart, Præpositus Glasguen.

In the posses-
sion of the
Duke of Men-
troic.

N^o 4. In the records of the parliamentary proceedings, at the date of 4th December 1475, there is an article in these words:

Parliamentary
Records.

“ James Stuart and Mr. John Stuart has protested, in presence of
“ the Lords Auditors, That because *William Stuart of Castelmilk* sum-
“ moned them to his instance anent the wrongous occupation of
“ the lands of Gallowhill and Wyndlaw, and would not follow

“ nor

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“ nor pursue them in the said action; that therefore the said William Stuart should not be heard anent the said cause, until the time that they be contented of their expences and costs, and while they be new summoned.”

N^o 5. The notarial instrument before-mentioned, dated 6th July 1484, relative to the claim of Elizabeth Stuart to be served heir to her grandfather Archibald Stuart of Castelmilk, upon which occasion, in 1484, *William Stuart of Castelmilk*, the son of Matthew, appeared, and objected to the service.

In the possession of the Duke of Montrose.

N^o 6. A pardon or remission, dated 12th February 1489, (1490), granted by King James IV. with consent of the three estates of the kingdom assembled in full parliament, to the several persons therein named, for being art and part in *prodicione, suffulcione, et detentione* of the King's castle of Dumbarton, against his Majesty's royal authority; and for being art and part in the burning of the town of Dumbarton, and for all other treasons, rebellions, &c. The persons particularly named, to whom this pardon and remission was granted, are,

Matthew Stuart, son and heir apparent of John Stuart, Earl of Levenox, Lord Derneley,

Alexander Stuart and Robert Stuart, brothers of the said Matthew. *William Stuart of Castelmilk*, Alexander Stuart his son, John Stuart his son.

Matthew Stuart and John Stuart, sons of a brother of the said *William Stuart of Castelmilk*, &c. &c.

In the Duke of Queensberry's charter-room at Drumlanrig.

N^o 7. Instrument of feisin of the lands of Pennerfex in Annandale, dated 14th May 1495, in favor of Adam Kirkpatrick, the witnesses to which are thus described: “ *Præsentibus ibidem honorabilibus viris Alexandro Stuart, filio et hærede apparente Willicmi Stuart de Castelmilk*, Robert de Carruthers de Middleshaw, Thoma Bell de Kirkconnell, David Bell de Pennerfex,” &c.

Robert de Carruthers of Middleshaw, one of the witnesses to the above instrument, was the husband of Elizabeth Stuart, who, in the year

year 1484, had claimed to be served heir to her grandfather Archibald Stuart of Castelmilk, in the third of Castelmilk as before-mentioned; which third of Castelmilk meant the same thing as the Twenty Merk Lands of Middlehaw.

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No XI.

N. B. From this instrument it appears, that William Stuart of Castelmilk was alive in May 1495; but it will be shewn hereafter that he died in that year, or in the year 1496, and was succeeded by his son Alexander above-mentioned.

William Stuart left two sons, Alexander and John; and one daughter, Marion, who married Alan Stuart, a younger son of John Earl of Lennox; and of that marriage there was issue.

PROOF concerning JOHN STUART, second Son of MATTHEW STUART of Castelmilk.

Seisin in favor of Simon de Dalgleth, dated 11th December 1475; to which one of the witnesses is *Joannes Stuart, filius quond. Matthæi Stuart de Castelmilk.*

In the possession of the University of Glasgow.

N. B. There is reason to believe that this John Stuart, the second son of Matthew Stuart of Castelmilk, was the same person who, in many ancient deeds still extant, was designed *Præpositus Glasguen.* or *Provost of Glasgow*, and who, in the course of the preceding sheets, appears to have been witness to several deeds, along with Matthew Stuart, or with William Stuart of Castelmilk.

TWELFTH GENERATION.

1. ALEXANDER STUART of Castelmilk, eldest Son of WILLIAM, and Grandson of MATTHEW STUART of Castelmilk.
2. JOHN STUART, second Son of WILLIAM STUART of Castelmilk.

PROOFS concerning these two Sons of WILLIAM STUART of Castelmilk.

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VII.
N^o XII.
In the possession of Sir John Maxwell.

N^o 1. **A**LEXANDER Stuart designed of Cassiltoune is witness to a feisin, dated 10th May 1486, in favor of John Lord Maxwell, of the superiority of the lands of Nether Pollock in the shire of Renfrew.

N^o 2. The pardon above-mentioned, dated 12th February 1489, (1490,) where Alexander and John Stuarts are mentioned as sons of William of Castelmilk.

N^o 3. The instrument of feisin before-mentioned, N^o 7, of the Eleventh Generation, dated 14th May 1495, where Alexander Stuart is described "filius et hæres apparens Gulielmi Stuart de Castelmilk."

In Lord Blantyre's possession; and charter of confirmation, Public Records, lib. xiii. N^o 616.

N^o 4. Charter, dated 26th July 1496, by Isabella Norvel, Lady of Cardonald and Drumbean, with consent of Alexander Stuart, her son and apparent heir, in favor of Allan Stuart, son of John Earl of Lennox, of the half of the lands of Cardonald in the shire of Renfrew, disposing these lands to Allan Stuart, and to Marion Stuart his wife, (daughter of William Stuart of Castelmilk,) and longest liver of them, in liferent, and to their heirs.

N^o 5.

N^o 5. Gift from the Crown, under the Privy Seal, dated 23d July 1498, granting to Alexander Stuart of Castelmilk the profits and duties of the lands of Caffiltoun, and part of the lands of Castelmilk, since the decease of his father, William Stuart of Castelmilk.

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N^o XII.
Privy Seal
Records.

N^o 6. Retour of the special service of John Rofs, Knight, as heir to his grandfather John Lord Rofs of Haulkhead, Knight, in various lands in Renfrewshire, dated at Renfrew, 27th October 1501; from which it appears that one of the persons of the inquest was Alexander Stuart de Castelmilk.

In the charter-
room at
Haulkhead.

N^o 7. Charter of Alienation, dated 11th February 1511 (1512), granted by Isabella Norvell and Alexander Stuart her son, in favor of John Kennedy of Knockreoch, of the Twenty Shilling Lands of Drumbean in the shire of Ayr; which charter is signed by Isabella Norvell and Alexander Stuart, at Caffiltoun in Lanarkshire, before these witnesses, Archibald Stuart, James Stuart, John Stuart, Peter Wauch, and William Aikenhead; and the seals of Isabella Norvell and Alexander Stuart appended to this charter are entire.

In Sir John
Stuart's char-
ter-chest.

N^o 8. Charter of confirmation thereof under the Great Seal, dated 7th April 1513, in which the original charter confirmed is *verbatim* inserted.

Public Re-
cords, lib.
xviii. No. 156.

From the above instruments it appears, that Alexander Stuart was alive in 1512. The precise time of his death has not as yet been ascertained; but there is reason to believe that he died in the year 1523 or 1524. With respect to his brother John Stuart, it is not known when he died; neither is there any further evidence concerning him, excepting the mention of him in the said pardon in February 1489.

THIRTEENTH GENERATION.

1. ARCHIBALD STUART of Castelmilk and Fynnart, &c. eldest Son of ALEXANDER of Castelmilk.
2. JAMES STUART, second Son of ALEXANDER.

PROOFS concerning ARCHIBALD STUART, eldest Son of
ALEXANDER.

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N^o XIII.

In the Duke
of Queens-
berry's charter-
room at Drum-
lanrig, and re-
corded in the
Register of
Probative
Writs in 1795.

In Sir John
Stuart's pos-
session.

Public Re-
cords.

Amongst the
papers belong-
ing to Lord
Nithsdale's
family.

N^o 1. INSTRUMENT of feifin, dated 13th of October 1512, in favor of Symond Carruthers of Mousewald, of the lands of Dundonby, Kertilhouse, and Carruthers in the stewartry of Annandale, to which Archibald Stuart is a witness, and is there designed *son and heir apparent of Alexander Stuart of Castelmilk*.

N^o 2. Charter, dated 22d April 1528, granted by this Archibald Stuart, therein designed of Castelmilk and Fynnart-Stewart, in favor of his son and apparent heir Archibald Stuart and Margaret Maxwell, his spouse, of the lands of Ravenscraig and others, in the shire of Renfrew.

N^o 3. Charter of confirmation thereof under the Great Seal, dated 3d May 1528, in which the charter confirmed is *verbatim* inferted.

N^o 4. Bond of Manrent, dated 23d May 1528, granted by Archibald Stuart of Castelmilk to Robert Lord Maxwell, in the usual style of bonds of manrent; but with this peculiarity in it, that there is an exception in the following words: "Excepting that I fall not be compellit by this my band to cum with the said Robert Lord Maxwell, nor stand with him in any actions in contrar *my Lord of Levenox*."

PROOFS concerning JAMES STUART, second Son of ALEXANDER STUART of Castelmilk.

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N^o XIII.

N^o 1. Charter and Precept, dated 20th September 1515, by John Earl of Lennox, Lord Derneley; whereby, for the singular love and favor he had to *his beloved cousin James Stuart, son of Alexander Stuart of Castelmilk*, and to Janet Auchinleck, his spouse, he gave to them, and to the longest liver of them, during their lives, the Forty Shilling Land of the town of Kype of Old Extent, lying in the barony of Avendale and shire of Lanark.

This charter, and the assignation, No. 2. are amongst the Avendale papers in the charter-room of the Duke of Hamilton.

N^o 2. Assignation, dated 3d February 1525, by John Earl of Lennox, Lord Derneley, son and heir of Matthew Earl of Lennox, to his well-beloved cousin James Stuart of Tweedy, of the right of reversion of the Forty Shilling Land of Kype in the barony of Avendale.

N. B. It is not known at what time James Stuart, the second son of Alexander of Castelmilk, died; nor whether he left any posterity.

FOURTEENTH GENERATION.

ARCHIBALD STUART of Castlemilk, Son of the preceding ARCHIBALD and Grandson of ALEXANDER STUART.

PROOFS concerning this ARCHIBALD.

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No XVI.

N^o 1. **T**HE charter before-mentioned, dated 22d April 1528, proves that this Archibald was the son of the preceding Archibald; for by that charter, the lands of Ravenscraig and others, in the shire of Renfrew, were granted by Archibald Stuart of Castlemilk and Fynnart-Stewart, to his son and apparent heir Archibald Stuart and Margaret Maxwell, his spouse, and to the heirs then procreated or to be procreated between them.

In the charter-
chest of Sir
John Stuart.

N^o 2. Instrument of feisin, dated 7th August 1532, of certain lands in Gourrock in the shire of Renfrew, in favor of Archibald Stuart and Margaret Maxwell, spouses, proceeding on a charter granted in their favor by Archibald Stuart of Castlemilk, his father, dated 22d April 1528.

In the E. 1 of
Hopetoun's
charter-chest of
the Annandale
papers.

N^o 3. Contract, dated 7th November 1533, between John Johnstoun of that Ilk, and Archibald Stuart, younger of Castlemilk, whereby Archibald Stuart became bound to labour to cause his father infeft the Laird of Johnstoun, and his heirs heritably, upon a reversion for 200 merks, and a tack of seven years for the old mail yearly, in the Six Merk Lands of Brumell, Two Merk Land of Brigmuir, and Forty Shilling Land of Toddalmuir of Old Extent, with the pertinents; and if his said father refused to infeft the said Laird of Johnstoun as said is, then the said son Archibald shall labour

labour at his said father to get state and seisin to himself heritably in the said Eleven Merk Land, and shall invest the Laird of Johnstoun and his heirs heritably in the said lands by charter and seisin. This contract, dated at Lochmaben, 7th November 1533, is ascertained by a notarial copy thereof, dated penult December 1562, which is amongst the Annandale papers in the possession of the Earl of Hopetoun, from whence it appears that the original contract was signed by the parties thus :

“ JOHNE JOHNSTOUN of that Ilk.

“ ARCHIBALD STEWART younger, *Laird*

“ *of Castlemilk.*”

N. B. From the above contract it appears, that both Archibald Stuart the father, and Archibald the son, were alive in November 1533; and as the son by his signature described himself *Laird of Castlemilk*, it is probable that the father had in his own lifetime given to the son the estate of *Castlemilk* in Annandale; reserving to himself the estates of *Cassiltoun* in Lanarkshire, and of *Fynnart-Stewart* in Renfrewshire. This conjecture is confirmed by the subsequent title-deeds of these estates, to be hereinafter mentioned.

N^o 4. Tack and Affedation, dated 6th April 1541, granted by Archibald Stuart younger of Castlemilk, and Margaret Maxwell his spouse; whereby they let the lands of Castlemilk lying in the stewardry of Annandale, to and in favor of Robert Lord Maxwell, and Agnes Stuart Countess of Bothwell, his spouse, for payment of certain maills and duties.

This tack and affedation is recited in a contract, dated 27th November 1578, and recorded in the Books of Session the same day, between John Lord Maxwell and Archibald Stuart of Castlemilk, grandson of the said Archibald Stuart who granted the tack and affedation in the year 1541.

As Archibald Stuart was in that tack, dated in the year 1541, designed *younger* of Castlemilk, it shews that both father and son

were

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N^o XIV.Privy Seal
Records,
Book xvii.

were then alive; but both of them must have died before the month of July 1543, as will appear from what follows; and there is reason to think that Archibald the son died before his father.

N^o 5. Letter of gift by Queen Mary under the Privy Seal, dated 10th July 1543, in favor of Archibald Earl of Argyll, of the ward and non-entry of the lands of Cassiltoun in the shire of Lanark, and also of the lands of Fynnart-Stewart in the barony of Renfrew, which pertained to *unquibill Archibald Stuart of Castelmilk*, and through the decease of him, or any others his predecessors, last lawful possessors thereof, being in the hands of our Sovereign Lady (Queen Mary) as superior thereof, by reason of ward, non-entry, &c. ay and while the lawful entry of the righteous heirs thereto, being of lawful age, together with the relief thereof when it shall happen.

Privy Seal
Records,
Book xvii,
fol. 92.

N^o 6. Gift of the ward and non-entries of the same lands of Cassiltoun and Fynnart-Stewart, in favor of John Hamilton of Samuelston, dated 25th August 1543; which gift is precisely in the same terms with that granted in the preceding month of July in favor of Archibald Earl of Argyll.

From the two preceding gifts of the ward and non-entries of the lands of Cassiltoun and Fynnart, dated in July and August 1543, it appears, that Archibald Stuart, the proprietor of these estates, was then dead. He was succeeded by his grandson David, who was the son of Archibald Stuart the younger of Castelmilk, who appears to have predeceased his father; and therefore, though this Archibald the younger had got right to and made up his titles, during his father's life, to the lands and estate of Castelmilk in Annandale, yet it appears that he never succeeded to or enjoyed either the estate of Cassiltoun in Lanarkshire, or the estate of Fynnart in Renfrewshire; these estates were taken up by David Stuart, as heir to his grandfather Archibald Stuart the elder of Castelmilk.

FIFTEENTH GENERATION.

1. DAVID STUART of Castelmilk, eldest Son of the preceding ARCHIBALD, younger of Castelmilk.
2. ALEXANDER STUART of Craigs, Tutor of Castelmilk, died without male issue, leaving three Daughters, Coheireffes.
3. JOHN STUART, Rector of the College of Glasgow from 1545 to 1550, died without issue.

PROOFS concerning DAVID STUART, the eldest Son of
ARCHIBALD.

N^o 1. CHARTER of sale, dated 27th May 1546, granted by James Stuart of Cardonald, in favor of David Stuart of Castelmilk, bearing, that he had sold to David his Five Pound Land of Old Extent of Henricstoun, lying in the barony and shire of Renfrew.

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N^o XV.
In the charter-
chest of Sir
John Stuart.

N^o 2. Decree before the Consistorial Court of Glasgow, decerning John Maxwell of Bersfield, and John Hamilton in Humbie, conjunctly and severally, to make payment to David Stuart of Castelmilk of forty-four merks Scots money yearly for nine years, for the tack of the lands and fortalice of Castelmilk, let to Robert Lord Maxwell for the said space by the said David Stuart, dated 1st July 1546.

In the inven-
tory of the
Ainsdale
papers at
Hopetoun
house.

N^o 3. Seisin, dated 2d October 1550, in favor of David Stuart of Castelmilk, as heir of Archibald Stuart his grandfather in the Twenty Merk Lands of Cassiltoun in the shire of Lanark, proceeding on a precept forth of the Chancery.

The seissins
N^o 3 and 4,
in Sir John
Stuart's char-
ter-chest at
Castelmilk.

N^o 4. Another seisin, dated 20th October 1550, in his favor, as heir to the said Archibald Stuart his grandfather, in the Twenty-six Merk Eight Shilling and Four-penny Land of Fynnart-Stewart, in the shire of Renfrew, proceeding on a precept forth of the Chancery.

N. B. Thefe

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N° XV.

N. B. These two feifins, dated in October 1550, are particularly mentioned in an old inventory of the title deeds of the Castelmilk family, drawn up in the year 1667, as then in the poffeffion of the family, but have fomehow been miflaid fince that time—they may yet be found; at any rate, their place will be fupplied by the other evidence which connects David Stuart of Castelmilk with his ancestors: particularly it is fupplied by the precept of clare, (No. 7, in the Sixteenth Generation,) which declares Archibald (the fon of this David) to be the grandfon of Archibald (who was the father of this David); confequently that proves David to have been the fon of that Archibald.

Record, Book
xxx, N° 461.

N° 5. Charter of refignation under the Great Seal, dated 24th November 1550, in favor of David Stuart of Castelmilk, and Janet Cunningham his fpoufe, of the Five Pound Lands of Old Extent of Dowart in the barony and fheriffdom of Renfrew, proceeding on David's own refignation.

Amongft the
Castelmilk
papers.

N° 6. Precept of feifin, dated 13th March 1551, by David Stuart, defigned in the precept of *Caffiltoun and Fynnart*, for infefting John Kennedy, fon and heir of Thomas Kennedy of Knockreoch, in the Twenty Shilling Land of Drumbain in the fhire of Air, which precept is figned thus: "*David Stewart of Castelmilk and Caffiltoun.*"

This charter
and infeft
ment are in the
charter-chest
of Sir John
Stuart at
Castelmilk.

N° 7. Charter, dated 12th May 1554, granted by David Stuart defigned *de Castelmilk, ac Dominus terrarum de Caffiltoun*, whereby he granted to Eupham Stirling, &c. an annual rent of 20*l.* Scots, forth of his lands of the mains of Caffiltoun in the fhire of Lanark; upon which charter infeftment followed the fame day, and amongft the witneffes to the infeftment there is John Stuart, brother of the faid David Stuart of Castelmilk. The charter is figned by David, thus: "*David Stewart of Castelmilk.*"

Privy Seal
Records,
lib. xxvii.
p. 41.

N° 8. Gift of non-entry, dated 22d May 1554, in favor of David Stuart of Castelmilk, whereby the duties of the Twenty Shilling Lands of Drumbain in the fhire of Air were granted to him fince the deceafe of Ifabella Norvel.

N. B. This Ifabella Norvell was wife of William Stuart of Castelmilk, who was father of Alexander Stuart, great-grandfather of this David Stuart.

N^o 9. Charter of resignation by James Stuart of Cardonald, in favor of David Stuart of Castelmilk, of the lands of Easter Henrifloun, dated 27th May 1555. P A R T
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No XV.

A letter to Alexander Stuart, tutor of Castelmilk, of the gift of non-entries of the lands of Castelmilk, &c. to be in force no longer than the said Alexander or his heirs happens or happen to live at the place, or to leave a wife, able man to keep the same, dated June 7th, 1556. Among the
writs in Sir
John Stuart's
charter-chest.

Privy Seal
Records,
Book xxviii.
p. 28.

David Stuart appears to have died either in 1556 or early in 1557.

SIXTEENTH GENERATION.

1. ALAN STUART, eldest Son of David, succeeded his Father ; but died without Issue in 1557.
2. ARCHIBALD STUART, second Son of DAVID of Castelmilk succeeded, and carried on the Line of the Family.

PROOFS concerning ALAN STUART, the eldest Son.

AS David Stuart of Castelmilk died either in the year 1556 or beginning of 1557, and Alan Stuart his son died at latest before the end of the year 1557, and without leaving issue, so it appears, that during the short time he lived after his father's death, he had not made up his titles either to the lands of Castelmilk in Anandale, the lands of Cassiltoun in Lanarkshire, or the lands of Fynart in Renfrewshire. The only lands to which he made up his titles was to the lands of Henriestoun in Renfrewshire hold of a subject superior, James Stuart of Cardonald. The evidence of his having made up his titles to these lands of Henriestoun is a precept P A R T
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This precept
of *clare con-
flat* in the
charter-chest
of Sir John
Stuart.

of *clare constat*, dated 13th January 1557-8, by James Stuart of Cardonald, as superior, for infefting Archibald Stuart, brother of Alan Stuart, son of David Stuart of Castelmilk, as heir to Alan his brother, in the lands of Easter Henriestoun in the shire of Renfrew.

This precept of *clare* not only shews that Alan Stuart had been the last vassal in these lands, but that he had died before 13th of January 1557-8, and that Archibald Stuart was heir to his brother Alan.

PROOFS CONCERNING ARCHIBALD STUART of Castelmilk, the
Brother of ALAN, and the Son of DAVID STUART of
Castelmilk.

N^o 1. Precept of *clare constat* before-mentioned, 12th January 1557, by James Stuart of Cardonald, for infefting Archibald as heir to his brother Alan in the lands of Henriestoun.

In the charter-
chest of Sir
John Stuart.

N^o 2. It appears that Archibald Stuart, when he succeeded to his father and brother in the year 1557, must have been very young, for he was not of age upon the 11th of November 1572, as appears from a grant of redemption executed by him of that date, in favor of John Stuart of Bowhouse, wherein Archibald (designed son and heir of David Stuart) obliges himself to ratify that grant when of perfect age. The affairs of the family were, during a long minority, managed by his uncle Alexander Stuart of Craigs, who thence got the title of *Tutor of Castelmilk*.

It was probably owing to his minority that there was so long a delay in making up his titles to the lands which belonged to his ancestors, and were held by them ward or taxt-ward of the Crown, or of the Prince and Stewart of Scotland, as will appear from what follows.

In the Public
Records, Book
xxxii. No 29.

N^o 3. Charter under the Great Seal, dated 28th November 1570, of the Twenty-six Merk Eight Shilling and Four Penny Lands of Old Extent of Fynnart-Stewart in the shire of Renfrew, in favor of Archibald Stuart of Castelmilk, and Janet Stuart, daughter of Sir

John

John Stuart of Minto, Knight, his future spouse, in conjunct fee and liferent, and to the heirs of Archibald, proceeding upon his own resignation.

N^o 4. Retour of the special service of Archibald Stuart, as son and heir of David Stuart of Castelmilk, in the lands of Caffiltoun in Lanarkshire, and the lands of Fynnart-Stewart in Renfrewshire, dated 1576.

N. B. This retour is amissing, but there were precepts from the Chancery, and infeftments in consequence of it.

N^o 5. Instrument of feisin, dated 23d April 1576, given to Archibald Stuart of Castelmilk, as son and heir of the deceased David Stuart his father, in the Twenty Merk Lands of Caffiltoun, proceeding on a precept forth of the Chancery.

N^o 6. Another instrument of feisin, dated 4th November 1576, in favor of the said Archibald Stuart, as son and heir of the said David Stuart his father, in the Twenty-six Merk Eight Shilling and Four Penny Lands of Fynnart-Stewart, proceeding on a precept forth of the Chancery.

These two feisins, dated in 1576, are particularly mentioned in the old inventory (1667) of papers then in the possession of the Castelmilk family; but upon a search lately made, they have not been found there: the want of them however is of no consequence, as it is otherways sufficiently proved that this Archibald Stuart was the son of David Stuart; particularly by the precept of *clare constat*, and also by the grant of redemption mentioned on the preceding page.

Concerning the Lands of Castelmilk in Annandale.

N^o 7. Precept of *clare constat*, dated 2d November 1579, granted by Robert Stuart, Earl of Lennox, Lord Derneley, as superior of the lands of Castelmilk in Annandale, in favor of Archibald Stuart, for infefting him in the lands of Castelmilk and Bromhill in the stewartry of Annandale, as nearest and lawful heir of his grandfather Archibald Stuart before-mentioned, to be held ward of the Earl of Lennox.

In the charter-
chest of Sir
John Stuart.

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VII.N^o XVI.In Sir John
Stuart's char-
ter-chest.

N. B. In this deed granted by the Earl of Lennox, he describes Archibald Stuart of Castelmilk as his beloved cousin. The words are, "*Consanguineus noster dilectus.*"

N^o 8. Charter of *novodamus* by Robert Earl of Lennox, as superior of the lands of Castelmilk, in favor of the said Archibald Stuart, granting to him *de novo* the said lands of Castelmilk and Bromhill, dated 13th November 1579.

Archibald Stuart was infest on the precept of *clare constat* on 9th November 1579, and upon the charter of *novodamus* on the 2d of February 1579 (1580).

It appears, from a contract between John Lord Maxwell and this Archibald Stuart of Castelmilk, dated 27th November 1578, and registered in the Books of Session the same day, that Archibald Stuart agreed to dispoise in feu-farm to John Lord Maxwell, for certain considerations therein mentioned, all and hail the lands of Castelmilk, with the tower, fortalice, &c. lying in the stewartry of Anandale, which, in any time bygone, had pertained to the said Archibald Stuart or his predeceffors, excepting always the Ten Merk Lands of Brummel and Toddalmuir; to be holden of the said Archibald Stuart and his heirs in feu-farm for ever, paying therefor yearly such like yearly mail for the feu-mail thereof as is contained in the tack and assedation which was fet by the deceased Archibald Stuart of Castelmilk, younger, grandfather of the said Archibald Stuart now thereof, and Margaret Maxwell his spouse, to the deceased Robert Lord Maxwell and Agnes Stuart, Countess of Bothwell, his spouse, of the date, at Castelmilk, the 6th day of April 1541, and after the form and tenor thereof allenary; and the said Archibald Stuart obliged himself between and the 12th January then next, (1579), to bring and produce his predeceffors and his own hail evidents, charters, infestments, and seifins of the said lands to Edinburgh, and that he should then perform and expedite the said infestment of feu-farm to the said Lord Maxwell, in such manner as the said Lord shall devise; and further, obliged himself to obtain from the *Earl of*

Lennox superior thereof, a sufficient charter of confirmation upon the said infestment in sure manner, past under his subscription and seal.

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N^o XVI.

In the preceding contract, Archibald Stuart, one of the contracting parties, is described grandson of that Archibald Stuart of Castelmilk, younger, who with Margaret Maxwell, his spouse, had granted a tack in the year 1541, to Robert Lord Maxwell, of the lands of Castelmilk. It follows therefore necessarily from this description, that David Stuart, the father of this Archibald, must have been the son of Archibald Stuart the husband of Margaret Maxwell; for when two things are proved, first, that Archibald was the son of David; and, secondly, that the same Archibald was the grandson of Archibald the husband of Margaret Maxwell; it must follow that David was the son of that Archibald.

In consequence of this contract, a charter of alienation of feu-farm was, upon the 2d of March 1579, granted by the said Archibald Stuart to John Lord Maxwell; whereby Archibald disposed to him the lands of Castelmilk, (except the lands of Brummel and Toddellmuir, extending to a Ten Merk Land,) to be holden of the said Archibald Stuart, for payment of forty merks of feu-duty.

Upon this charter of alienation John Lord Maxwell was infest in the lands of Castelmilk upon the 24th of March 1579 (1580).

Since the above period, the property and possession of the Forty Merk Lands of Castelmilk in Annandale was transferred from the Stuarts of Castelmilk to the Maxwells; but the Stuarts have always retained the title of *Castelmilk*; and, in order to preserve the remembrance of their connexion with their old inheritance, they transferred the name or description of the lands of *Castelmilk* in Annandale, to the lands of *Cassiltoun* in Lanarkshire, as appears from Crown charters and other deeds soon after that period.

N^o 9. Commission, dated 28th July 1604, and recorded in the Books of Session 17th February 1606, by Ludovic Duke of Lennox, whereby he appoints *Archibald Stuart of Castelmilk* one of his Commissioners for managing his estates in Scotland; the other Commissioners thereby appointed are, Hugh Lord Loudoun, Walter,

Records of the Court of Session; and there is an extract of the Commission in the possession of the Duke of Montrose.

Com-

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VII.
N^o XVI.

Commendator of Blantyre, Sir William Stuart of Traquair, Sir Matthew Stuart of Minto, &c.

This Archibald Stuart of Castelmilk, fon of David, died in the year 1612, and his wife Janet Stuart, daughter of Sir John Stuart of Minto, and sifter of Walter Stuart, the first Lord Blantyre, died in the year 1613, as appears from the records of the church of Carmunnock, where they were both buried.

Of the marriage between Archibald and Janet Stuart, there was one son Archibald, who succeeded him, and four daughters, to wit, Margaret, married first to John Stuart of Blackhall and Ardgowan, and secondly, to Matthew Wallace of Garfcadden.

Elizabeth, married to Alexander Cunningham of Craigends.

Johanna, married to John Wallace of Cairnhill.

Mary, married to Nicol Cornwall of Bonhard.

SEVENTEENTH GENERATION.

Sir ARCHIBALD STUART of Castelmilk and Fynart, Son of the preceding ARCHIBALD, and Grandson of DAVID.

PROOFS concerning Sir ARCHIBALD STUART of Castelmilk, Grandson of DAVID, and Hufband of ANNE SEMPLE, Daughter of ROBERT Lord SEMPLE.

PART
VII.
N^o XVII.
This contract
is recorded in
the Books of
Session on 3d
April 1793.

N^o 1. ORIGINAL contract of marriage, dated at Renfrew, 8th June 1603, between Archibald Stuart, therein designed son and apparent heir of Archibald Stuart of Castelmilk, and Anne Semple, eldest daughter of the marriage between Robert Lord Semple and Lady Margaret Montgomery, daughter of Hugh Earl of Eglint-

Eglintoune; to which contract Archibald Stuart the father, and Robert Lord Semple, are parties.

PART
VII.

N^o XVII.

N^o 2. Special service and retour of this Sir Archibald Stuart, as heir to his father Archibald Stuart of Castelmilk, dated 23d June 1628.

N. B. This special service is amissing; but the precept from the Chancery, and the seifins following on it, are still extant.

N^o 3. Precept forth of the Chancery, dated 23d June 1628, directed to the sheriff of Renfrew, for infefting the said Sir Archibald Stuart, as son and heir of the deceased Archibald his father, in all and hail the Twenty Merk Lands of Cassiltoun, and Forty Merk Lands of Fynnart-Stewart.

This precept
in Sir John
Stuart's char-
ter-chest.

This precept orders security to be taken for the sum therein mentioned, because that the lands had remained in the hands of the Crown for about seventeen years, by reason of non-entry.

N^o 4. Instrument of seifin, dated 31st October 1629, in favor of Sir Archibald Stuart in the Twenty Merk Lands of Cassiltoun, proceeding on the said precept from the Chancery.

In Sir John
Stuart's char-
ter-chest.
Ibid.

N^o 5. Instrument of seifin, dated 9th November 1629, in favor of the said Sir Archibald Stuart, of the lands of Fynnart-Stewart in Renfrewshire, proceeding on the said retour and precept from the Chancery.

From a memorandum on the back of the original contract of marriage before-mentioned, it appears that Anne Semple died in December 1631, and that Sir Archibald Stuart, her husband, died on the 12th of June 1660. They were both buried in the church of Carmunnock, which is the parish church of Cassiltoun, now called Castelmilk.

Of that marriage there were two sons, *viz.* Archibald Stuart of Castelmilk, the eldest, and James Stuart of Torrance, the second son; likewise one daughter, Janet, married to John Hamilton of Udston, Esq.

EIGHTEENTH GENERATION.

ARCHIBALD, the eldest Son of the Marriage between
Sir ARCHIBALD STUART and ANNE SEMPLE, Daughter
of ROBERT LORD SEMPLE.

JAMES STUART of Torrance, second Son of that
Marriage.

PROOFS concerning ARCHIBALD STUART, the eldest Son.

PART
VII.

N^o XVIII.
In the charter-
chest of Sir
John Stuart.

N^o 1. ORIGINAL contract of marriage, dated 14th February
1634, between Archibald Stuart, younger of Castelmilk,
with consent of his father Archibald Stuart, Knight, on the one
part, and Lady Mary Fleming, daughter of John Earl of Wigtoun,
on the other part.

In the charter-
chest of Sir
John Stuart,
and also in the
Public Re-
cords.

N^o 2. Charter of resignation under the Great Seal, dated 15th
December 1634, proceeding on a procuratory of resignation, dated
13th December 1634, and registered in the Books of Session, 4th
March 1635, in favor of Archibald Stuart, eldest lawful son and
apparent heir of Sir Archibald Stuart of Fynnart, Knight, and Lady
Mary Fleming his wife, in conjunct fee and liferent, and to the
heirs male to be procreated between them; whom failing, to the
said Archibald Stuart, his heirs male and assignees, of certain parts
of the Twenty Merk Lands of Cassiltoun in the shire of Lanark;
and likewise granting to Sir Archibald Stuart the father, in liferent,
and to the said Archibald Stuart his eldest son, and his forefairs, in
fee, the Forty Merk Lands of Fynnart-Stewart and others in the
shire of Renfrew.

This

This Archibald Stuart younger predeceased his father, having died in May 1643. He left one son, Archibald, who succeeded to his father and grandfather; and one daughter, Anne, married to John Crawford, eldest son of John Crawford, Esq. of Crawfordland.

PART
VII.
No. XVIII.

PROOFS concerning JAMES STUART of *Torrance*, second Son of the Marriage between Sir ARCHIBALD STUART and ANNE SEMPLE, eldest Daughter of ROBERT Lord SEMPLE.

N^o 1. Contract, dated 7th and 10th December 1647, between James Earl of Abercorn, and *James Stuart*, therein designed *lawful son of Archibald Stuart of Castlemilk, Knight*; whereby the Earl set to him, and his heirs and assignees, the teind-sheaves and parsonage-teinds of the lands of Cassiltoun and others.

In the charter-
chest of Sir
John Stuart.

N^o 2. Procuratory of resignation, dated 13th November 1667, by Sir Archibald Stuart of Castlemilk, (who was grandson of Sir Archibald Stuart the husband of Anne Semple,) for resigning the lands of Cassiltoun, Finnart-Stewart, &c. in the hands of the superiors, for new investments in favor of himself and Mrs. Mary Carmichael, his spouse, in conjunct fee, and the heirs male to be procreated between them; and failing heirs male of his own body, to *James Stuart of Torrance, his uncle*, and the heirs male of his body; which failing, to the eldest daughter and heir female of the body of Sir Archibald Stuart the granter; upon which procuratory an instrument of resignation followed on the 22d of November 1667.

This procuratory
instrument of resig-
nation are in
the charter-
chest of Sir
John Stuart.

These deeds are sufficient for proving the relationship of James Stuart of Torrance to the Castlemilk family, to wit, that he was second son of Sir Archibald Stuart, who married Anne Semple, and the younger brother of Archibald Stuart who married Lady Mary Fleming.

This James Stuart of Torrance married a daughter of Sir Alexander Cunningham of Corsehill, Baronet, and died in the year 1690,

PART
VII.
N^o XVIII.

at the age of seventy-six; and was succeeded in the estate of Torrance by his son,

Alexander Stuart of Torrance, who married Isabel, eldest daughter of Sir Patrick Nisbet of Dean, Baronet; of which marriage there were seven sons and three daughters. He died in the year 1733.

The daughters of the marriage were, 1st, Agnes, married to Matthew Crawford, merchant in Glasgow; 2d, Margaret, married to Alexander Inglis Hamilton, Esq. of Murdoftoun; 3d, Christian, married to Sir William Maxwell of Calderwood, Baronet.

Of the seven sons, only three of them survived their father Alexander, to wit,

James Stuart of Torrance, eldest son, Lieutenant Colonel of the 3d regiment of foot-guards, and one of the Gentleman Ushers to King George the First. He died unmarried in the year 1743, and was succeeded by his brother *Patrick Stuart of Torrance*, Captain in the Royal regiment of foot, and some time Representative in Parliament for the county of Lanark. He died unmarried in the year 1760, and was succeeded by his brother *Archibald Stuart of Torrance*, who carried on the line of the Torrance family. He married Elizabeth, daughter of Sir Andrew Myreton of Gogar, Baronet, and died in November 1767, leaving three sons and three daughters.

1st Son, Alexander Stuart of Torrance, married Elizabeth Nisbet, daughter of John Nisbet of Northfield, Esq. and died on the 23d of March 1796, without issue.

2d Son, Andrew Stuart, who during several years represented the county of Lanark in parliament, and is now member of parliament for Weymouth; he married Margaret Stirling, daughter of Sir William Stirling of Ardoch, Baronet, and succeeded to the estate of Torrance on the death of his brother Alexander Stuart.

3d Son, James Stuart, Major General in his Majesty's service, and Colonel of the 31st regiment of foot, married Lady Margaret
Hume,

Hume, daughter of Hugh Earl of Marchmont, and died on the 2d of February 1793, without issue.

PART
VII.
No XVIII.

1st Daughter, Jane, married to Thomas Earl of Dundonald.--
2d Daughter, Isabel, married to Sir Robert Henderfon of Fordel, Baronet.—3d Daughter, Elizabeth, married to William Binning of Pilmuir, Esq. Advocate.

NINETEENTH GENERATION.

Sir ARCHIBALD STUART of Castelmilk, Son of the Marriage between ARCHIBALD STUART younger of Castelmilk and Lady MARY FLEMING.

PROOFS concerning this Sir ARCHIBALD.

N^o 1. SPECIAL Service, dated 31st July 1661, by which this Sir Archibald was served and retoured heir to his father Archibald, who died in May 1643, and likewise heir to his grandfather Sir Archibald, who died 12th June 1660.

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VII.
No XIX.

This retour is in Sir John Stuart's charter chest.

The lands contained in this special service are, the lands of Castelmilk in Lanarkshire, and the lands of Fynnart in Renfrewshire; and the retour ascertains, that Archibald the father had died in May 1643, and Sir Archibald the grandfather on 12th June 1660.

N^o 2. Original Contract of Marriage, dated 2d September 1665, between Sir Archibald Stuart of Castelmilk, and Mrs. Mary Carmichael, with consent of William Duke of Hamilton her uncle, James Lord Carmichael her grandfather, Sir Daniel and Sir James Carmichaels her uncles, and John, Master of Carmichael, her brother.

In Sir John Stuart's charter chest.

N^o 3. Letters Patent, or Diploma, dated 29th February 1668, by which this Sir Archibald Stuart was created a Knight Baronet of Nova Scotia.

In Sir John Stuart's charter chest.

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VII.

N° XIX.

N° 4. Charter under the Great Seal, dated 4th August 1680, granting the lands of Castelmilk, *alias* Caffiltoun, &c. in favor of William Stuart the eldest son; whom failing, to Archibald the second son; whom failing, to Daniel the third son; whom failing, to James the fourth son of Sir Archibald Stuart, and the heirs male of their bodies successively; whom all failing, to the *heirs male whatsoever* of the said Sir Archibald Stuart.

Sir Archibald died in the year 1681, leaving four sons, *viz.* 1st, William, who succeeded him; 2d, Archibald; 3d, Daniel; 4th, James Stuart. And two daughters; 1st, Anne, married to Sir William Cunningham of Cunninghamhead, Baronet; and 2d, Martha, married to James Houftoun of Houftoun, Esq. son of Sir Patrick Houftoun of Houftoun, Baronet.

TWENTIETH GENERATION.

1. Sir WILLIAM STUART, who succeeded his Father Sir ARCHIBALD in 1681.
2. ARCHIBALD STUART, died unmarried.
3. DANIEL STUART, left two Sons, both of whom died without Issue.
4. JAMES STUART, died unmarried.

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VII.

N° XX.
In Sir John
Stuart's char-
ter. chief.

PROOFS concerning Sir WILLIAM STUART the eldest Son.

N° 1. **G**ENERAL Service, dated 18th February 1682, of Sir William Stuart, as son and heir of Sir Archibald Stuart of Castelmilk.

N° 2.

N^o 2. Charter of Resignation under the Great Seal, dated 24th April 1694, in favor of Sir William Stuart, of the lands of Caskiltoun and others.

PART
VII.
N^o XX.

Sir William Stuart married Margaret, daughter and sole heiress of John Crawford of Milton, Esq. and died in November 1715, leaving two sons, Archibald and John, and one daughter, Margaret, married to John Belfches, Esq. of Invermay; of which marriage there was one son, John Belfches, Esq. now of Invermay.

In Sir John
Stuart's char-
ter-chest.

With regard to the younger brothers of Sir William Stuart of Castelmilk, Archibald the second, and James the fourth, brothers, died unmarried; Daniel, the third brother, married the eldest daughter of Sir George Wifhart, Baronet; of which marriage there were two sons, George, who died unmarried, and William, who having succeeded to Sir George Wifhart's Baronetage, became Sir William Stuart. He died at Paris in the year without issue.

Daniel left also two daughters, whereof Delia, the youngest, died unmarried. The eldest daughter, Mary, married John Belfches, Esq. of Invermay, of which marriage there was one daughter, Æmelia, who married Dr. William Belfches; and the present Sir John Belfches, Baronet, is the only son of that marriage.

TWENTY-FIRST GENERATION.

1. Sir ARCHIBALD STUART, eldest Son of Sir WILLIAM, succeeded to his Father in 1715.
2. JOHN STUART, second Son, who succeeded to his Brother Sir ARCHIBALD in 1763.

PROOF concerning Sir ARCHIBALD STUART of Castelmilk,
eldest Son of Sir WILLIAM.

PART
VII.
N^o XXI.

CHARTER under the Great Seal, dated 26th July 1716, in favor of Sir Archibald Stuart of Castelmilk, described eldest son of the deceased Sir William Stuart of Castelmilk, Baronet, of the lands of Caffiltoun (now called Castelmilk) and others.

Sir Archibald married Frances, daughter of James Stirling of Keir, Esq. and left by her an only child, Ann, who married her cousin, Sir John Stuart of Castelmilk.

Sir Archibald died on the 5th of January 1763.

PROOF concerning Sir JOHN STUART of Castelmilk, who succeeded to his Brother Sir ARCHIBALD in January 1763.

Special Service, dated 25th March 1763, in favor of Sir John Stuart, as heir to his brother Sir Archibald, in the estate of Caffiltoun in Lanarkshire, and the estate of Fynnart in Renfrewshire, &c.

Sir John Stuart married Helen, daughter of John Orr, Esq. of Barrowfield, and died on the 1st of April 1781, leaving three sons; to wit,

First son, Sir John Stuart of Castelmilk;

Second

Second son, William Stuart Crawford, who died 24th November 1783, unmarried; PART
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Third son, Francis Stuart Crawford, who died on 11th January 1793, unmarried: No XXI.

And three daughters, first, Helen, who died in November 1787, unmarried;

Second, Margaret, married to Colin Rae of Little Gowan, Esq. who, on the death of her brother Francis, succeeded to the estate of Milton, and now takes the name of Crawford.

Third daughter, Jane, married to William Stirling of Keir, Esq.

TWENTY-SECOND GENERATION.

1. Sir JOHN STUART of Castelmilk, eldest Son and Heir of the preceding Sir JOHN.
2. WILLIAM STUART CRAWFURD, died in November 1783 unmarried.
3. FRANCIS STUART CRAWFURD, died in January 1793 unmarried.

PROOF concerning Sir JOHN STUART of Castelmilk, eldest Son of Sir JOHN STUART, who died in the year 1781.

CHARTER under the Great Seal, dated 6th August 1781, in favor of Sir John Stuart of Castelmilk, Baronet, of the lands of *Cassiltoun* (now called *Castelmilk*) in Lanarkshire, and the lands of *Finnart* or *Fynnart-Stewart* in the shire of Renfrew. PART
VII.
No XXI.

PART
VII.
N^o XXII.

This last Sir John Stuart married his cousin Anne, only daughter of his uncle Sir Archibald Stuart of Castelmilk, Baronet, and died on the 18th day of January 1797, without issue.

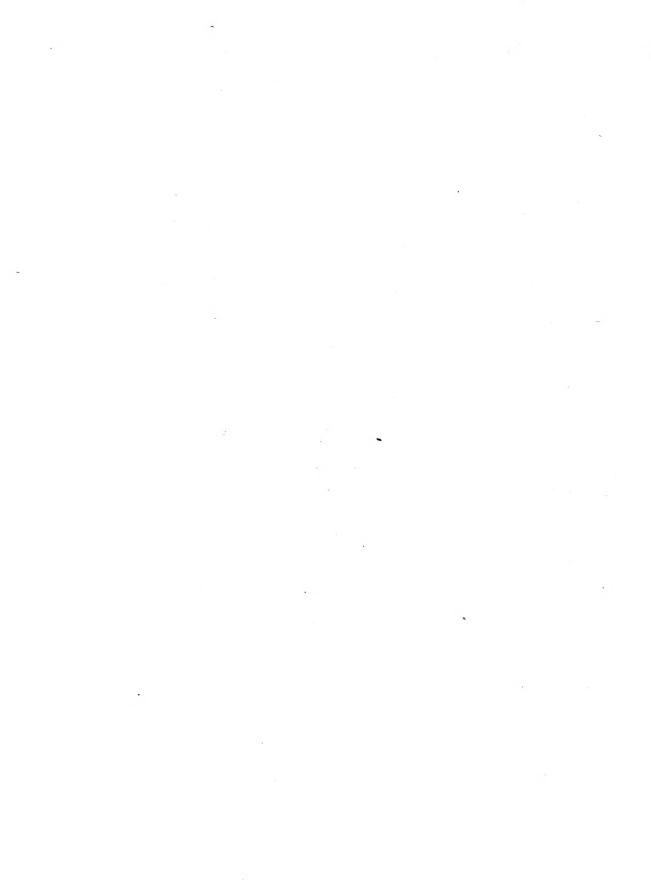
THE whole of this Part VII. was drawn up, printed, and circulated in the lifetime of the above-mentioned Sir John Stuart, about three years before his death, with a view to support his claim for being served and declared the lineal heir male and representative of the first Sir William Stuart of Castelmilk, as descended from him in a course of succession which had uniformly been carried on in the male line for the space of about four hundred years. That service was intended to have taken place ere now, if Sir John Stuart had lived. No additions have been made in this part of the work then prepared, excepting that some of the articles towards the beginning of this Part VII. are made more full, and contain some explanations, which were rendered necessary for the purpose of defeating those hostile attacks which, in the before-mentioned Paper circulated on the part of the Earl of Galloway, had been made either directly or indirectly upon some of the articles contained in Sir John Stuart's State of the Evidence.

In the short period since that State was printed and circulated in the year 1794, two deaths have happened, which have produced an alteration in the representation of the Stuarts of Castelmilk and of Torrance; Alexander Stuart, proprietor of the estate of Torrance, and the nearest heir male of the Castelmilk family, died on the 23d March 1796, without issue; whereupon Andrew Stuart, his immediate younger brother, succeeded to him in the estate of Torrance; and the said Sir John Stuart of Castelmilk having died on the 18th of January 1797, without issue,

issue, the said Andrew Stuart has succeeded also to the estate of Castlemilk, as being then the nearest heir male of the said Sir John Stuart his cousin, who executed a settlement of his estate in favor of the heirs male of the Castlemilk family in the first instance.

The relationship and connection between the Stuarts of Castlemilk and the Stuarts of Torrance, has been traced in the preceding Genealogical History, page 377; from which it appears that they are precisely of the same family and origin; for Sir Archibald Stuart of Castlemilk, the great-grandfather of the late Sir John Stuart, and James Stuart of Torrance, the great-grandfather of Andrew Stuart, were full brothers, both of them being sons of that Sir Archibald Stuart of Castlemilk who married Ann Semple, eldest daughter of Robert Lord Semple.

Hence it follows, that the right which belonged to, and was claimed by the deceased Sir John Stuart of Castlemilk, of being the lineal heir male and representative of the first Sir William Stuart of Castlemilk, and of course the representative and heir male of the Derneley and Lennox families, (after the death of Cardinal York,) has devolved upon the said Andrew Stuart of Castlemilk and Torrance, who is now the person entitled, and must feel it to be his duty, to assert the rights belonging to the Castlemilk family, in the same manner that the late worthy proprietor of the estate, Sir John Stuart, while at the head of the family, intended to have done.



A P P E N D I X ;

CONTAINING

THE PAPERS REFERRED TO IN THE PRECEDING GENEALOGICAL HISTORY.

No. I. pp. 70, 71.

I. CHARTER by *Robert the Stewart of Scotland* in favor of his beloved cousin *Sir John Stewart Lord of Crookyston*, and the heirs male therein mentioned, of all those lands and tenements which the said Sir John Stuart or his predecessors held of the Stewart of Scotland or his predecessors; dated at Rothsay in the year 1356.

OMNIBUS hanc cartam visuris vel audituris, Robertus Senescallus Scotie salutem in Domino sempiternam, Quia dilectus consanguineus noster Dominus Johannes Senescallus Miles Dominus de Crokiston, omnes terras et tenementa quas vel que de nobis tenuit in capite, purè et simpliciter in manibus nostris per sustenn et baculum resignavit, confidans quod honore et vaitate nostri cognominis quod pro ceteris in licitis exaltare et confovere tenemur *viz.* ne hereditas illa ad aliquos aliud cognomen quam Senescalli habentes in posterum devolvatur; Noveritis nos dedisse concessisse et hac presentis carta nostra confirmasse prædicto dilecto consanguineo nostro Domino Johanni Senescallo Militi et heredibus suis masculis de corpore suo legitimo procreatis vel procreandis, omnes illas terras et tenementa cum pertinentiis quas vel que prædictus Dominus Johannes et predecessores sui de nobis et predecessoribus nostris tenuit vel tenere aliquibus temporibus retroactis; Et si contingat heredem vel heredes masculos prædicti Domini Johannis absque heredibus masculis de corpore vel corporibus eorundem legitime

legitime procreatis in fatum decedere, quod absit, volumus et per presentes concedimus, quod omnes terræ et tenementa prædicta cum pertinentiis ad Walterum Senescallum fratrem prædicti Domini Johannis et heredibus suis masculis de corpore suo legitime procreatis hereditarie succedant et descendant; Et si contingat prædictum Walterum absque heredibus masculis de corpore suo legitime procreatis ut supra in fatum decedere, quod absit, volumus et per presentes concedimus, quod omnes dictæ terræ et tenementa cum pertinentiis ad Dominum Alexandrum Senescallum, fratrem ipsius Domini Johannis et heredibus suis masculis de corpore suo legitime procreatis hereditarie ut prædicitur succedant et descendant; Et si contingat prædictum Dominum Alexandrum absque heredibus masculis de corpore suo legitime procreatis in fatum decedere quod absit, volumus et per presentes ut supra concedimus quod dictæ terræ et tenementa ad virum de sanguine ipsius Domini Johannis propinquorem cognomine Senescalli nominatum et heredibus suis semper masculis hereditarie cum pertinentiis suis succedant et descendant in eternum; tenend' et habend' eidem Domino Johanni et heredibus suis masculis supernominatis, de nobis et heredibus nostris per omnes rectas metas suas et divisas adeo libere plenarie quiete honorifice bene et in pace in omnibus et per omnia sicut carta sua inde confecta in se plenius proportat et testatur; Faciendo inde idem Dominus Johannes et heredes sui masculi superdicti tria facta nobis et heredibus nostris servitium inde debitum et consuetum In cujus rei testimonium sigillum nostrum presentibus est appensum Dat' apud Castrum de Rothfay in festo Purificationis Beatæ Mariæ Virginis anno Domini millesimo tricentesimo quinquagesimo sexto.

II. CHARTER, dated in the year 1361, by *Robert, Stewart of Scotland* and *Earl of Strathern*, in favor of *Sir John Stuart of Derneley, Knight*, and his Heirs Male therein mentioned, of the Lands of *Crokysfou, of Inchennan, and of Perthbaikfot.*

OMNIBUS hanc cartam visuris vel audituris, Robertus Senescallus Scotie Comes de Stratherne, salutem in Domino sempiternam, Cum dilectus consanguineus noster Dominus Johannes Senescalli de Dernelee Miles apud Dernelee in loco habitationis sue coram nobis ac Johanne Senescallo Domino

mino de Kyle primogenito nostro et herede ac nonnullis aliis de nostro consilio personaliter constitutis die Lune decimo die mensis Januarii anno Domini millesimo trecentesimo sexagesimo primo omnes terras suas de *Crokysfou de Inchenan* et de *Perthaikscott* cum pertinentiis infra baroniam nostram de Renfrew quas de nobis tenuit in capite nobis per fustem et baculum furtum reddidit ac pure et simpliciter resignavit, Noveritis nos dedisse et ex certa scientia concessisse ac presenti carta nostra confirmasse eidem Domino Johanni Militi consanguineo nostro omnes terras de *Crokysfou de Inchenan* et de *Perthaikscott* prædictas, tenend' et habend' eidem Domino Johanni et Roberto filio et heredi suo ac ipso filio sine herede mascululo superflite ab hac luce sublato, aliis heredibus ipsius Domini Johannis mascululis de corpore suo legitime procreatis seu procreandis ac dictorum heredum heredibus seu heredi mascululis seu mascululo de eorum corporibus procreandis seu procreando per lineam directam ab ipsis seu ipsorum aliquo descendentibus seu descendenti in feodo et hereditate, per omnes rectas metas et divisas suas libere quiete plenarie integre et honorifice cum tenandriis et serviciis libere tenentur et cum omnibus aliis libertatibus commoditatibus ayfiamentis et justis pertinentiis ad dictas terras spectantibus seu juste spectare valentibus in futurum; faciendo inde nobis et heredibus nostris dictus Dominus Johannes et heredes sui prædicti unam communem sectam ad curiam nostram baronie de Renfrew ad tria placita capitalia tenenda ibidem per annum ac alia servicia de prædictis terris cum pertinentiis debita et fieri consueta; Et si contingat præfatum Dominum Johannem aut heredes suos mascululos ac ipsorum heredes mascululos per lineam rectam descendentes ut supra absque herede mascululo superflite de corpore alicujus eorundem procreato et per lineam rectam descendente ab hac luce migrare, Donamus et ex nunc pro nobis et heredibus nostris concedimus et hac presenti carta nostra confirmamus omnes terras de *Crokysfou de Inchenan* et de *Perthaikscott* prædictas cum pertinentiis Waltero Senescallo fratri prædicti Domini Johannis Senescalli tenend' et habend' sibi et heredibus suis mascululis de corpore suo legitime procreatis seu procreandis ac ipsorum heredibus mascululis de eorum corporibus legitime procreandis et per lineam rectam descendentibus ut supra in feodo et hereditate, adeo libere quite plenarie integre et honorifice sicut præfato Domino Johanni et suis heredibus mascululis superius sunt concessæ; Si vero contingat Dominum Walterum aut heredes suos mascululos absque heredibus mascululis uno vel pluribus de se aut ipsorum aliquo legitimo procreandis seu procreando per lineam rectam descendentibus seu descendenti debitum natura:

turæ perfolvere, Damus ex nunc et hac præfenti carta noſtra concedimus omnes terras prædictas cum pertinentiis Domino Alexandro Senefcallo fratri ipſorum Domini Johannis et Walteri tenend' et habend' eidem Domino Alexandro et heredibus ſuis maſculis de corpore ſuo legitime procreatis ſeu procreandis ac eorum heredibus maſculis in feodo et hereditate ab eiſdem formis et conditionibus quibus præfato Domino Johanni Roberto filio ſuo et Waltero fratri ſuo ſuperius conceduntur; Si autem prædictum Dominum Alexandrum aut heredes ſuos prædictos et ab ipſis deſcendentes abſque herede maſculo ſuperſtite procreato viam univerſæ carnis ingredi contigerit, Volumus pro nobis et heredibus noſtris et hac præfenti carta noſtra concedimus, quod ille qui proximior maſculus de ſanguine et cognomine ipſius Domini Johannis Senefcalli pro tempore repertus fuerit et ipſius ſemper heredes maſculi prædicto Domino Johanni filio ſuo et fratribus ſuis ac ipſorum heredibus maſculis ſic deficientibus in dictis terris cum pertinentiis univerſis hereditario intrare ſemper ſuccedant, Faciendo nobis et heredibus noſtris ſectam et ſervicia ſicut ſupra In cujus rei teſtimonium ſigillum noſtrum una cum ſigillo prædicti Johannis Senefcalli primogeniti noſtri præfenti carte noſtre duximus apponendum, Teſtibus venerabilibus in Chriſto patribus Johanne et Roberto Dei gratia de Paſſeley et de Kylwynyn Abbatibus Roberto de Irſkyne, Hugone de Eglyntone et Johanne de Lyle Militibus et multis aliis.

III. CHARTER in the year 1361, by *John Stuart Lord of Kyle Stewart*, in favor of his couſin *Sir John Stuart of Derneley, Knight*, and his heirs male therein mentioned, of the lands of *Torboulton* and of *Dromley*, lying within the barony of *Kyle-Stewart*.

OMNIBUS hanc cartam viſuris vel auditoris Johannes Senefcallus Dominus de Kyle Senefcalli ſalutem in Domino ſempiternam, Cum dilectus conſanguineus noſter Dominus Johannes Senefcalli de Dernelee Miles apud Dernelee in loco habitationis ſue coram Domino Roberto Senefcallo Scotie Comite de Sthne (Strathearn) primogenito noſtro kariffimo et nobis ac nonnullis aliis de noſtro conſilio perſonaliter conſtitut' die Lune decimo die menſis Januarii anno Domini milleſimo trecentefimo ſexageſimo

primo omnes terras suas de *Torboltoun* et de *Dromley* cum pertinentiis infra baroniam nostram de Kyle quas de nobis tenuit in capite nobis per fultem et baculum sursum reddidit ac pure et simpliciter resignavit, Noveritis nos dedisse et ex certa scientia concessisse ac presenti carta nostra confirmasse eidem Domino Johanni Militi confanguineo nostro omnes terras de *Torboltoun* et de *Dromley* prædictas tenend' et habend' eidem Domino Johanni et Roberto filio et heredi suo ac ipso filio sine herede masculo superstitite ab hac luce sublato aliis heredibus ipsius Domini Johannis masculis de corpore uo legitime procreatis seu procreandis ac dictorum heredum heredibus seu heredi masculis seu masculo de eorum corporibus procreandis vel procreando per lineam directam ab ipsis seu ipsorum aliquo descendentibus seu descendenti in feodo et hereditate per omnes rectas metas et divisas suas libere quiete plenarie integre et honorifice cum tenandriis et serviciis libere tenentur et cum omnibus aliis libertatibus commoditatibus aysiamendis et justis pertinentiis ad dictas terras spectantibus seu iuste spectare valentibus in futurum Faciendo nobis et heredibus nostris dictus Dominus Johannes et heredes sui prædicti tres sectas ad curiam nostram baronie de Kyle ad tria placita capitalia tenend' ibidem per annum ac alia servicia de prædictis terris cum pertinentiis debita et fieri consueta Et si contingat præfatum Dominum Johannem aut heredes suos masculos ac ipsorum heredes masculos per lineam rectam descendentes ut supra absque herede masculo superstitite de corpore alicujus eorundem procreato et per lineam rectam descendentes ab hac luce migrare Donamus et ex nunc pro nobis et heredibus nostris concedimus et hac presenti carta nostra confirmamus omnes terras de *Torboltoun* et de *Dromley* prædictas cum pertinentiis Waltero Senescallo fratri prædicti Domini Johannis Senescalli tenend' et habend' sibi et heredibus suis masculis de corpore suo legitime procreatis seu procreandis ac ipsorum heredibus masculis de eorum corporibus legitime procreandis et per lineam rectam descendentibus ut supra in feodo et hereditate, adeo libere quiete plenarie integre et honorifice sicut præfato Domino Johanni et suis heredibus masculis superius sunt concessæ; Si vero contingat Dominum Walterum aut heredes suos masculos absque heredibus masculis uno aut pluribus de se aut ipsorum aliquo legitime procreandis seu procreando per lineam rectam descendentibus seu descendenti debitum naturæ perfolvere, Damus ex nunc et hac carta nostra concedimus omnes terras prædictas cum pertinentiis Domino Alexandro Senescallo fratri ipsorum Domini Johannis et Walteri tenend' et habend' eidem Domino Alexandro et heredibus suis masculis de corpore suo legitime procreatis seu procreandis ac eorum heredibus masculis

in

in feodo et hereditate sub eisdem formis et conditionibus quibus præfato Domino Johanni Roberto filio suo ac Waltero fratri suo superius conceduntur Si autem prædictum Dominum Alexandrum aut heredes suos prædictos et ab ipsis descendentes absque herede masculino superstiti procreato viam universæ carnis ingredi contigerit volumus pro nobis et heredibus nostris et hac presenti carta nostra concedimus quod ille qui proximior masculus de sanguine et cognomine ipsius Domini Johannis Senescalli pro tempore repertus fuerit et ipse semper heredes masculi prædicto Domino Johanni filio suo et fratribus suis ac ipsorum heredibus masculis sic deficientibus in dictis terris cum pertinentiis universis hereditario intrare semper succedant Faciendo nobis et heredibus nostris facta servicia sicut supra et cujus rei testimonium sigillum nostrum presenti carte nostre duximus apponendum Testibus venerabilibus in Christo patribus Johanne et Roberto Dei gratia de Passeley et de Kylwynyn Abbatibus Roberto de Irkyne Hugone de Eglinton et Johanne de Lyle Militibus et multis aliis.

No. II. p. 119.

LETTRES de Don fait par le Roy Charles VII. à Jean Stuart de Derneley Connétable de l'Armée d'Ecoffe, de la Terre et Seigneurie d'Aubigny.

CHARLES, par la grace de Dieu Roy de France : Sçavoir faisons à tous presens et à venir, que nous considerans et ayans parfaite connoissance que notre cher et amé cousin Jean Stewart, Seigneur de Darnellé et de Concreffault, Connétable de l'armée d'Ecoffe, à *nostre priere et requeste est venue du dit pays d'Ecoffe, et a amené avec lui grande compagnie de gens-d'armes et de trait*, en intention et mettant à effet les anciennes alliances des Royaumes de France et d'Ecoffe, à notre très grand besoin, affaire, et necessité, nous a servi et fait encore chacun jour à l'encontre des Anglois nos anciens ennemis, et de plusieurs nos rebelles et défobeiffans, au nombre des dits gens-d'armes et de trait en sa compagnie, auquel service en démontrant la grande amour et entiere affection qu'il a envers nous et notre seigneurie, il à du tout mis, employé, et exposé en grand heurt et diligence, lui et tous ceux de sa compagnie, *l'espace de trois ans ou environ*, au bien de nous, du dit royaume, et de notre seigneurie, en quoy il a eu et pris très grande peine travaux et labeurs, en grand peril et danger de sa personne, tant à l'armée et assemblées faites depuis sa venue pour resister aux entreprises de nos dits ennemis et rebelles, qu'autrement pour leur contester, ainsi que plusieurs fois là par effet démontré, et mesmement à *la bataille de Baugé, en laquelle il se maintint et gouverna comme vaillant et courageux chevalier, et nous servoit tout grandement, liberaument, et de si grande volonté, lui et sa dite compagnie, qui a toujours nous en devons reputer estre tenus à lui et de nostre pouvoir le reconnoitre; attendu mesmement que par lui et autres, moyennant la grace de notre Seigneur donné à esté à la dite journée victoire contre grande partie de nos anciens ennemis; et pour raison des dites choses lui eussions despicea promis bailler et asseoir rente en notre dit royaume jusqu'à la valeur de deux mille livres Tournois par chacun an, afin de lui aider à maintenir son état honorablement, et aussi à ce qu'il fût plus enclin de demourer à notre service, à l'occasion du quel il a délaissé sa femme et ses enfants, et ses autres parens et amis, et abandonné ses rentes, revenues, et possessions dont il vivoit grandement et notablement. Desquelles deux mille livres Tournois, ne lui ayant encore pu faire de-*

livrance, d'autant les grandes charges que avons eu, et avons à supporter pour le fait de notre guerre, et desirans en recompenser lui et ceux qui en tel besoin et necessité nous ont servi et servent, et memement en aucune recompensation des dites deux mille livres de rente à celui notre cousin Jean Stewart, pour les causes et considerations dessus dites, qui à ce nous ont meurt et meurent, avons par l'avis d'auncuns de notre sang et deliberation de notre grand conseil, donné, cédé, transporté, et à toujours mis, delaisié de notre certaine science, grace speciale, et autorité royale, donnons, cedons, et transportons à toujours mais perpetuellement, et à ses hoirs mâles descendans de son corps, et de ses hoirs mâles en droite ligne, *la ville, terre, chasteil, et chastellenie d'Aubigny sur Niere*, avec le fonds, tous fonds, fruits, issues, profits, rentes, revenues, et autres emolumens quelconques à icelle appartenans, tant en cens, rentes, pecuniaires, et de grains, hommes et femmes de corps de quelque condition qu'ils soient, eaux, étangs, moulins, bois, forêts, terrages, pâturages, dixmes, champarts, bourdelage, terres, garennes, pâturages, et autres droits, profits, et émolumens quelconques, les fiefs, et arriere fiefs, avec toute la justice haute, moyenne, et basse, meré et mixte; impere et generaumens, tous autres droits et seigneuries qui sont et peuvent estre des appartenances et dépendance d'icelle, sans en rien reserver ni retenir à nous, excepté le foy et hommages-lige, ressorts, et souveraineté: pour la dite ville, terre, chasteil, et châtellenie d'Aubigny, avoir, tenir, et posseder dorénavant par notre dit cousin Stewart et ses dits hoirs mâles comme dit est, et pour user et jouir des fruits, profits, rentes, et revenues, et autres droits seigneuriaux à toujours mais perpetuellement comme de leur propre chose. Si donnons en mandement à nos amez et feaux, les gens tenans, et qui pour le temps à venir tiendront notre Parlement, les gens de nos Comptes, notre Tresorier General, et à tous nos autres Justiciers, ou à leur lieutenans, et à chacun d'eux, si comme à leur appartiendra, que notre dit cousin Jean Stewart, et ses dits hoirs fassent, souffrent, et laissent jouir et user pleinement et paisiblement de notre presente grace, don, cession, et transport, sans lui faire ou donner ou souffrir estre fait ou donné lors ou pour le temps à venir, aucun destourbier ou empêchement au contraire; car ainsi nous plaît il être fait, nonobstant quelconque ordonnance de non aliener notre domaine, laquelle quant à ce ne voulons sortir aucun effet et quelconque autre, et promettons notre dit cousin et ses dits hoirs mâles garantir et deffendre envers tous et contre tous le don et octroy dont dessus est fait mention, en imposant sur ce silence perpetuel à notre Procureur General et à tous autres. Et afin que ce soit ferme chose et stable à toujours, nous avons fait mettre

notre

notre scel à ces presentes sauf en autre chose notre droit et l'autrui en tout. Donné à Bourges le vingt-sixieme jour de Mars mil quatre cens vingt deux, et de notre regne le premier. Ainsi signé par le Roy en son Conseil, auquel Monsieur le Duc d'Alençon, le Comte d'Aumale, Messire Bernard d'Armagnac, le Maréchal de la Fayette, le Maitre des Arbalétriers, le Prévost de Paris, le Sire de Mirandol, Guillaume d'Avaugour, et autres plusieurs étoient.

Y. VILLEBRESME.

Expedita in camera compotorum Domini nostri Regis de ipsius mandato expressi facto, & registrata libro curtarum hujus temporis, fol. 25, die decimo mensis Aprilis anno Dom. 1423, post Pascha.

Y. DUPUIS, Vifa.

Et au dos d'icelle estoit écrit : Lecta in publicata Pictaviæ in Parlamento Regis penultima die Julii anno Domini 1425.

BOYER.

Extraits des Registres des Ordonnances Royaux registrez en Parlement.
(Signé) DU TILLET.

No. III. p. 129.

Extracts from the Records of the Chambre des Comptes
at Paris.

In the accounts of HEMON RAGUIER, Tresorier des Guerres, which comprehend the period from the 21st of November 1422, to the last day of December 1423, under the title of "Tauxations, Recompensations, Estats, anciennes Compositions et autres deniers payés par Mandemens du Roy notre Sire, durant le temps de ce present Compte," there are the following articles relating to Sir John Stuart of Derneley :

A JEHAN STEWART, *Seigneur de Dornlé, et Connetable de l'armée des Escossois*, auquel le Roy, notre Sire despesça, par certaines ses lettres rendus sur le premier compte rendu par le dit Tresorier en la Chambre des Comptes du d. Seigneur à Bourges, pour les mises et depenses que faire convenoit, à iceluy Connetable de faire *à cause de la charge et retenue des gens d'armes et de trait de sa compagnie*, avoit ordonné certaine somme de deniers de la monnoye que lors avoit cours en ce royaume, avoir par chacun mois pour l'estat de sa personne; et soit ainſy que le Roy notre dit Seigneur ait ordonné à iceluy Jehan Stewart, *autre plus grant charge et retenué de gens d'armes et de tret du dit pays*, et mesement luy ait *generalement baillé toute la charge des gens d'armes et de tret d'iceluy pays que lors de present estoient en service du d. Seigneur*, à laquelle cause luy commandoit faire dorenavant plus grans frais, mises, et despenſe, soufrance et suporter autres plus grans charges, pur lesquelles, tant pour l'estat de sa personne que pour autres plusieurs; le Roy notre dit Seigneur ne luy auroit encores tauxé ne ordonné aucune somme de deniers de la monnoye qu'il avoit ordonné avoir cours en son dit royaume. Pourquoy yceluy Seigneur ayant regard et consideration aux choses dessus dites, et aux grans frais, mises, et depenses que à cause de la d. charge, faire luy commendoit par ses lettres données à Melun sur Yevre le dix huitieme jour de Novembre, l'an de grace mil quatre cens vingt deux, avoit et a ordonné à mon dit Sieur le Connetable d'Escosse prendre et avoir dorenavant par chacun mois des deniers de ses d. finances, la somme de cinq cent livres Tournois de la monnoye dessus dite pour l'estat de sa personne et aveques ce, pour ce que la d. somme de cinq cent livres Tournois pour son dit etat, il ne pourroit fournir aux dites charges, afin qu'il peut avoir

avoir son etat plus honorablement et pour luy aidier de supporter autres grans mises et depenses que faire luy conviendroit pour l'entretennement des capitaines et autres gens d'armes et de tret du dit pays de sa ditte charge; le Roy notre dit Seigneur par les dites lettres avoit et a ordonné par maniere de don, qu'il ait et praigne dorenavant par chacun mois autres cinq cent francs de la ditte monnoye, qui font mil livres Tournois; par lesquelles lettres est mande par le Roy notre dit Seigneur à Messieurs les Generaux Conseillers ordonnés sur le fait et gouvernement de toutes finances, que par l'un des Tresoriers des Guerres, ils fassent payer, bailler, et delivrer des deniers de sa recette dorenavant par chacun mois au dit Conestable ou à son certain commendement la ditte somme de mil livres Tournois de la ditte monnoye; c'est assavoir, cinq cent livres pour son dit etat, et cinq cent livres Tournois pour don; et que par rapportant les dites lettres, ou vidimus d'icelles fait sous le seal royal aveques quittances du d. Conestable, le Roy notre dit Seigneur veult et luy plaist que tout ce que payé, baillé, luy en aura esté, estré alloué et comptes et rabattu de la recette d'iceluy Tresorier que paye Laura, par Messieurs des Comptes du Roy notre dit Seigneur, auxquels il mande que ainsi le facent, sans aucun contredit ou difficulté; non obstant que le nombre des gens d'armes et de tret de sa ditte charge et retenüe ne soit declarée es dites lettres; par vertu desquelles lettres expedées par mes dits Sieurs les Generaux sur le dit Hemon Raguier, Tresorier dessus nommé, le vingtieme jour du d. mois de Novembre, et des quittances du d. Conestable, tout cy rendu à court, le d. Tresorier luy a payé la ditte somme de mil livres Tournois par la maniere dessus ditte, et pour le mois qui s'ensuivent; c'est assavoir:

Pour un mois commençant le vingtieme jour de Novembre dessus d. mil quatre cent vingt deux par lettres de reconnoissance du dit Sieur de Dernlé donnée le vingt deuxieme jour du d. mois mil livres Tournois.

Pour un autre mois commençant le vingtieme jour de Decembre ensuivant, au dit an, par autre lettre du dit Sieur de Dernlé donnée le vingt-deuxieme jour de Janvier ensuivant mil livres Tournois.

Pour ung autre mois commençant le vingtieme jour du d. mois de Janvier par autre lettre d'iceluy Sr de Dernlé, donnée le vingt quatrieme jour de Fevrier ensuivant mil livres Tournois.

Pour un autre mois commençant le vingtieme du dit mois de Fevrier par autre lettre du dit Sieur de Dernlé, donnée le vingt quatrieme jour de Mars ensuivant au dit an mil livres Tournois.

Pour ung autre mois commençant le vingtieme du dit mois de Mars, par autre lettre de lui donnée le vingt huitieme jour d'Avril, ensuivant mil quatre cent vingt trois mil livres Tournois.

Pour

Pour un mois commençant le vingtième jour du d. mois d'Avril, par autre lettre d'Jceluy Stewart donnée le vingt cinquième jour de May en-
 fuivant au dit an mil livres Tournois.

Pour un autre mois commençant le vingtième jour du d. mois de May par autre lettre du dessus d. donnée le vingt deuxième jour de Juing en-
 fuivant au dit an mil livres Tournois.

Et pour un autre mois commençant le vingtième jour du d. mois de Juing, par autre lettre de Mond. Sieur le Connestable donnée le vingt qua-
 trième jour de Juillet en- fuivant au dit an mil quatre cent vingt trois; mil
 livres Tournois

Pour toutes ces parties

VIII. mil livres Tournois.

A mon dit Sieur le Connestable de l'armée d'Escoffe, lequel le Roy notre
 Sire, par la ditte deliberation de son Grand Conseil, et pour le bien et profit
 de luy et de ses fujets, avoit ordonné et deliberé à aller tout le nombre
 des Escoffois estant lors par deça, au service du Roy notre Sire, qu'il s'estoit
 chargée d'assembler et faire passer outre la riviere de Loire et mener en sa
 compagnie es pays et Marches d'Auxerrois et de Nivernois, pour faire
 guerre et grevance par toutes les voies et manieres que faire se pourroit aux
 Anglois et autres ennemis et adversaires du dit Seigneur, et reduire et
 remettre en son obeissance jceulx pays et autres au Roy notre dit
 Seig^r desobeiffans, et pour continuë mon dit Sieur le Connestable d'Escoffe
 et les d. Escoffois, afin que plus liberalement il passassent la ditte riviere,
 le servir en ce que dit est; le Roy notre dit Seigneur par la ditte deliberation
 avoit fait composer et appointer par les d. gens de son dit conseil avecques le d.
 Connestable pour le payement de luy et des d. Escoffois pour deux mois à la
 somme de trente mil livres Tournois, sans ce qui de luy ny des d. Escoffois
 il feust tenu de faire ne bailler aucunes monstres ni reveuës; laquelle somme
 le Roy notre dit Seigneur, par ses lettres données à Bourges le vingt deuxième
 jour de Juing l'an de grace mil quatre cent vingt trois, avoit et a ordonné
 estre baillé et delivré par le d. Hemon Raguier, Tresorier des Guerres dessus
 nommé des deniers de sa recette au d. Connestable en la maniere qui s'en-
 suit; c'est assavoir, lors presentement comptant dix mil livres Tournois; en la fin
 de Juillet prochain venant, cinq mille livres Tournois, et en la fin de Sep-
 tembre prochain venant quinze mil livres Tour. ; et que par rapportant les
 dittes lettres et quittances sur ce d'Jceluys Connestable tant seulement le
 Roy notre d. Seigneur, veult la ditte somme de trente mil livres Tournois
 estre alouée es comptes et rabattue de la recette de son dit Tresorier par
 Messieurs de ses Comptes; auxquels par les d. lettres il mande que ain-
 sy le

le facent, sans aucune difficulté ou contredit, nonobstant qu'il ne leur appere du nombre des d. Escossois par monstres et reveuës, quittances des capitaines d'iceulx, autrement que par les dittes lettres, et les dittes quittances du dit Conneftable; par vertu desquelles lettres expediées par Messeigneurs les Generaulx Conseillers sur le fait et gouvernement de toutes finances tant en Languedoc, le vingt quatrieme jour du d. mois de Juing, et d'une quittance de mon dit Sieur le Conneftable, montant à la somme de dix mil livres Tournois, donnée le vingt huitieme jour du d. mois de Juing, tout cy rendu à court, le dit Treforier luy a payé comptant sur la dite somme de trente mil livres Tournois, les d. dix mil livres Tournois, pour ce dix mil livres Tournois."

No. IV. p. 188.

Signature of Remission by King James III. to John Lord Dernelle,
and others.

OUR Soverane Lord ordanis that a letter under the grete sele be made to
his cousine Johnne Lord Dernelle schewand and declarand that quhen our
saide Soverane lordis hienes come fra Lauder to Edinburgh and was haldin
and kept in warde againe his will in the castell of Edinburgh that his Ma-
jeste dredand that certane lordis and perfonnyis that was yair about
him wald hafe slayne and undone him, for the quhilke dreid and for saufte
of his life and for the singular traiste that he had in the said Lord Dernelle,
his hienes haith prait and chargit him with certane servituris of his to remayne
and awayt upon his perfonn baith nicht and day for the keeping and defence
of him as said is, and also that his Majeste chargit and gafe licence to the
said Lord Dernelle to sele and subscribe with his hand certane endenturis,
liens and bandis made be the remanent of the lordis, the quhilke he causit
him to sele and subscribe to eschew that y^r lordis fuld tak na suspicioun againe
the saide Lord Dernelle be refusing yareof, and yarethrow have removit and
put him fra the keeping of the saide castell and of our Soverane Lordis
perfonn, and in likewise that his hienes the tyme that his bruther the Duc of
Albany come and besegit the saide castell for the delivering of him furth of the
famen, his hienes chargit and causit his cousing the Lord Dernelle forsaide to
hald and defend the said castell, and that it was gevin ovre at his command
incontinent after that he schew it was his will to have bene furth at his said
bruyer, and that his said cousing held him nocht againe his will bot remaynit
with him by his awin request and charge as saide is ; And yairfor decernis and
declaris the said Johnne Lord Dernelle and his servituris and familiaris that
was with him in the said castell, that is to fay, Walter Stewart, George of
Maxwell, Maister Johnne of Maxwell, Johnne Stewart, Alexander Stewart,
Johnne of Maxwell, Robert Flemyng, Charles of Powck, Johnne Sympill,
Johnne Cambell, and Johnne Cambell, Edward Mure, Johnne Mure, An-
dro' Murray, and Johnne Mure, Thomas Wallace, Alexander Houstoun, Ro-
bert of Mortoun and his sone, and Robert of Craufurd, Johnne of Cochrane,
Witzame Cochrane, Alane Stewart, David Montgumry, Johnne of Kirkmyr,
Maist' Walt' Drummond, Andro' Drummond, Witzame of Streveling, Alex-
ander Campfy, Robert Martyn, David Brifome, Witzame Ludgat, James of

Kenderfled, Gilbert Ludgat, Conwell of Crukifton, Johnne Thrift, Robert Browne, Thomas Sellar, Wilzame Colman, Edward of Cochran, Thomas Stewart, George Stewart, Adam Colman, Dunkane of Duddlefone, Wilzame Mular, Wilzame Ker, Alexander Brokmyr, Thomas of Denys, Johnne of Paris, Johnne Gillifs, Arche Gilbertfone, David Maxwell, Walt. Calderwood, Sir James Way, F'nlaw Waghorne, Wille Mawar, Johnne Mawar, James Robertfone, James of Douglas, James Bell, Dunkane Currou, Johnne of Gordoun, Dunkane Striveling, Wylzame Symptfun, Alexander Striveling and Rothiffay Herral, innocent and quite of all aëtionis of crime of the King's hurt Majeste or accusatioun yat may be imput to hfm or yaim or any of yaim in any wifs for the caufs forefaid or occafon thereof and of all uther aëtion and cryme of the King's hurt Majeste in any tyme before the day of the date of yir letters; And declaris the faid Lorde Dernele and the perfonny above writin as faide is his trew li-ges commandand and chargand that in tyme to cum na justice slieriff justice clerk nor utheris oure Souverane Lordis liegis tak uppon hands to arreft attach refave in dittay or accuse the faid Lord Dernelle or his fervituris forfaids or any of yaim for any caufs forfaid or to murmur him or yaim in yair honour or guid fame in any wife in judgement or uttouth in any tyme to cum under all the hieft pain and charge yai may incur again oure Souverane Lordis Majeste; And ordanis yat our lettir under the privy fele and fignet be direct ordonnerly for the faid letters to be made under the grete fele

Writin and subfcribit be oure faid Souverane Lord at the
19th day of October 1482 yrs.

(Signed)

JA^s.



S U P P L E M E N T ;

CONTAINING

COPIES OF VARIOUS DISPENSATIONS

FOUND IN THE VATICAN AT ROME, IN THE COURSE OF A SEARCH MADE
IN THE YEAR 1789;

PARTICULARLY

COPIES OF TWO VERY INTERESTING DISPENSATIONS, WHICH
HAD LONG BEEN SOUGHT FOR IN VAIN,

RELATING TO

ROBERT THE STEWART OF SCOTLAND,
(KING ROBERT II.)

HIS MUCH CONTESTED MARRIAGES

WITH

ELIZABETH MORE AND *EUPHEMIA ROSS.*

S U P P L E M E N T.

EVERY person versant in the Scottish History must be acquainted with the various discordant opinions which have been entertained concerning the marriages of Robert the Stewart of Scotland with Elizabeth More and Euphemia Ross. That diversity of opinion gave rise to long continued controversies, carried on with great acrimony by the partizans of the different systems adopted. In this dispute there was involved a question which served to increase the zeal of the parties; for the tendency of the facts maintained on the one side of the question was, to bastardize King Robert III. thereby affecting his right to the crown, and in its consequences affecting the rights of the succeeding Kings of Scotland, and all the royal race descended from him.

In this controversy several authors of eminence were engaged, and the authorities of eminent historians were appealed to, particularly the authority of George Buchanan, who, in his History of Scotland, book ix. p. 391 of the English translation, 8vo edition, gives the following account of the marriages of Robert II.

“ * Thus all things succeeded prosperously with Robert for the
“ two first years of his reign; but in his third year, Eufemia,
“ daughter to Hugh Earl of Ross, died. The King had three
“ children

* “ Rebus ita primo biennio feliciter succedentibus; tertio ab inito regno anno,
“ Eufemia Regina, Hugonis Comitis Rossie filia, moritur. Ex ea Rex ternos liberos
“ genuerat, Valterum posterius Atholice, et Davidem Jernie Comites, et Eufemiam,
“ quam Jacobi Duglassio nupsisse a nobis ante commemoratum est. Robertus non
“ tam

“ children by her ; Walter, afterwards made Earl of Athol ; Da-
 “ vid Earl of Strathern ; and Euphemia, whom James Douglas
 “ married, as I said before. Robert, not so much for the im-
 “ patience of his unmarried state, as for the love of his children
 “ which he had before by Elizabeth More, made her his wife. This
 “ woman was exceedingly beautiful, the daughter of Adam More,
 “ a noble Knight ; the King fell in love with her when he was
 “ young, and had three sons and two daughters by her, and gave
 “ her in marriage to one Gifard, a nobleman in Lothian. It hap-
 “ pened that Eufemia the Queen, and Gifard, Elizabeth’s husband,
 “ died about one and the same time. Upon which the King,
 “ either induced by the old familiarity he had with her, or else (as
 “ many writers report) to legitimate the children she had by him,
 “ married her, and presently advanced her sons to riches and
 “ honour. John, the eldest son, was made Earl of Carrick ; Robert,
 “ of Menteith ; and Alexander, of Buchan, to which Badenoch was
 “ joined. Neither was he content with this munificence, but he
 “ prevailed upon the Assembly of Estates, met at Scone, to set by
 “ the children of Euphemia, and to observe the order of age, in
 “ making his sons king after him ; which matter was in aftertimes
 “ almost the utter ruin of that numerous family.”

“ tam impatientia cœlibatus, quam amore filiorum ex Elizabetha Mora prius geni-
 “ torum, ipsam uxorem duxit. Hanc enim eleganti forma, Adami Mora illustri
 “ equitis filiam, adhuc adolescens vehementer amarat, ex eaque tres filios ac duas
 “ filias suscepit ; eamque Gifardo viro nobili in Lothiana curaverat collocandam.
 “ Verum sub idem fere tempus Eufemia Regina, et Gifardo Elizabethæ marito de-
 “ functis, Rex, sine consuetudine veteris Moræ inductus, suis (quod a multis traditur)
 “ ut filios quos ex ea genuerat legitimos faceret, matrem eorum sibi matrimonio
 “ junxit : filios statim divitiis et honoribus auxit. Joannes natus maximus Caricæ,
 “ Robertus Faichæ, Alexander Buchanæ Comes sunt facti, adjecta etiam Badena-
 “ cha. Nec hac munificentia contentus, Comitibus ad Sconam indictis, obtinuit, ut,
 “ præteritis Eufumie liberis, in Rege creando gradus ætatis observarentur : quæ res
 “ postea tam numerosam familiam prope extinxit.” Lib. ix. p. 168. fol. edit.

The same author, George Buchanan, in a subsequent part of his History, writes thus :

“ * I said before, that Robert the Second had three sons by his concubine ; he had also two by his wife Eufemia, Walter Earl of Athol, and David Earl of Strathern ; yet when their mother the Queen was dead, he married the concubine before-mentioned, that so he might by that marriage legitimate the children he had by her, and leave them heirs to the crown. And accordingly at his death he left the kingdom to the eldest of them. To the second he gave great wealth and the regency also. The third was made Earl of several counties. In this matter, though his other wife’s children thought themselves wronged, yet being younger, and not so powerful as they, they smothered their anger for the present. And besides their power was somewhat abated by the death of the Earl of Strathern, who left but only one daughter behind him, afterwards married to Patrick Graham, a young nobleman, and of a very potent family in that age, by whom he had Malist Graham ; his parents were but short lived, and the child a few years after,

* “ Dictum est a nobis Roberto Secundo Regi tres ex concubina filios natos ; ille quamquam ex Eufemia uxore, Valterum et Davidem alterum Atholæ, alterum Jernia comitam haberet ; tamen eorum matre mortua concubinam uxorem duxit, ut ejus filios per matrimonium illud legitimos factos, regni hæredes relinqueret ; ac moriens etiam penes natu maximum regnum reliquit, penes secundum ; præter opes maximas, etiam regni procuratio fuit ; tertium aliquot regionum constituit regulum. In hac parte, etsi alterius uxoris liberi se affectos injuria putabant, tamen, quia et ætate et opibus erant inferiores, iram in præsentia tacitam continebant. Eorum quoque potentiam imminuit Comitis Jerniæ mors, qui unica relicta filia decefferat. Ea Patricio Gramo, adolescenti nobili e familia illa ætate potentissima, uxor data, Melissim Gramum ex eo genuit. Nec parentes diu superflites fuere ; & puer paucis post annis adhuc adolescens ; in Angliam erat missus obes, dum pecunia Regi redimendo promissa solveretur. Atholius autem, etsi rebus omnibus adverse factioni inferior, nunquam tamen studium tollendi propinquos omisit, neque spem recuperandi regni abjecit : et quia ad vim apertam erat impar, callide discordias eorum fovbat & periculis insidiabatur : donec ejus maxime consilio amplissima familia ad paucos fuit redacta.” Lib. x. p. 192. fol. edit. 1715.

“ being yet a stripling, was sent as an hostage into England, till
 “ the money for the King’s ransom was paid. But the Earl of
 “ Athol, tho’ every way too weak for the adverse faction, yet never
 “ gave over his project to cutt off his kindred, nor laid aside his
 “ hopes of recovering the kingdom ; and because he was inferior in
 “ open force, he craftily fomented their divisions and discords,
 “ and invidiously made use of their dangers to promote his own
 “ ends, so that by his advice that large family was reduced to a
 “ few.”

It has been thought proper to state here at full length the account given by George Buchanan of the marriages of Robert II. and of their consequences ; because he is the author who has the most fully and explicitly given to the world the unfavorable state of the case, and who has shewn the greatest disposition to bastardize King Robert III.

The falsehood of the account thus given by Buchanan has by several writers been successfully detected. However, though it has been more owing to George Buchanan than any other author, that the false account of the marriages of Robert II. was so much circulated in the world, yet it must be acknowledged in justice to him, that he was not the first inventor of that falsehood, nor the only person who maintained it. On the same side of the question there was Bower the continuator of Fordun, who, without paying the proper attention to the more accurate account given by Fordun himself, rashly asserted that Euphemia Rofs was the first wife of Robert the Stewart, and that after her death he married Elizabeth More, and by virtue of that supervening marriage legitimated the children he had formerly had by Elizabeth More before his marriage to Euphemia Rofs.

The false account of the marriages was given also by Hector Boëthius, who wrote in the year 1525, and published in the year 1526.

John

John Lesley, Bishop of Ross, in his book printed at Rome in 1578, had also, without due examination, published the false account, similar to Bower and Boëthius.

These authors preceded George Buchanan, whose history was first printed in the year 1582. But none of them had written so fully or so positively on the subject as Buchanan has done; the circumstances added by him to the original fable, and his eminence as an elegant writer, made the story to be adopted by many others without sufficient examination.

Sir John Skene, Clerk Register, in his Chronological Tables of the Kings of Scotland published in the year 1597, along with the Acts of Parliament, appears to have adopted the false story told by Buchanan and others concerning Robert's having been married first to Euphemia Ross, and after her death to Elizabeth More.

And Sir Thomas Murray of Glendoick, Clerk Register, printed with the Acts of Parliament the same Chronological Tables which Sir John Skene had published, with the additions to his time; so that the false story about the marriages of Robert was included also in Sir Thomas Murray's Tables.

Sir Lewis Stewart, Advocate, was the first who, in the reign of Charles I. detected the falsehood of the common account of Robert the Second's marriages; and appealed to the Acts of Parliament passed in the years 1371 and 1374. This is mentioned by Sir George Mackenzie in his *Jus Regium*, p. 192, published first at Edinburgh in 1684; and afterwards in his Works, vol. ii. anno 1717. Sir George confirms the same account by the act of Parliament 1371, discovered in the Records by Lord Cromarty, Clerk Register, and by other charters, and particularly by the Act of Parliament at Scone, on 4th April 1373, settling the succession to the Crown of Scotland, and naming all the sons of Robert of his first and second marriage, according to their order of seniority.

The most complete and satisfactory refutation of the false account of Robert's marriages was first given in the year 1694, by Mr. Lewis

Innes, Principal of the Scots College at Paris, when he published a charter granted in the year 1364, by Robert the Stewart of Scotland; the authenticity of which charter had been ascertained in a solemn manner by *Mabillon*, *Camillus le Tellier de Louvers*, and other good judges; and the contents of that charter demonstrated that Robert was first married to Elizabeth More, by whom he had John his eldest son, who succeeded to him; and in that charter reference was made to a *dispensation* which had been granted by the Pope for the marriage with Elizabeth More.

This was followed by a work of the Earl of Cromarty's, entitled, "A Vindication of Robert the Third, King of Scotland, and all his Descendants, from the Imputation of Bastardy;" in which work the Earl of Cromarty corroborated, by many charters in the Records, the account given by Mr. Innes.

Mr. Atwood, in a book printed in the year 1704, intitled "The Superiority, &c. of England over Scotland," attacked both Innes, the Principal of the Scotch College, and the Earl of Cromarty, and impudently called in question the authenticity of the charter produced by the Scotch College.

Mr. Rymer, in his Letters to Nicholson, Bishop of Carlisle, printed at London in 1702, gave an account of many charters and public instruments corroborating the charter published by Mr. Innes; and the Bishop, in his Scots Historical Library, part ii. chap. iii. p. 54, gives a very distinct and just account of Robert's marriages; where, in summing up the evidence in favor of the true account, Bishop Nicholson expresses himself thus: "All which being considered together, afford as manifest a confutation of *George Buchanan's impudent suggestion* as can possibly be wished for; and will for ever stop the mouths of the future enemies of the monarchy and royal family of Scotland as to this topic."

Sir James Dalrymple, in the preface to his Historical Collections, answers Atwood; and also mentions, p. 36, a copy of the charter 1364; which copy had been taken in the year 1556, before the

Records

Records of Glasgow had been transferred to the Scots College at Paris.

Mr. Sage, in his Introduction to Drummond of Hawthornden's Works, published in 1711, gives an account of the charters which established the true history of Robert the Second's marriages, as published by Innes, Rymer, Lord Cromarty, &c. and shews clearly the falsehood of the account given by Boëthius and Buchanan. He at the same time shews the injustice that had been done to John Major, in supposing him to have concurred with these authors in that false account; and on the contrary, maintains that John Major's account is quite different from, and opposite to theirs; though by some strange blunder he had generally been classed among the authors of the false account. Mr. Sage conjectures that Robert had children by Elizabeth before he got the dispensation from the Pope.

Mr. Ruddiman, in his notes on Buchanan's History, edition 1715, p. 432, sums up the true history of Robert the Second's marriages, referring to the authors who prove it, and gives his opinion of the story told by Buchanan and the other authors on the same side of the question, concerning the marriages and children of Robert the Second, in these words: "*Tota hæc quæ de Roberti II. uxoribus et liberis sequitur narratio, merum est auctorum nostrorum figmentum, vel potius mendaciorum male concinnatorum congeries.*" The same author (Mr. Ruddiman) has, in his answer to the Rev. Mr. Logan, successfully repelled the assertions and insinuations of those who had most unjustly and indecently treated the charter discovered at the Scotch College at Paris as a *forgery*.

Richard Hay, in 1723, published a vindication of Elizabeth More, and maintained (p. 109,) that she was married in 1334, and named the person who performed the ceremony; but does not mention his authority. His account is certainly erroneous, both in his facts and his reasoning.

Mr. John Gordon, in an elaborate dissertation intitled, "De Nuptiis Roberti Senescalli Scotiæ atque Elizabethæ Moræ, Dissertatio,"

subjoined to the edition of Fordun, published in the year 1759, recapitulates all the evidences of the true story, and concludes with the utmost confidence, that Elizabeth More was acknowledged to be the first wife of Robert the Stewart, and her children lawful children. He then enters into a long discussion of the causes of the mistakes of our historians in this matter, and argues them to have arisen from not trusting to Fordun, who, he says, tells the matter distinctly; which in Mr. Gordon's opinion amounts to this, that Robert's children by Elizabeth More were born before the dispensation, but born in wedlock of a marriage not regular, according to the rigour of the canon law, the defect of which was supplied by the dispensation and subsequent marriage.

Before I went to Italy in the year 1788, I had been often at the Scotch College at Paris, was well acquainted with the valuable collection of old charters and other papers in that College which had formerly belonged to the Archbishopric of Glasgow, and had occasion to know what related to the charter 1364, and the steps which had been taken in the year 1694, for ascertaining, in the most formal manner, the authenticity of that charter.—I was acquainted also with the arguments which had been founded upon that charter, and upon the mention therein made of a dispensation which had been granted by the Pope for the marriage of Robert the Stewart to Elizabeth More; but I could get no intelligence at Paris whether any search had ever been made for that dispensation, or if any copy of it had ever been obtained.

I resolved therefore to make search, while in Italy, for that dispensation, at the same time that I was to make search for some other dispensations in which the Derneley family were concerned.

For this purpose, soon after my arrival at Rome, in the end of the year 1788, I endeavoured to inform myself in what manner I could get access to the records in the Vatican, where the dispensations
granted

granted in ancient times were kept; and to learn whether there was any probability of a search for these dispensations being successful. The accounts received on that subject were not very encouraging; for I was told, that it was not only difficult to get access to the papers in the Vatican, which in general were kept very secret, but that it might be the work of years to discover any particular paper sought after there: for that there were many thousand volumes of records, without any regular inventory or index to assist in making searches.

Further I learnt from Mr. Thompson, Superior of the Scotch College at Rome, that many years ago a search had been made in the Vatican, at the desire of the Principal of the Scotch College at Paris, for the dispensation relating to the marriage of Robert the Stewart with Elizabeth More; which search had proved ineffectual. In confirmation of this, Mr. Thompson put into my hands an original letter, which had been kept at that College at Rome, from Mr. Lewis Innes, Principal of the Scotch College at Paris, addressed to Mr. Gordon, Agent du Clergé de la Mission d'Ecosse à Rome, and dated at Paris, the 4th of January 1706; of that letter he allowed me to take a copy, which is as follows:

“ Right Reverend,

“ This is to wish you many happy years for the good of your mission; the like wishes to Dom. Gal. and other friends with you.

“ I thank you for the account you give us of the Archives, but I am sorry they are so close; I assure you it is not curiosity, but a real interest of religion that made me earnest to have some information about the correspondence passed betwixt some of our Kings before the eleventh age, which is denied in a very public and taking book wrote lately by a shrewd adversary, Sir James Dalrymple. I instanced from Fordun, who mentions Bulls of, I think, Pope John VIII. and Benedict , (as in my former letter,) to our Kings Gregory and Malcolm II. or to the Church of Scotland in their time. It is extremely worth your speaking to Cardinal
“ Prefect

“ Prefect to caufe the Archivist make fome inquiry for thefe, or any
 “ other of thefe ancient times.

“ Another inquiry is not concerning the Church, but of fome
 “ importance to the King. You know we publifhed here, in 1694,
 “ a charter of Robert Senefballi Scotiæ, afterwards King Robert II. the
 “ firft Stewart, to refute a calumny of Buchanan’s, of his fon’s being a
 “ bastard. This charter was examined with the greateft exactitude
 “ by the moft expert antiquarians here, as you know; and yet one At-
 “ wood, an Englifhman, hath lately, in a fcurrilous piece againft the
 “ Scots, accused us impudently of forging it, to fupport King James’s
 “ caufe; and among other fenfelefs objections, defies us to produce the
 “ Pope’s bull, or brief for difpenfing that marriage. As our charter
 “ bears it was given, this bull or brief of difpenfe is either of Bene-
 “ dict the Twelfth, or Clemens VI. his fucceffor. P. Porter caufed
 “ the Archivist fearch, and he found two difpenfations of Bene-
 “ dict XII. the one Pont. 5, the other anno Pont. 6, both at Avig-
 “ non, and both addreffed to the Bifhop of Glafgow; but neither
 “ of them belongs to this Robert, afterwards King; for they are
 “ both difpenfations of marriage betwixt one *John* Stuart and Alicia
 “ More, filia Reginaldi More; whereas this ought to be inter filiam
 “ Adami More, Militis, with an injunctiõ to found a chapel or
 “ two, which the other hath not. You have the printed charter
 “ there, or in the College; look into it, and you’ll fee the cafe;
 “ and if you can find thefe by means of the Archivifts, it will be
 “ of ufe to the royal family. I fuppofe they have indexes of all,
 “ on each Pope; and it will not be great pains to look through
 “ them.”

Notwithftanding this difcouragement, I perfifted in the refolution
 of trying what could be difcovered at the Vatican. For this pur-
 pofe I got myfelf introduced by the means of Monfignor Erskine,
 now in London, to Monf. de Marini, keeper of the fecret archives
 in the Vatican, and in the Caftle of St. Angelo.

To M. de Marini I gave a copy, translated into Italian, of the above-mentioned letter from Mr. Innes to Mr. Gordon, to satisfy him of the object of the search for the dispensation for the marriage of Robert the Stewart, and to shew him that it was not an idle curiosity which prompted me to this inquiry, but a desire to have an important historical fact cleared up. From M. de Marini I experienced the most polite reception; he testified a great desire to obtain for me all the information I wished, at the same time he owned to me, that it was extremely difficult to discover any particular papers that might be wanted in the Vatican or in the Castle of St. Angelo, unless there could be given a particular specification of the date or year of the pontificate in which the paper sought after had been granted, because there were many thousand volumes of records and manuscripts, (I think he said upwards of twenty thousand,) but without any regular inventory of them to assist in making the search. He added, that his predecessor in the office had made some progress in an inventory or index, which, though imperfect, had been of use; and that he, Mons. de Marini himself, had since he was in office made farther progress in the same way: but that before the time of his immediate predecessor in office, there was no inventory or index, or next to none; so that it must not be surprising if searches made at former periods proved unsuccessful, and yet the same things which were then sought after should now be discovered. Mons. de Marini further assured me, that with the assistance of such inventory as had been made by himself and his predecessor in office, he would try what could be done for gratifying my wishes with respect to all the dispensations which I had occasion to apply for; at the same time I gave him a memorandum in writing of various dispensations for which I wished search to be made.

In the course of the very frequent visits paid to Mons. de Marini to learn what he had discovered, he told me on a visit to him one day

day in the month of March 1789, that he had found in his inventory a note of a dispensation granted by Pope Clement VI. in favor of *Roberti Domini de Stratgnf*, Militis, et dilectæ in Christo filiae nobilis mulieris *Elizabeth Mox*, of the diocese of the Bishop of Glasgow; but as that note did not describe Robert as the Stewart of Scotland, and described his wife as Elizabeth Mox, he was afraid that this was not one of the dispensations I was looking after. In the course of the conversation I learnt from him, that the inventory or notes from which this article was taken was by way of index to a volume of the records where the dispensations were entered; I therefore requested him to peruse, or to allow me to peruse, that volume to which this article related. He appointed me to come to him another day for that purpose. Having gone to him on the day appointed, he then, in the most obliging manner, gave me communication of the dispensations contained in that volume; from the perusal of which I immediately perceived that, notwithstanding the blunder of the person who had made the entry in the record, by which *Elizabeth More* was described as *Elizabeth Mox*, and notwithstanding the imperfect description of Robert, who was described as Robert Lord of *Stratgnf*; (thus written,) without describing him as Stewart of Scotland, or even as a person of the name of Seneschallus or Stewart; yet from the contents of the dispensation in the record, it was perfectly clear that this was precisely the dispensation sought after relating to the marriage of Robert the Stewart with Elizabeth More, for she is therein designed daughter of Sir Adam More; and Robert is therein described nephew of David King of Scotland; and it mentions that Philip King of France, and David King of Scotland, had joined in the supplication to the Pope for that dispensation.

About the same time, in March 1789, Monsr. de Marini communicated to me that he had discovered in the records another dispensation for the marriage of Robert with Euphemia Countess of Murray, widow of the deceased John Earl of Murray; the contents of which
shewed

shewed there could be no doubt as to the persons to whom it related, for Robert is therein expressly described Stewart of Scotland.

In the whole course of the disputes about the marriages of Robert the Stewart, no mention had ever been made of a dispensation for his marriage with Euphemia Rofs; therefore this discovery was more than could have been expected; for the only dispensation searched for was that relating to his marriage with Elizabeth More. However this dispensation for the marriage with Euphemia Rofs is of considerable utility both for proving that Elizabeth More had died before 1355, the date of this last dispensation, and for settling, pretty nearly, the time of Robert's marriage to his second wife Euphemia Rofs; a fact about which there had been many conjectures, but nothing approaching to certainty.

Monf. de Marini was pleased to inform me, that though he had thus satisfied me of the existence of these two dispensations, yet he was not at liberty to give me official copies of them without an order or authority from the Secretary of State, which was requisite for the communication of any papers in the secret archives kept in the Vatican. This authority I soon obtained from the Cardinal Boncompagni, then Secretary of State, to whom I had fortunately been introduced soon after my arrival at Rome, and had the advantage of meeting with him frequently, both at his own house and elsewhere.

At the next visit I paid to Monf. de Marini, he told me that since our last meeting he had seen the Cardinal Secretary of State, who had told him he was satisfied of the propriety of the searches I wished to be made, and therefore gave him full authority, and even recommended to him to accommodate me with the communication of every thing I desired, and with the official copies of the dispensations discovered. Accordingly M. de Marini gave me official copies signed and sealed by him of the two dispensations before-mentioned, certifying that they were copied from the Apostolic secret records kept at the Vatican, or in the Castle of St. Angelo.

I have been thus particular in mentioning the progress of the searches, in order to account, in some measure, for the dispensations not having been found on former searches; for those who formerly applied may probably have received a general answer, that it was scarcely possible to find out an article wanted, as there was no inventory of the papers; and the short inventory or notes which had assisted Monf. de Marini in discovering what I wanted probably did not then exist. It is true also that I never should have succeeded in this search, if I had not met with such a man as Monf. de Marini, possessing a liberal turn of mind and a most obliging disposition, and who had a zeal for assisting inquiries relating to historical facts, being himself a man of letters and well versed in history. The success of a search of this nature must depend on the intelligence and disposition of the Custode des Archives; for no stranger is allowed personal access to these records for the purpose of discoveries; all the searches are made by the archivist himself. I was not less fortunate in the disposition of the Cardinal Secretary of State, who, after being satisfied of the propriety of my inquiries, gave me, in the most liberal manner, every aid and authority that depended on him.

The tenor of the two dispensations thus discovered, and which I may venture to say never were discovered in any preceding search, though it appears that repeated searches had been made, are as follows:

DISPENSATION for the Marriage with ELIZABETH MORE.

“ CLEMENS Ep̄us, Servus Servor. Dei, Venerabili Fratri

“ Episcopo Glasguen. Salutem, &c.

“ OBLATA nobis pro parte dilecti filij nobilis viri Roberti Dñi de
 “ Stratgnf*, Militis, et dilectæ in Christo filie nobilis mulieris Eliza-
 “ beth

* There is reason to think that the word *Stratgnf*, thus written, has by mistake been written in the record in place of the word *Stratb-grif*, which was the ancient name

Ex Reg^{to}.
 Clem. P. P.
 VI. an. vi.
 ep. 405.

" beth Mox (sic) tue Dioc. petitio continebat, quod dudum ipfis
 " Roberto, et Elizabeth ignorantibus quod dicta Elizabeth, et dilecta
 " in Christo filia nobilis mulier Yfabella Boucellier *, domicella
 " ejusdem Dioc. in tertio et quarto, ac Elizabeth et Robertus prefati
 " in quarto confanguinitatis gradibus sibi invicem attinerent, idem
 " Robertus dictam Yfabellam primo, et postmodum predictam
 " Elizabeth carnaliter cognovit, et quod ipse Robertus et Elizabeth
 " diu cohabitantes, proles utriusque sexus multitudinem procrearunt.
 " Cum autem, sicut eadem petitio subjungebat, proles hujusmodi sic
 " sit in univerforum aspectibus gratiosa, quod ex ea carissimo in
 " Christo filio nro David Regi Scotie illustri, cujus dictus Robertus
 " nepos existit, et ipsius Regis regno Scotie subsidia non modica
 " sperantur verisimiliter profutura nobis pro parte ipsorum Roberti
 " et Elizabeth extitit humiliter supplicatum, ut cum idem Robertus
 " et Elizabeth desiderent invicem matrimonialiter copulari, et hujus-
 " modi desiderium nequeant absque dispensatione Apostolica adim-
 " plere, providere eis super hoc de oportune dispensationis beneficio
 " de benignitate Apostolica dignaremur. Nos itaque ex hiis et aliis
 " certis causis nobis expositis, tuis ac carissimi in Christo filij nri
 " Phillippi Francie illustris ac dicti Scotie regum, nec non Roberti,
 " et Elizabeth predictorum supplicationibus inclinati, Fraternitati
 " tue de qua plenam in Dno fiduciam obtenimus per Apostolica
 " committimus et mandamus, quatenus si est ita cum eisdem Roberto
 " et Elizabeth, quod ipsi impedimentis quæ ex confanguinitatibus
 " hujusmodi proveniunt, nequaquam obstantibus, matrimonium in
 " facie Ecclesie invicem contrahere, et in eo postquam contractum
 " fuerit remanere, licite valeant Apostolica auctoritate dispenses.
 " *Prolem susceptam predictam, et suscipiendam legitimum nuntiando.*

name of the lordship of Renfrew, belonging to the Stewarts of Scotland; and accordingly the Stewart was sometimes described Lord of Strath-grif or Lord of Renfrew. *Vide* Crawford's History of the Shire of Renfrew, and Macpherson's Geographical Illustrations of Scottish History, *voce* Strath.

* Forte *Boutellier*.

“ Volumus tamen quod dictus Robertus aliquas, vel aliquam Capellanias, seu Capellaniam ordinare, fundare, ac dotare de ipsius Roberti bonis juxta tuum arbitrium teneatur, super quo ab eodem Roberto ydoneam recipias cautionem. Datum Avinione x kalen. Decembris, Pontificatus nostri anno sexto.

“ Exemplum supra scriptum superioris bullæ Clementis, P. P. VI. descriptum est, et recognitum ex originali regeſto ejuſdem Pontificis, quod Rome ſervatur in Archivo Secreti Ap̄lico Vaticano; in cujus rei fidem hic me ſubſcripſi, et ſolito ſigno ſignavi, hac die 4 Aprilis 1789.

“ CAIETANUS MARINI, Præſectus Archivi
“ S. S. item Archivi Arcis S. Angelo.”

The above diſpenſation being dated in the ſixth year of the pontificate of Clement VI. who was elected Pope the 17th of May 1342, it muſt have been in December 1347.

DISPENSATION for the Marriage with EUPHEMIA ROSS.

Ex Regto.
Innocen. P. P.
VI. an.º iii.
op. 108.

“ INNOCENTIUS Episcopus, Servus Servor. Dei, Venerabili
“ Fratri Episcopo Glasguen. Salutem, &c.

“ EXHIBITE nobis pro parte dilecti filii nobilis viri Roberti Stivardi Senescalli Scocie, ac dilectæ in X̄to, filie nobilis mulieris Eufemie, Comitissæ Moravie, relicte quondam Johannis Comitis Moravie vidue Glasguen. et Moravien. Dioc. petitionis series continebat, quod ipsi propter sedandas guerras, discordias, et inimicitias inter ipsum Robertum et dilectum filium nobilem virum Gulielmum Comitem Rossie, Rossen Dioc. dicte Eufemie fratrem, et alios ipsius Eufemie consanguineos ex interfectione cujusdam nobilis, et aliis de causis exortas tractatum habuerunt super matrimonio inter se invicem contrahendo. Verum quia ipsi Robertus et Eufemia quarto consanguinitatis, et ex eo tertio affinitatis gradibus invicem se contigerunt; quod dicti Robertus, et Johannes dum vivebant erant tertio consanguinitatis gradu conjuncti, matri-
“ monium

“ monium hujusmodi contrahere nequeunt dispensatione super hoc
 “ Apostolica non obtenta, quod Roberti, qui ut afferit carissimi in
 “ Christo filii nostri David Scotie Regis illustris locumtenens existit,
 “ quique propter fecundissimam consanguineorum suorum propa-
 “ ginem in regno Scotie, vix valeat mulierem aliquam nobilem sibi
 “ parem, que aliquo consanguinitatis vel affinitates gradu eidem non
 “ attingat, cum quæ ipse Robertus possit matrimonium contrahere,
 “ et Eufemie prædictorum per te nobis fuit humiliter supplicatum,
 “ ut providere ipsis super hoc de oportune dispensationis beneficio
 “ dignaremur. Nos qui libenter Christi fidelibus quietis et pacis
 “ commodos procuramus, fraternitati tue de quæ plenam in Dño
 “ fiduciam obtinemus per Apostolica scripta committimus, et man-
 “ damus quatenus si est ita cum eisdem Roberto, et Eufemia, ut
 “ impedimentis quæ ex hujusmodi consanguinitate, et affinitate
 “ provenient, nequaquam obstantibus matrimonium inter se libere
 “ contrahere valeant et in eo postquam contractum fuerit licite
 “ remanere auctoritate nostra dispenses. *Prolem suscipiendam ex hunc*
 “ *matrimonio legitimum nuntiando.* Datum Avinione, vi nonas
 “ Maij anno tertio.

“ Exemplum superscriptum superioris Bullæ Innocentis P. P. VI.
 “ descriptum est, et recognitum ex originali registro ejusd.
 “ Pontificis, quod Rome servatur in Archivo Secreto Aplico.
 “ Vaticano: In cujus rei fidem hic me subscripsi, et solito
 “ signo signavi; hac die 4 Aprilis 1789.

“ CAIETANUS MARINI, Præfectus Archivi
 “ S. S. item Archivi Arcis S. Angeli.”

This dispensation being dated in the third year of the Pontificate
 of Innocent the Sixth, it must have been the year 1355, as he was
 elected Pope on the 1st of December 1352.

Having thus given faithful copies of the two dispensations for
 the marriages of Robert the Stewart with Elizabeth More and Eu-
 phemia

phemia Rofs, I leave it to others to make the commentaries, or to draw the inferences to which they naturally give rise; for I do not wish to involve myself in any matters of controversial writing, or to add to the number of those who have with great zeal entered the lists in this wide extended field of controversial warfare. My sole object has been to discover the true state of the facts contested; having always been resolved to communicate to the world the result of my searches, whatever that result might be, whether favorable or unfavorable to the opinions and wishes of the one party or the other.

I must be allowed, however, to make one remark; that the contents of these dispensations prove the gross calumny of Mr. Atwood, Mr. Logan, and others, who endeavoured to represent the charter 1364, published at Paris, as a forgery committed to serve the purpose of a party; and who argued, that one of the proofs of the forgery was the not being able to produce the dispensation referred to in that charter:—that argument can now no longer be referred to.

One other observation on this subject is unavoidable, which is this; that from the contents of the charter 1364, published at Paris, supported as it now is by the dispensation to which that charter refers, it is henceforth rendered indisputable that the account given by George Buchanan of the marriages of Robert the Stewart is false in every particular.

For these falsehoods Buchanan is the more inexcusable, as it was in his power to have learnt the true state of facts by consulting the Records containing the charters and other documents from which his falsehoods have since been proved, and the truth ascertained. It was his duty to have done so, even if it had cost him a great deal of trouble, before venturing to mislead the world by his history in the manner he has done. If he had looked at Fordun, the oldest of our historians, and who was contemporary with King Robert II. and King Robert III. he would have found that the account given by Fordun, (tom. ii. lib. xi. cap. xiii.) is in these

these words: "Iste Robertus copulavit sibi de facto unam de filiabus Adæ de More, Militis, de qua genuit filios et filias extra matrimonium; quam postea, impetratâ dispensatione sedis Apostolicæ in matrimonium disponavit, canonicè in forma ecclesiæ, anno scilicet Domini 1349."

The account, thus given by Fordun, shews that he had been an accurate inquirer after truth; for the state of the facts given by him comes nearer to the true state of the facts now ascertained, than the account of any other author who has written on the subject. Fordun says that a dispensation was obtained, and that the marriage actually took place according to the rules of the church in the year 1349. This is highly probable and it is consistent with the date of the dispensation granted in December 1347.

It is no sufficient excuse for George Buchanan, that some other authors whose works were published before his own, had given a false account of the marriages, as well as himself; for it was his business to have weighed the testimony of these authors; and not to have credited them in preference to Fordun, without strong evidence in their support. Besides this, it is to be observed, that no one of these authors, who wrote before George Buchanan, has gone the same length, or nearly the same length that he has done in misrepresenting the whole history of Robert's marriages.

The *Continuator of Fordun*, who seems to have been the first that gave a wrong account of the marriages of Robert the Stewart, for which he was the more blameable as he ought to have paid attention to the true account given by Fordun himself; that Continuator has indeed said, "that King Robert had begotten sons upon Elizabeth daughter of Sir Adam More, and that thereafter he married Eufemia daughter of Hugh Earl of Ross, by whom he had Walter Earl of Athol, and David Earl of Strathern; but that upon the death of the Queen Euphemia, he married the foresaid Elizabeth More; and thus by virtue of the supervening
" marriage,

“ marriage, the fons of the first marriage, to wit, John, Robert, and
 “ Alexander, were legitimated; because, according to the canons
 “ of the church, a subsequent marriage legitimates the fons born
 “ before marriage.” This is all that is said by the Continuator of
 Fordun (lib. xiv. cap. 46. p. 416.), which however does not amount
 to what is said by Buchanan.

Bishop Lesley, without bestowing proper attention to the subject,
 gives pretty much the same account as what had been given by the
 Continuator of Fordun.

Even *Hector Boëthius*, who, in general, had as little anxiety about
 the truth of historical facts as George Buchanan himself, has how-
 ever not gone the same length as Buchanan in the false represent-
 ation of Robert's marriages; all that Boëthius says on the subject,
 p. 328 of the Paris edition of his book, anno 1574, is in these words:

“ Robertus Stuart quum regni gubernacula fusciperet quinquage-
 “ gesimum septimum agebat annum, habuitque uxorem tum Eufe-
 “ miam filiam Comitis Rossensis; cum qua multos jam annos
 “ vixerat, ac ex ea tres liberos procreaverat; duos masculos, Walterum
 “ & Davidem, et unicam filiam, Eufemiam, cujus modo meminimus.
 “ Illa vero paulo post Robertum maritum solenni More Regina
 “ coronata est. Sed priusquam eam Robertus duxisset uxorem,
 “ consuetudinem cum Elizabetha filia Adæ Moræ equitis aurati
 “ habuerat; que tres illi filios peperit, Joannem, qui Roberto patri
 “ in regnum postea successit Robertum et Alexandrum et duas
 “ filias.”

Any man who attends to what has been said by all these authors,
 and compares it with the accounts given by George Buchanan, must
 be sensible how far Buchanan has outstript all other authors in the
 extent of the falsehoods which he has ventured to give as real
 history, and in the desire manifested by him of bastardizing King
 Robert III. and of making it be believed that the children of King
 Robert II. by Euphemia Ross had a preferable right to the crown

of

of Scotland. This falsehood was not of an innocent nature, but very malicious, and might have been productive of very bad consequences.

Whatever Buchanan's views may have been in propagating these fictions, they cannot fail, when detected, of discrediting him as an historian, and at the same time affecting his character as a man. Even his greatest admirers must be forced to acknowledge that his genius and talents, however eminent, were better calculated for poetry than for history. In the dignified character of a real historian, the most essential requisites are—a sacred regard to truth—a disposition to submit to all the labour that may be necessary in the investigation of it,—and a firmness of mind to resist every party motive, or other temptation that might give a bias tending to induce the author either to suppress or to disguise the true state of facts.—How far all or any of those requisites are to be found in George Buchanan, those who read his history with the most attention will be the best qualified to judge and determine!

To return to the subject of the dispensations. Mons. de Marini was so good as to continue his searches during all the time I remained at Rome; and in proportion as he discovered in the Records any additional dispensations, gave me notice of them, and offered to give me authenticated copies of all such as I might desire to be possessed of. Accordingly I received in all from him official copies of twenty-one dispensations, including those two hereinbefore inserted; and such was his liberality, that all this trouble he took without making any charge, and without accepting of any pecuniary gratification.

Of these dispensations, I have thought it proper here to subjoin full and exact copies; because some of them may happen to be of real utility to certain persons or families; and others of them will,

by most readers, from their contents be considered as matters of considerable curiosity.

Besides the dispensations of which I thus received official copies, M. de Marini gave me a list of several other dispensations for the marriages of persons in Scotland, containing the dates of them and the names of the persons in whose favor they were granted;—of that list I have also subjoined a copy, for the benefit of such readers as it may happen to concern.

Copies are also subjoined of several dispensations discovered in the *Dataria* office at Rome, whereof authenticated copies were likewise delivered to me.

DISPENSATIO Nobili VIRO EDUARDO DE BRUYS,
Comiti de Carryk, Glasguen. Diocese, et ISABELLÆ
Filiæ Gulielmi Comitis DE ROSS.

JOANNES Ep̄us, Servus Servor. Dei, Venerabili Fratri . . . Episcopo
Roffen. Salut. &c.

Ex Reḡto Joh.
P. P. XXII.
an. 1.

(6c)

cp. 3490.

1317.

Petitio dilecti filii nobilis viri Edwardi de Brux Comitis de Catrilz Glasguen. Dioc., ac dilectæ in Christo filie nobilis mulieris Yfabelis nate nobilis viri Gulielmi Comitis de Ros Roffan. Dioc. nobis exhibita continebat, quod olim intentore malorum hoste humani generis procurante inter comunes eorum parentes confanguineos et amicos graves inimicitie fuerunt exorte, et ex eis graviora guerrarum discrimina subsecuta, ita quod exinde non modice strages hominum processerunt. Cumque temeretur verifimiliter posse pejora imposterum provenire intervenientibus nonnullis nobilibus amicis communibus eorundem, pacemque firmari zelantium inter eos tractatus communiter fuerit habitus inter ipsos, quod Edwardus et Isabellis prefati matrimonialiter copulentur, sed quia quarto ex uno latere et tertio ex altero affinitatis gradibus invicem se contingunt matrimonium hujusmodi contrahere nequeunt dispensatione super hoc sedis apostolice non obtenta, nobis humiliter supplicarunt, ut ad tollend. huoi discordias, et multorum materia scandalorum, et firmand. perpetuam pacem et concordiam inter communes parentes, et confanguineos eorundem providere ipsis super hoc de oportune dispensationis beneficio dignaremur. Nos igitur, qui salutem querimus singulorum, et libenter Christi fidelibus quietis comoda procuramus hujusmodi amputare discordiam, ac inter eundem Eduardum, dictumque Guillelmum patrem ejusdem Isabellis, eorumque comunes confanguineos intervenire pacem e concordiam cupientes, gerentes quoque de circumspectione tua fiduciam in Domino pleniori, Fraternitati tue presentium auctoritate committimus et mandamus, quatenus si tibi constiterit ita esse, super quod tuam intendimus conscientiam onerare cum eisdem Eduardo et Isabelli impedimentis, que ex predicta affinitate proveniunt nequaquam obstantibus matrimonium hujusmodi contrahere valeant, et in sic contracto licite remanere auctoritate apostolica dispensare procures, prolem suscipiendam ex eis legitimam nuntiando. Datum Avinione, Kalen. Junii, Pontificatus nostri anno primo.

Exemplum superioris Bullæ Johannis P. P. XXII. descriptum est et recognitum ex originali Registro ejusdem Pontificis, quod Romæ

servatur in Archivo Secreto Ap̄lico Vaticano. In cujus rei fidem hic me subscripsi, et solito signo signavi hac die 4 Aprilis 1789.

CAIETANUS MARINUS, Præfectus Archivi S. S.
item Archivi Arcis S. Angeli.

DISPENSATIO Nobili VIRO ADÆ DE MOR et Nobili
Mulieri JOHANNÆ DE CUNNYGHYN Glasguen.

Ex Regio
Joh. P. P.
XXII. an. vi.
ep. 1469.

JOANNES Ep̄us, Servus Servor. Dei, Dilecto Filio Nobili Viro Ade de Mor, et Dilecte in Christo Filie Nobili Mulieri Johanne de Cunnighyn ejus Uxore Glasguen. Dioc. Salut. &c.

1322.

Romani Pontificis precellens auctoritas concessa sibi desuper utitur plenitudine potestatis prout personarum et negotiorum concurrentium qualitate pensata id in Deo conspicit salubriter expedire, sane oblata nobis ex parte tua, filia Johanna petitio continebat, quod olim quibusdam nobilibus tractantibus, quod inter te prefata Johanna et te fili Adam interveniret copula conjugalis, tu dicta Johanna sciens dictum Adam quondam Hugoni de Hutfcon priori marito tuo tertio consanguinitatis gradu fuisse conjunctum nolebas hujusmodi contractui consentire, nisi prius super hoc legitima sedis Apostolice dispensatio haberetur. Tandem superveniens dilectus filius archidiaconus Glasguen. quasdam patentes literas ven. fratris nostri Glasguen. episcopi ostendebat, in quibus idem Ep̄us auctoritate Sedis Apostolice sibi ut dicebat concessa vobiscum super dicto articulo dispensabat, quibus literis dispensationis hujusmodi tu prefata Johanna, tuique consanguinei et amici fidem plenariam prebuisisti, te prefato Adam sciente, quod dicte litere nullius valoris, seu efficacie existebant, ac postmodum nichilominus per verba de presenti matrimonium ad invicem contraxistis, et carnali copula subsecuta plures liberos suscepistis. Nos itaque attendentes, quod viri scientia atque culpa tibi prefata Johanna, que in hac parte probabili deceptam errore fuisse te asseris non debet in tuum et liberorum tuorum prejudicium et dedecus redundare. Volentes quoque futuris scandalis et periculis, que ex separatione huius matrimonii, si fieret, oriri verisimiliter presumuntur obviare, et animarum vestrarum provideri salutem, tuis predicta Johanna supplicationibus inclinati, vobiscum quod impedimento affinitatis hujusmodi, quod ex dicta consanguinitate prioris viri tui dicta Johanna cum dicto Adam pervenit aliquatenus non obstante poteris in dicto matrimonio licite remanere auctoritate

auctoritate Apostolica de speciali gratia dispensamus; *filios ex dicto matrimonio susceptos et suscipiendos legitimos nunciantes de Apostolice plenitudine potestatis.* Nulli ergo &c. nostre dispensationis et nunciationis infringere, &c. Datum Avinionæ iii kalen. Septembr. Pontificatus nostri anno sexto.

N. B. It does not appear from the above dispensation whether the person in whose favour it was granted was Adam More, the father of Elizabeth More, who married Robert the Stewart, or another Adam More; but it does appear from it that there had been children between Adam More and Jane Cunningham before the date of the dispensation, which legitimates the children "*susceptos et suscipiendos.*"

DISPENSATIO ANDREÆ DE MORAVIA, Domino de BOTHEVILLE Glasguen. et Nobili Mulieri CHRISTIANÆ DE SETONO Natæ quondam ROBERTI DE BRUYS Glasguen. Diocese.

JOANNES Epus. Servus Servorum Dei. Dilecto Filio Nobili Viro Andree de Moravia Domino de Botheville et Dilecte in Christo Filie Nobili Mulieri Christiane de Setono Nate quondam Roberti de Bruys Glasguen. Dioc. Salutem, &c.

Ex Reg^o
Job. F. P.
XXII, an. x.
p. 11.
1326.

Etsi inter illos, qui consanguinitatis linea invicem sunt connexi, sacrorum canonum instituta matrimonialem copulam interdicit, summus tamen Pontifex ex plenitudine potestatis, quam non ab homine obtinet, sed a Deo, considerata personarum et temporum qualitate utiliora prospiciens, nonnunquam rigorem justitie mansuetudine presertim circa personas generis nobilitate polentes temperat, et quod negat juris severitas de gratia provide benignitatis indulget. Sane petitio vestra nobis exhibita continebat, quod inter utriusque vestrum parentes et consanguineos dissensiones graves sunt procurante inimico humani generis fuscitate, et inde homicidia et capitales inimicitie subsecuta, quodque vos prout potestis dissensiones hujusmodi sedare volentes, convenistis inter vos de matrimonio invicem contrahendo. Sed quia quarto estis gradu consanguinitatis conjuncti hujusmodi vestrum desiderium non potestis deducere ad effectum absque licentia Sedis Apostolice speciali. Quare nobis humiliter supplicastis ut providere vobis in hac parte de oportune dispensationis beneficio misericorditer dignaremur. Nos igitur, qui salutem et pacem querimus,

querimus singulorum, et inter Christi fideles pacis, et concordie commoda procuramus, cupientes ut inter vos et utriusque vestrum confanguineos et amicos pacis gratia vigeat vestris supplicationibus inclinati vobiscum ut impedimento quod ex confanguinitate hujusmodi provenit non obstante, matrimonium invicem contrahere valeatis auctoritate Apostolica de specialis dono gratie dispensamus. Nulli ergo, &c. nostre dispensationis infringere, &c. Datum Avinione xii kalen. Octobris Pontificatus nostri anno decimo.

DISPENSATIO Nobili Viro JOHANNI STUYARDE
Domino de BONKYL, et MARGARITÆ Natæ quondam
ALEXANDRI de ABERNETHY Militis, Dunkelden. et
Dumblanen. Dioc.

Ex Reg^{is}.
Joh. P. P.
XXII. an.
xiii. Par. i.
ep. 197.

1329.

JOANNES, &c. Dilecto Filio Nobili Viro Johanni Stuyarde Domino de Bonkyl, ac Dilecte in Christo Filie Nobili Mulieri Margarite Nate quondam Alexandri de Abirnechy Militis, Dunkelden. et Dumblane'n. Dioc. Salutem, &c.

Etsi inter illos, qui confanguinitatis linea invicem sunt connexi sacrorum canonum instituta matrimonialem copulam interdicit, summus tamen Pontifex ex plenitudine potestatis, quam non ab homine obtinet sed a Deo, considerata personarum et tempora qualitate utiliora prospiciens, nonnunquam justitiam manufactudine prefertim circa personas generis nobilitate pollentes temperat, et quod negat juris severitas de gratia provide benignitatis indulget. Sane petitio pro parte vestra nobis exhibita continebat, quod cum inter communes utriusque vestrum parentes et amicos ab olim fuerit gravis discordia

fuscitata nuper inter ^(sic) eos de consensu utriusque vestrum pro reformatione pacis et concordie inter vos et eos extitit ordinatum, ut vos debeatis invicem matrimonialiter copulari. Verum quia estis in quarto confanguinitatis gradu juncti matrimonium contrahere non potestis dispensatione super hoc Sedis Apostolice non obtenta. Quare pro parte vestra nobis extitit humiliter supplicatum, ut providere vobis super hoc de oportune dispensationis remedio dignaremur. Nos igitur, qui pacem et salutem querimus singulorum, et inter Christi fideles libenter pacis et concordie comoda procuramus, cupientes inter vos, et utriusque vestrum parentes, confanguineos, et amicos pacis gratia vigeat, hujusmodi supplicationibus inclinati vobiscum ut impedimento,

quod ex confanguinitate hujusmodi provenit non obstat. matrimonium invicem contrahere libere valeatis, et in eo postquam contractum fuerit licite remanere auctoritate Apostolica de speciali gratia dispensamus. Prolem suscipiendam ex vobis legitimam nuntiantes. Nulli ergo, &c. nostre dispensationis et nuntiationis infringere, &c. Datum Avinione ix kalen. Novembr. anno tertio decimo.

DISPENSATIO JOANNI STUARTO Laico et ALICIE
MORE, Natæ REGINALDI MORE, Laici Glasguen.
Diocese.

BENEDICTUS Epus, Servus Servorum Dei, Venerabili Fratri
Episcopo Glasguen. Salut. &c.

Ex Regio
Bened. P. P.
XII. an. v.
p. 253.

1340.

Oblate nobis ex parte dilecti filii Johannis Stuarti laici, et dilectæ in Christo filie Alitie More natæ dilecti filii Reginaldi More laici tue Dioc. petitionis series continebat, quod olim ipsi Johannes et Alitia ignorantes aliquod impedimentum existere inter eos, propter quod nequirent matrimonialiter copulari, sponsalia infirmul contraxerunt non tamen bannis editis de Episcopi Glasguen. predecessoris tui licentia, ac diligenti inquisitione super impedimentis si qua essent habita, nec reperto aliquo, quod obstaret se matrimonialiter copulari, quodque hujusmodi matrimonio in facie ecclesiæ solemnizato, et carnali inter ipsos copula subsecuta, ad eorum pervenit notitiam, quod dictus Johannes et
(sic)
condam Guillelmus de Herch dicte Alitie prior maritus dum viveret erant invicem quarta linea consanguinitatis conjuncti. Quare pro parte dictorum Johannis et Alitie nobis extitit humiliter supplicatum, ut cum ex eorum separatione si fieret cum sint nobiles, possent inter eorum parentes et amicos multa scandala et dampna irreparabilia evenire, providere eis super hoc de oportune dispensationis beneficio misericorditer dignaremur. Nos igitur more patris benivoli, qui cunctorum Christi fidelium pacem summis desideris affectamus, dictorum Johannis et Alitie saluti providere, ac hujusmodi dampnis et scandalis precavere salubriter cupientes, fraternitati tue de cujus circumspectione fiduciam gerimus in Domino pleniorum per Apostolica scripta mandamus, quatenus si est ita, cum prefatis Johanne, et Alitia ut impedimento, quod ex consanguinitate hujusmodi provenit non obstante possint in dicto matrimonio licite remanere, auctoritate nostra dispenses. Prolem ex eodem matrimonio susceptam et suscipiendam legitimam decernendo. Datum Avinione vi idus Julii, Pontificatus nostri anno quinto.

Alia DISPENSATIO iisdem Personis, JOHANNI STUARTO,
Laico, et ALICIE MORE Natæ REGINALDI MORE,
Laica, Glasguen. Diocese.

Ex Regiæ
ejusd. Ponti-
ficis, an. vi.
p. 255.

BENEDICTUS Ep̄us, Servus Servorum Dei, Venerabili Fratri
Episcopo Glasguen. Salutem, &c.

1341.

Petito dilecti filii Joannis Stuard laici, et dilectæ in Christo filie Alitiæ More, nate dilecti filii Reginaldi More laici tue Dioc. nobis exhibita continebat, quod olim ipsi ignorantes aliquod impedimentum existere inter eos, propter quod nequirent matrimonialiter copulari, existentes ad tempus in castro Gailardi Rothomagen. Dioc. non animo constituendi sibi domicilium, sed sicut familiares domestici cum carissimo in Xpo filio nro David Rege Scotie illustri eorum Domino in predicto castro tunc commorante sponfalia infimul contraxerunt, quodque postmodum cum dilectus filius . . . Decanus Ecclesiæ Beatæ Mariæ de Andeliaco dicte Rothomagen. Dioc. ex commissione per . . . archiepiscopum Rothomagen. qui tunc erat sibi facta inquisitione per eum super hoc prehabita diligenti non repererit aliquod impedimentum, quod matrimonium inter eos impedire valeret existere super editione bannorum super hoc edendorum cum eisdem Johanne et Alitia ex commissione pred^a sine fraude dispensavit, propter quod ipsi se matrimonialiter copularunt, ac deinde matrimonio in facie ecclesiæ solemnizato, et carnali inter eos copula subsecuta, ad eorum pervenit notitiam, quod predictus Johannes et condam Guillelmus de Herch prior ipsius Alitiæ maritus dum viveret erant ad invicem quarta consanguinitatis linea conjuncti propter quod nequeunt in sic contracto matrimonio licite remanere, dispensatione super hoc a Sede Aplica non obtenta quare predⁱ Johannes et Alitiæ nobis super hoc humiliter supplicarunt, quod cum ex eorum separatione si fieret, cum sint nobiles, possent inter eorum parentes et amicos multa scandala, et dampna irreparabilia evenire, providere eis super hoc de oportune dispensationis beneficio misericorditer dignemur. Nos igitur, qui salutem et pacem querimus singulorum, huic scandalis et dampnis quantum cum Deo possumus obviare volentes, ipsorum Johis et Alitiæ supplicationibus inclinati, Fraternitati tue, de quæ plenam in Dno fiduciam obtenimus per Aplica scripta committimus et mandamus, quatenus si est ita cum eisdem Johe et Alitia ut impedimento, quod ex huic consanguinitate provenit, non obstante in sic contracto matrimonio possint licite remanere auctoritate nra dispenses. Prolem suscipiendam ex huic matrimonio legitimam decernendo. Datum Avinione v Idus Martii anno sexto.

DISPENSATIO Nobili Viro JOANNI SENES CALLO Laico,
et Nobili Mulieri FYNGOLE Natæ Nobilis Viri Angufii
de Infulis Glafguen. et Sodoren. Diocefe.

CLEMENS Epifcopus, Servus Servorum Dei. Venerabili Fratri
Epifcopo Glafguen. Salutem, &c.

Ex Regi^o
Clemen. P. P.
VI. an. i.
cap. 356.

1342.

Petitio fiquidem pro parte dilecti filii nobilis viri Johannis Senefcalli Laici, et dilecte in Chrifto filie nobilis mulieris Fyngole nate dilecti filii nobilis viri Angufii de Infulis tue Glafguen. et Sodoren. Dioc. nobis exhibitæ continebat, quod olim fatore zizanie pacis emulo, ac intentore malorum omnium procurante inter utriufque ipforu. Johannis et Fyngole communes confanguineos et amicos graviffime difcordie, et capitales inimicitie funt exorte, et multarum perfonarum ftrages, ac mala et fcandala plurima fubfecuta, quodque ad fedandum premissa, necnon pacem et concordiam inter eos auctore Dño reformandum, et ad obviandum majoribus fcandalis atque periculis, que in futurum fequi ex premissis verifimiliter timebantur amicis comunibus mediantibus habitus est tractatus, quod ipfi Johannes et Fynghola matrimonialiter copulentur. Sed quia ipfi Johannes et Fynghola quarto confanguinitatis et quarto affinitatis gradibus invicem funt conjuncti matrimonium ipfum contra here nequeunt difpenfatione super hoc Apoftolica non obtenta. Quare pro parte ipforu Johannis et Fyngole nobis extitit humiliter fupplicatum ut providere ipfis super hoc de oportune difpenfationis beneficio mifericorditer dignaremur. Nos itaque fui salutem et pacem querimus fingulorum, volentes quantum cum Deo poffumus hujufmodi fcandalis, inalis, atque periculis obviare, ipforu. Johannis et Fynghole in hac parte fupplicationibus inclinati, fraternitati tue de qua plenam in Domino fiduciam obtinemus per Apoftolica fcripta committimus et mandamus, quatenus fi est ita cum eisdem Johanne et Fynghola ut impedimento, quod ex confanguinitate et affinitate hujufmodi provenit non obftante matrimonium inter fe libere contrahere, ac in eo postquam contractum fuerit licite remanere valeant Apoftolica auctoritate difpenfes; prolem fufcipiendam ex hujufmodi matrimonio legitinam nunciando. Datum Avinione decimo nono kalen. Februarii, Pontificatus nostri anno primo.

DISPENSATIO Nobili Viro JACOBI DE LUNDESAY,
Militi, et Nobili Mulieri EGIDIE STEWARD, Glasguen.
Diocefe.

Ex Regte
Clemen. P. P.
VI. an. v.
ep. 1091.

1346.

CLEMENS Epus, Servus Servorum Dei. Dilecto Filio Jacobo Nobili Viro Jacobo^(sic)
de Lundesay Militi, et Dilecte in Christo Filie Nobili Mulieri Egidie
Steward Glasguen. Dioc. Salutem, &c.

Etſi conjunctio copule conjugalis tertio et quarto gradibus a facris fit canonibus interdicta, ſummis tamen Pontificibus ex plenitudine poteſtatis, quam non ab homine obtinet ſed a Deo, conſiderata perſonarum et rerum qualitate utiliora propiciens nonnunquam rigorem juris manſuetudine maxime inter perſonas nobiles temperat, et quod negat juris ſeveritas indulget de ſpeciali gratia miſericorditer diſpenſando. Petitio ſiquidem nobis pro parte veſtra exhibita continebat, quod ex tractatu communium amicorum veſtrorum ad pacis et tranquillitatis federa inter vos et amicos eorſdem conſervando affectantes invicem matronaliter copulari. Verum quia ſicut eadem ſubjungebat petitio in tertio et quarto ex parte patrum, et in quarto &c. ex parte matrum veſtrorum conſanguinitatis gradibus vos invicem contingitis non poteſtis impedimentis hujusmodi obſiſtentibus, veſtrum in hac parte abſque Apoſtolice diſpenſationis gratia deſiderium adimplere. Quare pro parte veſtra fuit nobis humiliter ſupplicatum, ut ſuper hoc de oportune diſpenſationis beneficio providere vobis miſericorditer dignaremur. Nos itaque, qui libenter Chriſti fidelibus quietis commoda procuramus cariſſimi in Chriſto filii noſtri Philippi Regis Francor. illuſtris nobis ſuper hoc humiliter ſupplicantis, ac veſtris ſupplicationibus inclinati vobis ſcum, quod matrimonium invicem impedimentis, que ex conſanguinitate hujusmodi proveniunt nequaquam obſtantibus libere contrahere, ac in ipſo matrimonio poſtquam contractum fuerit licite remanere poſſitis auctoritate Apoſtolica de ſpeciali gratia diſpenſamus. Prolem ex huius matrimonio ſuſcipiendam legitimam nuntiando. Nulli ergo &c. noſtre diſpenſationis infringere &c. Datum Avinione iii idus Aprilis, Pontificatus noſtri anno quinto.

DISPENSATIO THOMÆ SENESCALLO, Comiti de
ANGUS, et Nobili Mulieri MARGARITÆ de SANCTO
CLARO S^{re} Andreae Dioceſe.

INNOCENTIUS Ep̄us, Servus Servor. Dei. Venerabili Fratri Epif-
copo Sancti Andree in Scotia Salutem, &c.

Ex Reg^o
Innoc. P. P.
VI. 30. i.
cp. 1039.

Petitio pro parte dilecti filii nobilis viri Thome Senefcallis Comitis Anguſie, et dilecte in Chriſto filie nobilis mulieris Margarete de Sancto Claro tue Dioc. nuper nobis exhibita continebat, quod ipſi ex certis cauſis deſiderant invicem matrimonialiter copulari. Sed quia iidem Thomas et Margareta quarto ſunt conſanguinitatis gradu conjuncti, matrimonium inter ſe contrahere licite nequeat, diſpenſatione ſuper hoc Apoſtolica non obtenta. Cum autem ſicut eadem petitio ſubjungebat, ex hujusmodi matrimonio ſi fieret inter eorum conſanguineos et amicos poſſet fortius affectionis et dilectionis vinculum verifimiliter ſolidari, et alia bona tam ipſis, ac eorum ſubditis, quam incolis eis convicinis provenire ſperentur; pro parte ipſorum Thome et Margarete nobis extitit humiliter ſupplicatum, ut eis ſuper hoc de oportune diſpenſationis beneficio providere de benignitate Apoſtolica dignemur. Nos itaque cariffimi in Chriſto filii noſtri Johannis Regis Francorum illuſtris, ipſum Thomam ſuum fidelem amicum aſſerentis nobis ſuper hoc humiliter ſupplicantis, ac eorum Thome et Margarete in hac parte ſupplicationibus inclinati, fraternitati tue de qua in Domino fiduciam obtinemus, cauſis nobis expoſitis per Apoſtolica ſcripta committimus et mandamus, quatenus ſi eſt ita cum eiſdem Thoma et Margareta, ut impedimento, quod ex dicta conſanguinitate provenit non obſtante, matrimonium invicem libere contrahere, et in eo poſtquam contractum fuerit remanere licite valeant auctoritate Apoſtolica diſpenſes. Prolem ſuſcipiendam ex hujusmodi matrimonio legitimam nuntiando. Datum apud villam novam Avionen. Dioc. iiii nonas Junii anno primo.

1353.

DISPENSATIO Nobili Viro THOMÆ DE SOMIRVILE
 Domino Castro de Carneswych, Militi, et Nobili
 Mulieri Mariæ DE WANS, Domicellæ Glasguen.
 Diocese.

Ex Regio
 Innoc. P. P.
 VI. an. ii.
 ep. 280.

1354.

INNOCENTIUS Epus, Servus Servor. Dei Venerabili Fratri Episcopo
 Glasguen. Salut. &c.

Petitio dilecti filii nobilis viri Thome de Somirvile Dni Castri de Carnes-
 wych, Militis, et dilectæ in Xpo filie nobilis mulieris Marie de Wans Do-
 micelle tue Dioc. nobis exhibita continebat, quod olim ipsi ignorantes
 aliquod impedimentum inter eos existere quominus possent matrimonialiter
 copulari, matrimonium per verba de presenti publice contraxerunt, quodque
 postmodum ad eorum pervenit notitiam quod ipsi Thomas et Maria quarto
 consanguinitatis gradu erant conjuncti, propter quod ad solempnizationem
 hujusmodi matrimonii procedere nequeunt dispensatione Apostolica super hoc
 non obtenta. Cum autem sicut eadem petitio subungebat, si divortium
 fieret inter eos gravia possent exinde scandala et pericula verisimiliter exoriri,
 nobis humiliter supplicarunt, ut providere eis super hoc de oportune dispen-
 sationis remedio dignaremur. Nos igitur hujusmodi scandalis et periculis
 quantum cum Deo possumus obviare volentes ipsorum supplicationibus in-
 clinati, fraternitati tue, de qua plenam in Domino fiduciam obtinemus per
 Apostolica scripta committimus et mandamus, quatenus si est ita cum eisdem
 Thoma et Maria ut in sic contractu matrimonio licite remanere, ac illud
 in facie ecclesie solemnizare valeant impedimento quod ex huoi consanguini-
 tate provenit non obstant auctoritate nostra dispenses. Prolem susci-
 piendam ex hujusmodi matrimonio legitimam nuntiando. Datum apud Vil-
 lamnovam Avionen. Dioc. iiii kalendas Junii Pontificatus nostri anno
 secundo.

DISPENSATIO Nobili Viro JOANNI WOLLEYS, Domicello, et Nobili Mulieri ELIZABETH DE EGLINTON, Domicellæ, Glasguen, Diocefe.

VRBANUS Ep̄us, Servus Servor. Dei. Venerabili Fratri Ep̄ifcopo Glasguen. Salut. &c.

Ex Reg^{to}
Urb. P. P. V.
an. ii. ep.
269.

1364.

Oblata nobis pro parte dilecti filii nobilis viri Johannis Wolleys Domicelli, et dilectæ in Xpo filie nobilis mulieris Elizabeth de Eglinton Domicelle tue Dioc. petitionis series continebat, quod olim de contrahendo matrimonium inter eos per ipsorum communes parentes pro confervatione pacis et concordie eorundem, et ad fedan. guerras que inter ipsos longis temporibus ingruerant, ex quibus homicidia et incendia fuerant subsecuta, habitus est tractatus. Sed quia dicta Elizabeth et quondam uxor dicti Johannis dum viveret erant quarto confanguinitatis gradu conjuncte, et etiam quia dictus Johannes quondam mulierem prefate Elizabeth quarto confanguinitatis gradu attinentem actu fornicationis cognoverat matrimonium hujusmodi contrahere nequeunt difpenfatione Apoftolica fuper hoc non obtenta. Quare pro parte ipsorum Johannis et Elizabeth nobis extitit humiliter fupplicatum, ut providere eifdem Johanni et Elizabeth fuper hoc de oportune difpenfationis gratia dignaremur. Nos igitur qui cunctorum Chrifti fidelium pacem appetimus et falutem, cariffimi in Xpo filii noſtri David Regis Scotie illuſtris nobis fuper hoc humiliter fupplicantis, ac ipsorum Johannis et Domicelle fupplicationibus inclinati, fraternitati tue per Apoftolica ſcripta mandamus, quatenus ſi eſt ita et dicta Elizabeth propter hoc rapta non fuerit, et ad id eorundem parentum, et majoris partis confanguineorum ipsorum Johannis et Elizabeth citra tertium gradum accedat aſſenſus cum eifdem Johanni et Elizabeth, ut impedimento, quod ex premiſſis provenit, non obſtante matrimonium hujusmodi inſimul contrahere, et in eo poſtquam contractum fuerit licite remanere valeant auctoritate Apoftolica difpenſes. Prolem ex hujusmodi matrimonio fuſcipiendam legitimam nuntiando. Datum Avinione iiii nonas Januarii, Pontificatus noſtri anno ſecundo.

DISPENSATIO Nobili Viro WALTERO DE LESLEY,
Militi, ac Nobili Mulieri EUPHAMIÆ S^r Andree Rossen.
Diocese.

Ex Reg^o
Uib. P. P. V.
an. v. pag. 6.

1367.

VRBANUS Ep^{us}, Servus Servor. Dei. Venerabili Fratri Episcopo Sancti
Andree Salut. &c.

Oblata nobis nuper pro parte dilecti filii nobilis viri Walteri de Lessley Militis, et dilectæ in Christo filie nobilis mulieris Eufamie, tue Rossen. Dioc. petitio continebat, quod ipsi ex certis causis legitimis et rationalibus nobis expositis desiderant ad invicem matrimonialiter copulari. Sed quia predictus Walterus quandam mulierem prefate Eufamie quarto gradu consanguinitatis attinentem antea carnaliter actu fornicario cognovit huiusmodi eorum desiderium adimplere non possint, dispensatione super hoc Apostolica non obtenta. Quare pro parte ipsorum Walteri et Eufamie fuit nobis humiliter supplicatum, ut providere eis super hoc de oportune dispensationis beneficia de benignitate Apostolica dignaremur. Nos igitur ex premissis causis, consideratione etiam carissimi filii nostri David Regis Scocie illustris pro ipso Waltero et Eufamia consanguinea sua nobis super hoc humiliter supplicantis ipsius Regis et Walteri, ac Eufamie predictorum supplicationibus inclinati, fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus, per Apostolica scripta committimus et mandamus, quatenus si est ita, et ad hoc eorundem Walteri et Eufamie parentum, et consanguineorum citra tertium gradum accedat assensus, dictaque Eufamia propter hoc raptam non fuerit, cum eisdem Waltero et Eufamia pro affinitatis impedimento, quod ex consanguinitate predicta provenit non obstante matrimonium invicem libere contrahere, et postquam contractum fuerit in eo licite remanere possint auctoritate nostra dispenses. Prolem suscipiendam ex huiusmodi matrimonio legitimum nuntiando. Datum Avinione viii kalen. Decembris Pontificatus nostri anno quinto.

DISPENSATIO Nobili Viro JOANNI DE DUNBAR,
Domicello, et Nobili Mulieri MARIORIÆ SENESCALLI,
Domicellæ S^{re} Andree.

VRBANUS Ep^{us}, Servus Servorum Dei. Venerabili Fratri Episcopo
Sancti Andree Salutem, &c. Ex Reg^o
Urb. P. P. V.,
an. viii. ep.

Oblate nobis nuper pro parte dilecti filii nobilis viri Johannis de ^mDovibar 415.
Domicelli, et dilectæ in Christo filie nobilis mulieris Mariorie Senescalli Do- 1370.
micelle tue Dioc. petitionis series continebat, quod ipsi desiderant invicem
matrimonialiter copulari, sed quia quarto consanguinitatis gradu invicem se
contingunt, desiderium eorum hujusmodi adimplere nequeunt, dispensatione
super hoc Apostolica non obtenta. Quare pro parte ipsorum Johannis et
Mariorie nobis fuit humiliter supplicatum ut providere ipsis de oportuna dis-
pensationis gratia misericorditer dignemur. Nos igitur ex certis causis nobis
expositis, hujusmodi supplicationibus inclinati fraternitati tue de qua in hiis
et aliis specialem in Domino fiduciam obtinemus per Apostolica scripta com-
mittimus et mandamus, si est ita dictaque Marioria propter hoc rapta non
fuerit, et ad id parentum majoris partis consanguineoru. dictorum Johannis
et Mariorie citra tertium gradum accedat assensus, cum eisdem Johanne et
Marioria, ut impedimento, quod ex hujusmodi consanguinitate provenit non
obstante, matrimonium invicem libere contrahere, et in eo postquam con-
tractum fuerit licite remanere valeant auctoritate Apostolica dispenses. Prolem
ex hujusmodi matrimonio suscipiendam legitimam nuntiando. Datum apud
Montemassaconem v idus Julii, Pontificatus nostri anno octavo.

DISPENSATIO JACOBO Nato Nobilis Viri WILLIELMI
Comitis de Douglas, et Nobili Mulieri MARGARITÆ
Natæ ROBERTI Regis Scotiæ.

GREGORIUS Ep^{us}, Servus Servor. Dei. Venerabili Fratri Episcopo Ex Reg^o
Greg. P. P.
XI. an. i. ep.
p. 19. 4.
Sancti Andree Salutem, &c.

Providentia Sædis Apostolice magnitudinem excellentium personarum ad-
vertens, et attente considerans, quod earum inclita devotio favorum et gratie 1371.
plenitudinem

plenitudinem pertinentur dignum et congruum reputat ymmo potius debitum arbitratur eis gratiose concedere, quod nonnunquam aliis interdicit maxime cum speratur, quod gratia, que illis impenditur ipsas Ecclesie Romane devotiores efficiat, et quod earum obsequiosa devotio Reipublice utilitatis auferat incrementum. Oblate siquidem nobis pro parte dilecti filii nobilis viri Jacobi nati dilecti filii nobilis viri Willelmi Comitis de Douglas, et dilecte in Christo filie nobilis mulieris Margarite carissimi in Xpo filii nostri Roberti Regis Scocie illustris nate petitionis series continebat, quod ipsi certis ex causis desiderant invicem matrimonialiter copulari. Sed quia quarto consanguinitatis gradu ex utroque parente invicem se contingunt eorum desiderium in hac parte adimplere nequeunt dispensatione super hoc Apostolica non obtenta. Quare pro parte dictorum Jacobi et Margarite nobis fuit humiliter supplicatum, ac providere eis super hoc de oportune dispensationis gratia de benignitate Apostolica dignaremur. Nos igitur consideratione carissimi in Christo filii nostri Caroli Francorum illustris et d' Scotie Regum nobis super hoc humiliter supplicantium huoi ipsorum Regum, ac Jacobi, et Margarite predictorum supplicationibus inclinati, fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus per Apostolica scripta committimus et mandamus, quatenus si est ita dictaq. Margareta propter hoc rapta non fuerit cum ipsis Margareta et Jacobo, ut impedimento, quod ex dicta consanguinitate provenit non obstante hujusmodi matrimonium insimul libere contrahere et in eo postquam contractum fuerit licite remanere valeant auctoritate Apostolica dispenses. Prolem suscipiendam ex huoi matrimonio legitimam nuntiando. Datum apud Villamnovam Avinionen. Dioc. viii kalen. Octobris, Pontificatus nostri anno primo.

DISPENSATIO Nobili Viro PATRICIO DE HEPBURN,
Militi, S^{re} Andreæ, et ELEANORÆ DE BRUYS, Comi-
tissæ de Carryk.

Ex Reg^{to}
Greg. P. P.
XI. an. vi.
ep. 348.

GREGORIUS Ep^{us}, Servus Servor. Dei. Venerabili Fratri Episcopo
Sancti Andree Salutem, &c.

Oblate nobis pro parte dilecti filii nobilis viri Patricii de Hepborii Militis et
dilecte in Christo filie nobilis mulieris Leonore de Bruys, Comitissæ de Carrik

tue et Glasguen. Dioc. petitionis series continebat, quod ipsi certis ex causis de communi consensu amicorum desiderant invicem matrimonialiter copulari. Sed quia quarto consanguinitatis gradu invicem se attingunt, ex eo quod idem Patricius quondam Agnetem ipsi Elionore in quarto consanguinitatis gradu atinentem habuerat antea in uxorem desiderium eorum in hac parte adimplere non possunt dispensatione super hoc Apostolica non obtenta. Quare pro parte ipsorum Patricii et Eleonore nobis fuit humiliter supplicatum, ut providere sibi super hoc de oportune dispensationis gratia misericorditer dignemur. Nos igitur hujusmodi supplicationibus inclinati fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus per Apostolica scripta committimus et mandamus, quatenus si est ita dictaque mulier propter hoc rapta non fuerit, cum eisdem Patricio et Eleonora, quod impedimento affinitatis predicto, seu alio impedimento simili de quo non speratur ad presens si forsan impostero reperiretur non obstantibus matrimonium invicem libere contrahere, et in eo postquam contractum fuerit licite remanere valeant auctoritate nostra dispenses. Prolem ex hujusmodi matrimonio suscipiendam legitimam nuntiando. Datum Avinione xv kalendas Aprilis, Pontificatus nostri anno sexto.

DISPENSATIO Nobili Viro ROBERTO de * BEVATHYN.
Domicello et Nobili Mulieri EGIDIE Seneschalli Do-
micellæ Glasguen. Diocese.

CLEMENS Ep̄us, Servus Servorum Dei. Venerabili Fratri Episcopo Glas-
guen. Salutem, &c.

Ex Reg¹⁰
Clem. VII.
Antip. an. ix.
p. 143.

Oblate nobis pro parte dilecti filii nobilis viri Roberti de Bevachtyn Do-
micelli, et dilectæ in Xpo filie nobilis mulieris Egidie Seneschalli Domicelle
Glasguen. Dioc. petitionis series continebat, quod ipsi nonnullorum amicorum
suorum interveniente tractatu, ut inter amicos cujuslibet eorum pax et di-
lectio continue maneat desiderant invicem matrimonialiter copulari. Sed quia
*pater naturalis dicte Egidie presatu. Robertum de Sacrosante levavit, non
possunt hujusmodi eorum desiderium adimplere dispensatione Apostolica super hoc non
obtenta.* Quare pro parte dictorum Roberti et Egidie nobis fuit humiliter
supplicatum, ut providere eis super hoc de oportune dispensationis gratia de

1378.

* Forte *Bethuns.*

benignitate Aplica dignaremur. Nos qui pacem inter amicos ipfos nutrire quantum cum Deo possumus cupimus, carissimi etiam in Xpo filii nostri Roberti Regis Scocie illustris, et ipsorum Roberti et Egidie supplicationibus inclinati, fraternitati tue de qua in hiis et aliis specialem in Dno fiduciam obtinimus per Apostolica scripta committimus et mandamus, quatenus si est ita, dictaque Egidia propter hoc rapta non fuerit cum eisdem Roberto de Be- vachtyn et Egidia, ut impedimento cognationis spiritualis inter eos ex dicta levatione de Sacrofonte exorte, non obstan. matrimonium invicem libere contrahere, et in eo postquam contractum fuerit remanere licite valeant auctoritate Apostolica dispenses. Prolem suscipiendam ex huoi matrimonio legitimam nuntiando. Datum Avinione v nonas Octobris anno nono.

DISPENSATIO Nobili Viro NORMANNO de LESLI
Domicello et Nobili Mulieri CHRISTIANÆ de CETON
Domicellæ S^e Andreae Diocese.

Ex Reg^{to}
Bened. XIII.
Antip. an.
xxii. p. 487.

1415.

BENEDICTUS Epus, Servus Servor. Dei. Venerabili Fratri Episcopo Sancti Andreae Salutem, &c.

Oblate nobis pro parte dilecti filii nobilis viri Normani de Lesli Domicelli, et dilecte in Christo filie nobilis mulieris Cristiane de Ceton Domicelle tue Dioc. petitionis series continebat, quod ipsi desiderant invicem matrimonialiter copulari; sed quia quarto consanguinitatis gradu insimul sunt conjuncti, desiderium hujusmodi adimplere non possunt, dispensatione super hoc Apostolica non obtenta. Quare pro parte ipsorum Normani et Christiane nobis extitit humiliter supplicatum, ut providere eis super hoc de oportune dispensationis gratia de benignitate Apostolica dignaremur. Nos igitur hujusmodi supplicationibus inclinati fraternitate tue, de qua in his et aliis specialem in Domino fiduciam obtinemus per Apostolica scripta committimus et mandamus, quatenus si est ita cum eisdem Normano et Cristiana dummodo ipsa propter hoc rapta non fuerit, ut ipsi impedimento quod ex consanguinitate hujusmodi provenit, non obstante, matrimonium invicem contrahere, et in eo postqua. contractum fuerit remanere licite valeant auctoritate nostra dispenses. Prolem ex huoi matrimonio suscipiendam legitimam nuntiando. Datum Paniscole Dertusen. Dioc. iiii nonas Septembris anno vicefimo secundo.

DISPENSATIO Nobili Viro JACOBO STEWART et Nobili
Mulieri JOANNÆ BUREFORD, S^{te} Andreae Diocese.

EUGENIUS Ep^{us}, Servus Servorum Dei. Venerabili Fratri Episcopo Dunkelden. Salutem, &c.

Ex Reg^{is}
Eug^o P. P.
IV. an. ix.
p. 232.

Oblate nobis nuper pro parte dilecti filii nobilis viri Jacobi Stewart, et dilecte in Christo filie nobilis mulieris Johanne Berrford, Sancti Andreae Dioc. petitionis series continebat, quod ipsi olim ignorantes se tertio, et tertio ac quarto et quarto necnon tertio et quarto consanguinitatis et affinitatis gradibus se esse conjunctos, credentes id sibi licere matrimonium invicem per verba legitime de presenti coram certis testibus clandestine contraxerunt, ac postmodum cum ad eorum notitiam devenisset, quod insimul ut prefertur prefatis consanguinitatis et affinitatis gradibus conjuncti erant matrimonium ipsum per carnalem copulam consummarunt. Cum autem sicut eadem petitio subjungebat, ipsi Jacobus et Johanna in hujusmodi sic contracto matrimonio remanere nequeant dispensatione super hoc Apostolica non obtenta, et si divertium fieret inter eos gravia exinde diffensiones et scandala inter eorum amicos et parentes possent verisimiliter exoriri, ipsaque Johanna propterea remaneret perpetuo diffamata, pro parte ipsorum Jacobi et Johanne nobis fuit humiliter supplicatum, ut eis super hoc de absolutionis debite beneficio ab excommunicationis sententia quam propterea incurrerunt, et de oportune dispensationis gratia providere misericorditer dignemur. Nos igitur, qui salutem querimus singulorum, et inter Christi fideles libenter pacis et quietis commoda procuramus, cupientes, prefatis diffentionibus et scandalis quantum cum Deo possumus salubriter obviare, hujusmodi supplicationibus inclinati, fraternitati tue de qua in hiis et aliis gerimus in Dno fiduciam specialem cum ipsi Jacobus et Johanna ordinarium suum habeant in hac parte suspectu. per Apostolica scripta committimus et mandamus, quatenus si est ita, prefatis Jacobo et Johanna separatis ab invicem ad tempus de quo tibi videbitur expedire, eos ab hujusmodi excommunicationis sententia, quam propter premissa incurris se noscuntur auctoritate nostra absolvas in forma ecclesiae consueta, injunctis eis inter alia sub virtute juramenti per eos prestandi, quod similia de cetero non committant, nec facientibus prebeant auxilium, consilium vel favorem, ac pro modo culpe penitentia salutari, et aliis que de jure fuerint injungenda. Et demum si tibi expediens videatur, quod hujusmodi sit dispensatio concedenda super quo tuam conscientiam oneramus, cum ipsis Jacobo et Johanna ut impedimentis que ex consanguinitate

1439.

et affinitate hujusmodi proveniunt non obstantibus matrimonium invicem de novo libere contrahere, et in eo postquam contractu fuerit licite remanere valeant auctoritate Apostolica dispenses. Prolem susceptam si qua est, et suscipiendam ex eis legitimam nuntiando. Volumus quod ille ex predictis Jacobo et Johanna, qui vite superflus fuerit perpetuo remaneat inuuptus. Datum Florentie anno Incarnationis Dñice millesimo quadringentesimo tricesimo nono, undecimo kalendas Octobris, Pontificatus nostri anno nono.

DISPENSATIO Nobili Viro JACOBO Comiti de Douglas,
Fratri Germano GULIELMI quondam Comit̄is de
Douglas, et Nobili Mulieri MARGARETE etiam de
Douglas, Glasguen. Diocese.

Ex Reg^o
Nicolai,
P. P. V. an.
vi. p. 60. at.

NICOLAUS Ep̄us, Servus Servor. Deī. Dilecto Filio Nobili Viro Jacobo Comiti de Douglas, et Dilecte in Christo Filie Nobili Mulieri Margarete etiam de Douglas, Glasguen. Dioc. Salutem, &c.

1452.

Et si inter personas quaslibet pacis et quietis commodi ex suscepti summi Apostolatus officii debito procurare teneamur, circa tamen personas generalitate preclaras id plurimum infidet nobis cordi, unde nonnunquam juris canonici temperando rigorem, aliqua earum ac aliorum premissorum intuitu concedere nos convenit, que alias non essemus facilliter concessuri. Exhibita siquidem nobis nuper pro parte vestra petitio continebat, quod licet olim quondam Willielmus Comes de Douglas tunc in humanis agens tecum Margareta, illi secundo et tertio consanguinitatis gradibus conjuncta, tuncq. infra nobiles et duodecimum tue etatis annos constituta, ac conjunctione hujusmodi non ignorante matrimonium per verba de presenti contraxerit, ipseque qui aliquandiu tecum habitavit re carnaliter forsitan cognoscere temptaverit, et adimpleri nequiverit, dispensatione Apostolica oportuna super hoc non obtenta, quamvis fuerit per dictum Willhelmum Comitem debita cum instantia procurata. Vos tamen qui similibus gradibus estis conjuncti dicto Wilhelmo, cujus tu Jacobe olim frater germanus fuisti, sicut Dño placuit rebus humanis exempto, ad sedandum guerras, dissensiones, homicidia et scandala, que inter vestros parentes consanguineos et amicos, qui in illis partibus magni nobiles et potentes fore noscuntur retrofluxis temporibus suscitata, ac pro conservandis, ut ulterius procurandis inter illos et nos pacis et amicitie nexibus, necnon

necnon ex certis aliis rationabilibus causis desideratis invicem matrimonialiter copulari. Sed quia tu Jacobe quamdam aliam mulierem eidem Margarite in secundo et tertio ejusdem consanguinitatis gradibus attinente, alias actu fornicaris carnaliter cognovisti que ex publice honestatis justitie ac consanguinitate affinitate proveniunt impedimentis hujusmodi obstantibus vestrum huoi desiderium adimplere non valetis dispensatione super hoc Apostolica non obtenta. Quare pro parte vestra nobis fuit humiliter supplicatum, ut pro bono pacis et concordie ad evitandum quecumque dissensiones et scandala, que alias verisimiliter suboriri possint nobis de oportune dispensationis gratia, ac alia super hiis salubriter providere de benignitate Aplica dignaremur. Nos igitur qui inter fideles quoslibet presertim generum profapia atque generositate pollentes pacis, et quietis commoda tanto libentius procuramus, quanto et eorum dissensionibus majora possent scandala verisimiliter provenire cunctis discriminibus que alias exinde contingere possent obviare cupientes ex premissis et certis aliis causis rationabilibus, et etiam consideratione carissimi in Xpo filii nri Jacobo Scottorum Regis illustri pro vobis consanguineis suis super hiis nobis humiliter supplicantis, ipsiusque Regis, ac vestris humilibus supplicationibus inclinante Margaretam ab excommunicationis sententia, quam propter premissa incurrisse dimiseris auctoritate Aplica absolvimus, ac tecum, et cum dicto Jacobo Comite ut premissis, ac quorumcumq. aliorum similibus aut distantiorum consanguinitatis et affinitatis graduum impedimentis, que Pntibus haberi volumus pro sufficienter expressis nequaquam obstantibus matrimonium inter vos contrahere, et in eo postquam contractum fuerit remanere libere et licite valeatis eadem auctoritate tenore Pntium de speciali gratia dispensamus. Prolem exinde suscipiendam legitimam decernendo. Volumus autem quod antequam huoi matrimonium contrahatis confessor ydoneus, quem quilibet vestrum duxerat eligendum vobis videlicet tibi Jacobo Comiti pro incesta occasione de fornicationis contracto, ac etiam tibi Margarete pro aliis predictis penitentiam salutarem. et alia que fuerint injungenda injungat, que vos omnino debeatis adimplere, alioquin Pntes littere nullius sint roboris vel momenti. Nulli ergo, &c. Nre absolutionis, dispensationis, constitutionis et voluntatis infringere, &c. Si quis, &c. Datum Rome apud S. Petrum anno, &c. millesimo quadringentesimo quinquagesimo secundo quarto kalen. Martii, Pontificat. nri anno sexto.

M. DE MARINI the Keeper of the Records in the Vatican and Castle St. Angelo, authenticated all the preceding Dispensations by his seal and subscription, in the same manner as the first of those here printed;—and these official copies are now in my possession.

LIST of DISPENSATIONS found by M. DE MARINI
in the ARCHIVES of the VATICAN, of which Notes were
taken by him, over and above those whereof the
official Copies are hereinbefore inserted.

Popes by whom granted.		Date.
JOHN XXII.	Dispensatio Jacobo Freifer, Aberdonen. et Margaritæ de Ferendraucht, - - - -	1322
Idem.	Dispensatio Davidi de Lindefay Glasguen. Diocese et Mariæ filiæ Alexandri de Abernethie, - -	1325
Idem.	Dispensatio Jacobo de Cunninghin Glasguen. et Elenæ de Caridelle (vel Calentillæ).	
BENEDICT XII.	Dispensatio Joanni quondam Eaguffii de Isle Soderen. et Amiæ quondam Roderici de Infulis, -	1337
Idem.	Dispensatio Philippo Domino de Meldon Aberdonen. et Mariæ Eglinton, - - - -	1339
CLEMENT VI.	Dispensatio Thomæ Comiti de Marr Aberdonen. et Margaritæ Viduæ Joannis de Moravia, -	1352
Idem.	Dispensatio Willielmo de Moravia Glasguen. et Margaritæ filiæ Duncani Campbell Militis.	
INNOCENT VI.	Dispensatio Roberto de Ramefay Domicello Dunchelden. et Joannæ quondam Maldini de Ramefay, - - - -	1353
Idem.	Dispensatio Thomæ Comiti de Mar Aberdonen. et Margaritæ filiæ quondam Joannis Comitis de Menteith, - - - -	1354
Idem.	Dispensatio Roberto Erskine Militi et Nobili Mulieri Christianæ de Beth S ^{te} Andreæ Diocese, -	1355
URBAN V.	Dispensatio Joanni de Haia Domino loci de Tubilon Aberdonen. et Christianæ filiæ Willielmi Comitis de Keith Domicellæ Moravien, -	1364
Idem.	Dispensatio Fergusio Mackdouel Domicello Candidæ Casæ et Margaritæ filiæ Willielmi de Conningham Domicellæ Glasguen. - - -	1364

Popes by whom granted.		Date.
URBAN V.	Dispen. Lotolamio filio Joannis dicti Magrilleon Domicello Sodoren. et Mariæ de Infulis filię Joannis, - - - - -	1366
Idem.	Dispen. Thomæ Erskin Domicell. S ^{re} Andreæ et Mariæ de Douglas Domicellæ, - - -	1366
Idem.	Dispen. Joanni de Keit Domicello Aberdonen. et Mariæ de Eden Domicellæ, - - -	1369
Idem.	Dispen. Willielmo de Breton Domicellæ S ^{re} Andreæ et Margaritæ quondam Joannis de Preston Militis Domicellæ.	
Idem.	Dispen. Thomæ Constabulario Domicell. S ^{re} Andreæ et Mariottæ de Weynd.	
GREGORY XI.	Dispen. Waltero Aulani Domicello Glasguen. et Eleanoræ filię Gillefpeth Campell Domicellæ.	
CLEMENT VII. Antipope.	Dispen. Patricio de Sandielands Domicello S ^{re} Andreæ ut possit ducere in uxorum Confanguineam in tertio gradu Isabellam viduam Nobilis Viri Militis Joannis de Lyndiffin, -	1383
Idem.	Dispen. Joanni Enrici Domicell. Glasguen. et Margaritæ filię Thomæ de Kirkpatrick Militis.	
BENEDICT XIII. Antipope.	Dispen. Gilberto de Haia Domino loci de Drowlow S ^{re} Andreæ et Elizabethæ Red Domicellæ Aberdonen. Diocese, - - - - -	1416
Idem.	Dispen. Lamany Nigelli Singonii Sodoren. et Annæ - - - - -	1418

Besides the preceding Dispensations, extracted from the Archives of the Vatican and of the Castle of St. Angelo, several others were discovered in the office of the *Dataria* at Rome, where search was made in the period between 1380 and 1420.

The search in the Archives at the Vatican had been made for the period from the year 1317 to the year 1452; and Dispensations were there found during the whole course of that period with little intermission, excepting from 1376 to 1416, during which time there was not in these registers one single Dispensation granted to Scotch persons. From this circumstance I suspected that there were registers for that period which were kept in some other place. Whereupon it was suggested to me, that probably they might be found at the *Dataria*, where the records during the times of some of the Popes or Antipopes were kept. Accordingly, in consequence of a memorial given in to the officers of the *Dataria*, a search was made there, in the course of which the following Dispensations were discovered.

DISPENSATIO Matrimonialis Nobili Viro ALEXANDRO
STEVART Domicello, et Nobili Mulieri EGIDIE DE
DOUGLAS, Relicte Vidue quondam HENRI SAINTCLAR
Militis, Dicecesum Glasguensis et S. Andree.

CORULLI.

MARTINUS Episcopus, Servus Servorum Dei, Veni Fratri Episcopo
Sancti Andree Salutem et Apostolicam Benedictionem. Oblata nobis
nuper pro parte dilecti filii nobilis viri Alexandri Stevart domicelli et dilecte
in Xpto filie nobilis mulieris Egidie de Duglas quondam Henrici Sæuclar
Militis relicte vidue Glasguen. et Sancti Andree Dicecesum petitionis series
continebat quod ipsi Alexander et Egidia ad sedandum graves discordias que
olim inter eorum parentes et amicos fuerunt exorte et alias ad pacem inter
eosdem parentes et amicos perpetuo procurandum desiderant ad invicem ma-
rimonialiter copulari. Sed quia Alexander tertio et Egidia prefati secundo
dumtaxat consanguinitatis gradibus ab eorum comuni stipite distare noscuntur
huoi eorum desiderium adimplere nequeunt dispensatione super hoc Aposto-
lica non obtenta. Quare pro parte dictorum Alexandri et Egidie nobis fuit
humiliter supplicatum ut super hoc eis de oportune dispensationis gratia
providere de benignitate APCA dignaremur. Nos igitur qui pacem inter
Xpti fideles totis affectibus procuramus ex premis et aliis causis nobis
expositis huoi supplicationibus inclinati fraternitati tue de qua in his et aliis
specialem in Domino fiduciam obtinimus per Apostolica scripta etiam man-
damus quatenus si est ita dictaque Egidia propter hoc rapti non fuerit cum
eisdem Alexandro et Egidia ut impedimento quod ex huoi consanguinitate
provenit non obstante matrimonium inter se contrahere et in eo postquam
contractum fuerit remanere libere et licite valeant aucte nostra dispen-
ses. Prolem ex hujusmodi matrimonio suscipiendam legitimam nunciando.
Datum Rome apud Sanctum Petrum tertio kalendas Maii anno primo.

Martinus V.
anno primo.
3 kal. Maii.

1418.

Fa— X X. de Berretanis.

Reg^{ta} libro octavo Pontificatus anni quinti Felias Recordinis
Martin, P. P. V. pag. 79.

Sumptum ex Registris Lrarum Aplicarum fel. rec. Martini, P. P. Quinti,
et collationatum per me Ludovicum Godin earundem Lrarum
Applicarum Registri Magistrum.

Concordat cum Registro originali et de facultates Clausulis extensis &
falvos PHILIPPUS LANZONUS Reg^{ti} Lrarum Aplicarum custos.

DISPENSATIO Matrimonialis ROBERTO DE GLEDSTANIS
et JONETE Filie WILLIELMI TURNBUL Diocesis
Glasguensis.

P. DE MONTELLA.

Martinus V.
anno tertio.
7 idus Febr.

1420.

MARTINUS Episcopus, Servus Servorum Dei, Veni Fratri Episcopo Sancti Andree Salutem et Aplicam Benedem. Oblata nobis nuper pro parte dilecti filii Roberti de Gledstani laici et Jonete dilecte filie Willelmi Turnbull nate mulieris Glasguen. diecesis petitionis series continebat quod idem Robertus quondam mulierem eidem Jonete in tertio gradu consanguinitatis conjunctam carnaliter cognovit tamquam simplices juris ignari matrum inter se contraxerunt per verba legitime de presenti licet de facto illudque in facie ecclesie solemnizarunt et carnali copula consumarunt. Cum autem sicut eadem petitio subjungebat prefati Robertus et Joneta propter impedimentum ex premissis exortum in huoi matrimonio remanere nequeant dispensatione super hoc Aplica non obtenta pro parte ipsorum Roberti et Jonete nobis fuit humiliter supplicatum eis de absolutionis beneficio ab excommunicationis sententia quam propter premissa incurrisse nocentur de oportune dispensationis gratia providere de benignitate Aplica dignaremur. Nos igr qui salutem querimus singulorum volentes eorundem Roberti et Jonete super premissis animarum providere saluti huoi suplnbus inclinati fraternitate tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus cum dictus Robertus sicut asserit Venlem Frem nrum Wilhelmum Epum Glasguen. cum esset in hoc casu scribendum habeat ex certis causis suspectum in hac parte per Aplica scripta comittimus et mandamus quuo eosdem Robertum et Jonetam si hoc humiliter petierint ipsis prius ad tempus de quo tibi videbitur ad invicem separatis ac recepto ab eis juramento quod similia de cetero non committent nec committentibus prestabunt auxilium consilium vel favorem ab huoi excommunicationis sententia juxta formam ecclesie consueta aucte nra hac vice dumtaxat absolvas injunctis inde eis pro modo culpe penitentia salutari et aliis que de jure fuerint injungenda. Et demum si tibi expediens indebitur quod huoi dispo concederet dictaque Joneta propter hoc rapta non fuerit cum eisdem Roberto et Joneta ut ipsi impdno huoi non obstante matrimonium de novo contrahere et in eo postquam contractum fuerit remanere libere et licite valeant eadem auctoritate nostra dispenses. Prolem ex huoi matrimonio susceptam et suscipiendam ex inde legnam decernendo volumus autem quod

alter ex Roberto et Joneta predictis qui vite superstes fuerit perpetuo remaneat innuptus. Datum Florentie septimo idus Februarij anno tertio.

Antonins. X. X. de Ponte.

Reg^{is} libro sexto anni quarti felicitis Recordaonis MARTINI,
Pape quinti Pontificatus, pagina 310.

DISPENSATIO Nobili Viro WALTERO STEWART DE
LEVENAX, et Nobili Mulieri JONETE DE ERSKYN
Filie Nobilis Viro ROBERTI DE ERSKYN Militi Dio-
cesis Glasguen. et S^{re} Andreae.

CORULLI.

MARTINUS Epus, Servus Servorum Dei. Venerabili Fratri Episcopo
Sancti Andree Salutem et Aplicam Benedem. Oblate nobis nuper Martinus V.
anno 4^{to}.
6 kal. Maii.
pro parte dilecti filij nobilis viri Walteri Stewart de Levenax Domicelli et
dilecte in Xpto filie nobilis mulieris Jonete de Erskyn dilecti filii nobilis
viri Roberti de Erskyn Militis nate Domicelle Glasguen. et tue Dioecesis
petitionis series continebat quod ipsi Walterus et Janeta ex certis rationa-
bilibus causis desiderant ad invicem matrim^lr copulari sed quia tertio
consanguinitatis gradu invicem sunt conjuncti huoi eorum desiderium
adimplere nequeunt dispensatione super hoc Apostolica non ob-
tenta. Quare pro parte dictorum Walteri et Jonete nobis fuit humiliter
supplicatum ut propter hoc eis de opne. dispnis gratia providere de be-
nignitate Aplice dignaremur. Nos igitur ex certis causis nobis expositis
huoi supplicaonibus inclinati fraternitati tue de qua in hiis et aliis specialem
in Domino fiduciam obtinemus per Apostolica scripta committimus et
mandamus quos si est ita dtaque Joneta propter hoc rapta non fuerit cum
eisdem Waltero et Joneta ut impedimento quod ex huoi consanguinitate
provenit non obstante matrimonium inter se contrahere et in eo postquam
contractum fuerit remanere libere et licite valeant auctoritate nostra dispenses.
Prolem ex hujusmodi matrimonio suscipiendam legitimam nunciando. Datum
Rome apud Sanctum Petrum sexto kalendas Maii anno quarto.

Franciscus X. X. Dengillo.

Registrata libro decimo anni quarti Pontificatus felicitis
Record. MARTINI, Pape quinti, pag^a 222.

ALIA DISPENSATIO Nobili VIRO GEORGEO DE
DUNBAR, Comiti Marchiarum Regni Scotiæ, et Nobili
Mulieri HALESIE WILHELM DE HAYA, Filio quondam
Militis de Vhefyr, Domicelle Diocesis S. Andree.

COVILLI.

Martinus V.
anno 4^{to}.
7 idus Aug.

1421.

MA^RTINUS Episcopus, Servus Servorum Dei. Venerabili Fratri Episcopo
Sancti Andree Salutem et Apostolicam Benedicem. Oblate nobis pro
parte dilecti filii nobilis viri Georgij de Dunbar Comitis Marchiarum Regni
Scotie et dilecte in Xpro filie nobilis mulieris Halyse Wilhelm de Haya
Militis quondam Domini de Vhefyr nate Domicelle tue diecesis petitionis
series continebat quod ipsi Georgius et Halyfia ex certis causis rationabilibus
desiderant invicem matrimonialiter copulari. Sed quia secundo et quarto
affinitatis gradibus ex eo provenientibus quia dicta Halyfia quarto et quondam
Beatrix dum vixit dicti Georgii prima uxor secundo consanguinitatis gradibus
dumtaxat ab eorum comuni stipite distabant invicem sunt conjuncti huoi
eorum desiderium adimplere nequeunt dispne super hoc Apostolica non
obtentata. Quare pro parte dictorum Georgii et Halyfiæ nobis fuit humilr
supplicatum ut ipsis super hoc de optne dispensaonis gratia providere de
benignitate Aplica dignaremur. Nos igitur ex certis causis nobis expositis
huoi supplaonibus inclinati fraternitati tue de qua in hiis et aliis specialem in
Domino fiduciam obtinimus per Apostolica scripta committimus et manda-
mus qnus si est ita dictaque Halyfia propter hoc rapta non fuerit. Cum eisdem
Georgio et Halyfia ut impedimento quod ex affinitate huoi provenit non
obstante matrimonium inter se contrahere et in eo postquam contractum
fuerit remanere libere et licite valeant aucte nostra dispenses. Prolem ex
huoi matrimonio suscipiendam legmam nunciando. Datum Tybure septimo
idus Augusti anno quarto.

Franciscus X. X. X. Dengillo.

Registrata libro primo anni quinti Pontificatus felicitis Re-
cordaonis, MARTINI, P. P. quinti, pag^a 181.

DISPENSATIO Nobili Viro WILLELMO DE LEUYNSTON,
Domicello, et Nobili Mulieri ELISABETH DE CALDCOTIS,
Domicelle, Dicefis S. Andree.

CORULLI.

MARTINUS Episcopus, Servus Servorum Dei. Veneli Fratri Episcopo Martinus V. anno 4^{to}. 4 idus No- vemb.
Sancti Andree, Salutem et Aplicam Benedictionem. Oblate nobis
nuper pro parte dilecti filii nobilis viri Willelmi de Leuynston Domicelli et
dilecte in Xpto filie nobilis mulieris Elifabeth de Caldcotis Domicelle tue 1421.
Dicefis petitionis ferres continebat quod ipsi ex certis rationabilibus causis
desiderant ad invicem matrimonialiter copulari. Sed quia tertio confanguini-
tatis gradu invicem sunt conjuncti huoi desiderium eorum adimplere ne-
queunt dispensatione super hoc Apostolica non obtenta. Quare pro parte
dictorum Willelmi et Elifabeth nobis fuit humiliter supplicatum ut super eis
de oportune dispensationis gratia providere de benignitate Apostolica digna-
remur. Nos igitur ex certis causis nobis expositis huoi supplicationibus
inclinati fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam
obtenimus per Apostolica scripta mandamus quatenus si est ita dictaque
Elifabeth propter hoc rapta non fuerit cum eisdem Willelmo et Elifabeth ut
impedimento quod ex hujusmodi confanguinitate provenit non obstante
matrimonium inter se contrahere et in eo postquam contractum fuerit re-
manere libere et licite valeant auctoritate nostra dispenses. Prolem ex huoi
matrimonio suscipiendam legitimam nunciando. Datum apud Sanctum
Petrum quarto idus Novembris anno quarto.

Franciscus X. X. Dengello.

Reg^{is} libro sexto anni quinti Pontus felix Recordnis
MARTINI, Pape quinti, pagina sexta.

DISPENSATIO Nobilis Viri WILLELMO DE DOUGLAS
 Filii Nobilis Viri JACOBI DE DOUGLAS Militis et
 Domini Loci de Dalbreck, Primogeniti Domicelli,
 et MARGARITHE DE BORCHVILLE Vidue quondam
 WILLELMI DE ABIRNETHI Dieccfis S. Andree.

BALDUS.

Martinus V.
 anno iv.
 5 idus Decem-
 bris.

1421.

MARTINUS Epus. Servus Servorum Dei. Venerabili Fratri Episcopo Sancti Andree, salutem et Aplicam Benedem. Oblate nobis nuper pro parte dilecti filii nobilis viri Wilhelmi de Douglas dilecti filii nobilis viri Jacobi de Douglas Militis et Domini Loci de Dalbrech primogeniti Domicelli et dilecte in Xpto filie Margarithe de Borchwilr Relicte qm Wilhelmi de Abirnechi Laici vidue tue Dieccfis petitionis series continebat quod ipsi Wilhelmus de Douglas et Margaritha ad sedandum quasdam inter eorum amicos exortas discordias et ex aliis certis causis desiderent invicem matrimonialiter copulari. Sed quia Wilhelmus de Abirnechi dum vixit et Wilhelmus de Douglas predicti sibi invicem tertio consanguinitatis gradu attinebant huoi eorum desiderium adimplere nequeunt dispensatione super hoc Apostolica non obtenta. Quare pro parte ipsorum Wilhelmi de Douglas et Margarithe nobis fuit humilr supplicatum ut super hoc eis de opne dispensis gratia providere de benignitate Apostolica dignaremur. Nos igr ex premissis et aliis causis nobis expositis huoi supplicaonibus inclinati fraternitati tue de qua in hiis et aliis speciale in Domino fiduciam obtinemus per Aplica scripta committimus et mandamus qnus si est ita dictaque Margaritha ppr hoc rapta non fuit cum eisdem Wilhelmo de Douglas et Margaritha ut impedimento quod ex premissis provenit non obstante matrimonium inter se contrahere et in eo postquam contractum fuerit remanere libere et licite valeant Apostolica auctoritate dispenses. Prolem ex huoi matrimonio suscipiendam legitimam nunciando. Datum Rome apud Sanctum Petrum quinto idus Decembris anno quarto.

Ja. XVI. de Cortetanis.

Registrata libro decimo anno quarti Pontificatus felicis
 Recordationis MARTINI, Pape quinti, pag^a 26.

DISPENSATIO Nobili Viro ARCHEBALDI DE DOUGLAS
 Domicello, et Nobili Mulieri EUPHEMÆ DE GRAHAM
 Domicelle Diecesum Dunblanenſis et Glaſguen.

DE MONTEPOLITIANO.

MARTINUS Episcopus, Servus Servorum Dei. Venerabili Fratri Episcopo Dunblanen. Salutem et Apostolicam Benedem. Oblate nobis pro parte nobilis viri Archebaldi de Douglas Domicelli et nobilis mulieris Euphemie de Graham Domicelle Glaſguen. et tue diecesis petitionis feries continebat quod olim ipſi poſtquam cum eis duplici tertio ex uno et duplici quarto ex alio lateribus ex diverſis ſtipitibus provenientibus invicem conjunctis ut matrimonium inter ſe contrahere et in eo poſtquam contractum foret remanere poſſent Apoſtolica fuerat auctoritate mandatum diſpenſari antequam ad huoi mandati exequutionem procederetur ſimplicitate ducti non tamen ignorantes ſe huoi gradibus contis eſſe conjunctos matrimonium inter ſe per verba legeme de preſenti contraxerunt illudque carnali copula conſumarunt. Cum autem ſicut eadem petio ſubjungebat ipſi nequeant in dicto matrimonio remanere diſpne Aplica ſuper hoc non obtenta et ſi divortium fieret inter eos ſcandala et diſcordie inter ipſos et eorum amicos verifimiliter orirentur pro parte ipſorum Archibaldi et Euphemie nobis fuit humiliter ſupplicatum ut eis ſuper hoc de abſolutionis beneficio ab excomnis ſententia quam propterea incurriſſe noſcuntur et opne diſpnis gratia providere de benignitate Aplica dignaremur. Nos igr qui ſcandalis diſcordiſque huoi libenter quantum nobis ex alto permittitur obviamus ex premiſſis et aliis cauſis nobis expoſitis huoi ſuppbus inclinati fraternitati tue de qua in iis et aliis ſpeciale in Domino fiduciam obtinemus per Apoſtolica ſcripta mandamus qunus ſi eſt ita Archebaldum et Euphemiam proſ ſi hoc humiliter petierint ab huoi excomnis ſententia aucte noſtra hac vice dumtaxat abſolvus in forma eccleſie conſueta injunctis eis inter alia ſub virtute juramenti per eos preſtandi quod de cetero ſimilia non committent nec ea committentibus preſtent auxilium conſilium vel favorem ac pro modo penitentia ſalutari et aliis que de jure fuerint injungenda et demum ſi dicta Euphemia ppr hoc rapta non fuerit cum eiſdem Archibaldo et Euphemia ipſis tamen prius ad tempus de quo tibi videbitur ab invicem ſeparatis ut impedito quod ex huoi conſanguinitate provenit non obſtanta matrimonium inter ſe de novo libere contrahere et in eo poſtquam contractum fuerit remanere licite valeat eadem

Martinus V.
 anno 8vo.
 6 kal. Julii.

1425-

auctoritate

auctoritate dispenses. Prolem susceptam et ex matrimonio huoi suscipiendam legitimam decernendo. Datum Rome apud Sanctos Apostolos sexto kalendus Julij anno octavo.

Pe. XXX. de Cafatis.

Registrata libro septimo anni octavi felicitis Record.
MARTINI, Pape quinti, pag. 200.

ALIA DISPENSATIO SIMONI, et ANNE DE GLENDINWINE Diecesis Glasguen.

DE UGOLINIS.

Martinus V.
anno x^o.
15 kal. Sep-
tembris.

1427.

MMARTINUS Episcopus, Servus Servorum Dei. Venēli Fratri Episcopo Glasguen. Salutem et Aplicam Benedem. Oblate nobis nuper pro parte dilecti filii Simonis Laici et dilecte in Xpto filie Anne de Glendinwine mulieris tue diecesis petitionis series continebat quod ipsi ex certis honestis et rationabilibus causis desiderant invicem matrimonialiter copulari. Sed quia tertio et tertio consanguinitatis gradibus invicem sunt conjuncti huoi eorum desiderium adimplere nequeunt dispensatione super hoc Aplica non obtenta. Quare pro parte Simonis et Anne predictorum nobis fuit humiliter supplicatum ut eis super hoc de oportune dispensationis gratia providere de benignitate Aplica dignaremur. Nos igitur huoi supplicaonibus inclinati fraternitati tue de qua pro hiis et aliis specialem in Domino fiduciam obtinimus per Aplica scripta committimus et mandamus quatenus si est ita dictaq. Anna propter hoc rapta non fuerit cum eisdem Simone et Anna ut impedimento quod ex consanguinitate huoi provenit non obstante matrimonium invicem libere contrahere et in eo postquam contractum fuerit licite remanere valeant Apostolica auctoritate dispenses. Prolem ex hujusmodi matrimonio suscipiendam legitimam nunciando. Datum Rome apud Sanctos Apostolos quintodecimo kalendas Septembris anno decimo.

Ja. de Cerretanis XX.

Reg¹ libro decimo anni decimi Pontus felicitis Recordationis MARTINI, Pape quinta, pagina 269.

DISPENSATIO Matrimonialis ROBERTO STEWART
DE ATOLIA Domicello et Nobili Mulieri MARGARITE
DE OGELBY Domicelle, Dicec̄sis Duncheldensis et
S. Andree.

S. DE SAUELLIS.

MARTINUS Episcopus, Servus Servorum Dei. Veneli Fratri Episcopo
Dunchelden Salutem et Ap̄licam Benedictionem. Oblate nobis nuper
pro parte dilecti filii Roberti Stewart de Atolia Domicelli et dilectę in X̄pto
filie nobilis mulieris Margarite de Ogelby Domicelle Sancti Andree et tue
dicec̄sis petitionis series continebat quod ipsi Robertus et Margaritha ad
confervandam amicitiam et concordiam inter eorum parentes consanguineos
et amicos desiderant invicem matrimonialiter copulari. Sed pro eo quod
tertio consanguinitatis gradu invicem sunt conjuncti hujusmodi eorum de-
siderium adimplere nequeunt dispensatione Apostolica super hoc non obtenta.
Quare pro parte dictorum Roberti et Margarithe nobis fuit humiliter sup-
plicatum ut super hoc eis de oportune dispensationis gratia providere de
benignitate Ap̄lica dignaremur. Nos igitur ex premissis et aliis certis nobis
expositis causis huic supplicationibus inclinati fraternitati tue de qua in hiis
et aliis specialem in Domino fiduciam obtinemus per Ap̄lica scripta comit-
tinus et mandamus quatenus si est ita dictaque Margarita propter hoc
rapta non fuerit cum eisdem Roberto et Margarita ut impedimento quod
ex huic consanguinitate provenit non obstante matrimonium inter se libere
contrahere et in eo postquam contractum fuerit remanere libere valeant
aucte dispenses. Prolem ex hujusmodi matrimonio suscipiendam legitimam
nunciando. Datum Rome apud Sanctos Apostolos quarto kalendas Fe-
bruarii anno duodecimo.

Martinus V.
anno 129.
iv kal. Fe-
bruarii.

1429.

P. X. X. V. de Casatiis.

Reg^{is} libro primo anni tertii decimi Pontificatus felicitis
Recordationis MARTINI, P. P. quinti, pag^a 142.

DISPENSATIO DAVID HIREDI Laici et MARGARITE
DE GORDON, Diecesis Glasguen.

BERTOLDUS.

Martinus V.
anno 13.
3 kal.
Januarii.

1430.

MARTINUS Episcopus, Servus Servorum Dei. Veneli Fratri Episcopo Glasguen. Salutem et Aplicam Benedem. Oblate nobis nuper pro parte dilecti filii David Hiredi laici et dilecte in Xpto filie Margarite de Gordon mulieris tue diecesis petitionis series continebat quod ipsi ad fedandum disentiones et odia inter eorum parentes confanguineos et amicos exorta et confovendum illos in benevolentia et amore ac ex certis aliis rationabilibus causis desiderant invicem matrimonialiter copulari. Sed quia ab uno secundo et ab alio lateribus tertio confanguinitatibus gradibus invicem sunt conjuncti Ipseque David dilectam in Xpto filiam Elisabet de Haliberton mulierem dicte diecesis pte Margarite tertio et quarto confanguinitatis gradibus conjunctam pluries fornicatio actu cognovit David et Margarita pti huoi eorum desiderium adimplere nequeunt dispensatione super hoc Aplica non obtenta. Quare pro parte David et Margarithae ptorum nobis fuit humiliter supplicatum ut super hoc eis de oportune dispensationis gratia providere de benignitate Aplica dignaremur. Nos igitur ex premissis et certis aliis causis nobis expositis huoi supplicaonibus inclinati fraternitati tue de qua in iis et aliis specialem in Domino fiduciam obtinemus per Aplica scripta comittimus et mandamus quatenus si est ita et ex hoc in partibus illis scandalum non resultet dictaque Margarita propter hoc rapta non fuerit cum eisdem David et Margarita ut impedimento quod ex premissis provenit non obstante matrimonium inter se libere contrahere et in eo postquam contractum fuerit licite remanere valeant salutari penitentia ipsi David occasione fornicationis hujusmodi primitus injuncta auctoritate nostra dispensens. Prolem ex hujusmodi matrimonio suscipiendam legitimam nunciando. Datum Rome apud Sanctos Apostolos tertio kalendas Januarii anno tertio decimo.

Antonius X. X. de Adria.

Reg^a libro sexto anni tertii decimi Pontus felicitis Recor-
dationis MARTINI, Pape quinti, pagina 126.

DISPENSATIO WILLIELMI MUNGUBRI et HELENE
SYMPILL, Glasguen. Dicecisi.

P. DE MONTELLA.

MARTINUS Episcopus, Servus Servorum Dei. Veneli Fratri Episcopo Glasguen. Salutem Aplicam Benedem. Oblate nobis nuper pro parte Willelmi Mungubri et Helene Sympill mulieris tue dicecisi petitionis series continebat quod olim ipsi non ignorantes se tertio gradu affinitatis fore conjunctos et quod dilectus filius Vinfridus dicti Willielmi natus cum dictis Helena matrimonium per verba de futuro contraxerat licet ex certis causis matrimonium huoi nullum fuisse aucte ordinaria sententialiter declaratum foret matrimonium inter se per verba legitime de presenti contraxerunt illudque carnali copula consummarunt et prolem ex inde procrearunt. Cum autem sicut eadem petitio subjungebat pti Willelmus et Helena in huoi matrimonio inter eos ut prefertur contractio remanere nequeant dispensatione Aplica super hoc non obtenta; Et si divortium fieret inter eos dissensiones et scandala gravia inter eorum confanguineos et amicos possent verisimilr exoriri pro parte ipsorum Willielmi et Helene nobis fuit humiliter supplicatum ut eos a sententia excommunicationis quam propterea incurrerunt absolvere et cum eis ut in huoi matrimonio remanere valeant dispensare de benignitate Aplica dignemur. Nos igitur qui inter Xpi fideles libenter quietis comoda procuramus et huoi dissensionibus rixis et scandalis quantum possumus obviamus et ne propter hoc dicta Helena diffamata remaneant providere volentes fraternitati tue per Aplica scripta comittimus et mandamus quatenus eosdem Willelmum et Helenam a dicta excommunicationis sententia quam propter premissa incurrisse noscuntur auctoritate nostra absolvas in forma ecclesie consueta injunctis eis quod de cetero talia non committent neque comittentibus prestabunt auxilium consilium vel favorem et pro modo culpe penitentia salutari et aliis que fuerint injungenda. Et insuper ipsis Willelmo et Helene per te ad tempus de quo tibi videbitur ad invicem separatis cum eis si est ita ut in matrimonio huoi premissis non obstantibus remanere libere et licite valeant dummodo ipsa Helena propter hoc rapta non fuerit auctoritate nostra dispenses. Prolem susceptam huoi et ex huoi matrimonio suscipiendam legitimam decernendo. Datum Rome apud Sanctos Apostolos kalendis Februarii anno tertio decimo.

Martinus V.
anno 13^o kal.
Februarii.

1430.

Pe. X.X.V. de Casatiis.

Reg^o libro sexto anni tertii decimi Pontus felicitis Recordationis MARTINI, Pape quinti, pag^a 199.

DISPENSATIO Matrimonialis WILLELMO DE WIDENBORNE ET CATHARINE DE STAME, Dioecesis S. Andree.

L. FARSCOPIUS.

Eugenius IV.
anno 19.
5 kal. Maii.

1431.

EUGENIUS Epus, Servus Servorum Dei. Veneli Fratri Episcopo S^t Andree Salutem et Aplicam Benedem. Oblate nobis nuper pro parte Willelmi de Widenborne et Catharine de Stame mulieris tue diecesis petitionis series continebat quod olim ipsi non ignorantes se tertio affinitatis gradu invicem fore conjunctos matrimonium contraxerunt inter se per verba de presenti illudque carnali copula consumarunt. Prole exinde procreata cum autem Willelmus et Catharina predicti in huoi matrimonio licite remanere nequeant dispensatione super hoc Aplica non obtenta, et sicut eadem petitiio subungebat si divortium fieret inter eos gravia exinde inter eorum consanguineos et affines scandala necnon dissentiones et inimicitie verisiliter exoriri ipsaque Catharina remaneret perpetuo diffamata pro parte ipsorum Willielmi et Catherine nobis fuit humiliter supplicatum ut eis super hoc de absolutionis beneficio ab excomnis sententia quam ppter premissa incurrisse noscuntur et oportune dispensationis gratia providere de benignitate Aplica dignemur. Nos igr qui salutem singulorum et inter Xpi fideles libenter quietis commoda procuramus et eorum scandalis obviamus ex premissis et aliis causis nobis expositis huoi supplnibus inclinati fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus per Aplica scripta mandamus quatenus si est ita eosdem Willelmum et Catharinam si hoc humiliter petierint ab huoi excomnis sententia quam propter premissa incurrerunt ut prefertur auctoritate nostra hac vice duintaxat absolvas in forma ecclesie consueta injunctis eis inter alia sub virtute juramenti per eos prestandi quod de cetero similia non committent nec ea facientibus prestabunt auxilium consilium vel favorem ac pro modo culpe penitentia salutaris et aliis que de jure fuerint injungenda. Et demum si tibi expediens videbitur quod dicta dispensatio fiat dictaque Catharina propter hoc rapta non fuerit cum eisdem Willielmo et Catherine ipsis tunc prius ad tempus de quo tibi videbitur ab invicem separatis ut impedimento quod ex premissis provenit nonobstante matrimonium inter se de novo libere contrahere et in eo postquam contractum fuerit remanere licite valeant eadem auctoritate dispensas susceptam et ex huoi matrimonio suscipiendam. Prolem legitimam decernendo. Datum Rome apud Sanctum Petrum anno Incarnationis

Donuice

Dominice millesimo quadringentesimo trigesimo primo, tertio kalendas Maii anno primo.

An. X. VJ. de Adria.

Reg^{ta} libro primo anni primi felicitis Recordationis EUGENII,
P. P. quarti Pontificatus, pagina 23.

DISPENSATIO JOANNI SCOT et HAWISE TURNBULLE,
Diecefis Glasguensis.

JO. DE CRIVELLIS.

EUGENIUS Episcopus, Servus Servorum Dei. Venerabili Fratri Episcopo Glasguen. Salutem et Apostolicam Benedicem. Oblate nobis nuper pro parte dilecti filii Joannis Scot Laici et dilecte in Xpto filie Hawisse Turnbulle mulieris tue diecesis petitionis series continebat quod cum olim ipsi non ignorantes se tertio et tertio consanguinitatis gradibus fore conjunctos matrimonium inter se per verba legitime de presenti licet de facto contraxissent et prolem deinde invicem procreassent divortii sententia inter eos auctoritate tue ordinaria lata extitit ipsique Joannes et Hawissa ab excommunicationis sententia quam propter contractum ipsum incurrerant eadem auctoritate absoluti fuerunt. Cum autem sicut eadem petitio subungebat ipsi ut preteritam infamiam abstergant et inter eorum parentes ac consanguineos et amicos charitas et amor roborentur et dicta proles illegitimitatis nota non obfuscetur desiderent invicem matrimonialiter copulari desideriumque huoi adimplere nequeant dispensatione super hoc Apostolica non obtenta pro parte ipsorum Joannis et Hawisse nobis fuit humilr supplicatum ut providere eis super hoc de opne dispnis gratia dignaremur. Nos igr ex premissis et certis aliis causis nobis expositis huoi supplicacionibus inclinati fraternitati tue per Aplica scripta mandamus quos si est ita dtaque Hawissa propter hoc rapta non fuerit, cum eisdem Joanne et Hawissa ut impedimentis que ex huoi consanguinitatis gradibus proveniunt nonobstantibus matrimonium inter se libere contrahere et in eo postquam contractum fuerit remanere licite valeant Apostolica dispenses. Prolem susceptam antedictam et ex huoi matrimonio suscipiendam legitimam decernendo. Datum Rome apud Sanctum Petrum anno Incarnationis

Eugenius IV.
anno 2^o. 7 kal.
Junii.

1432.

Dominice

Dominice millesimo quadringentesimo trigesimo secundo, septimo kalendas Junii anno secundo.

M. XXIJ. de Adria.

Registra libro nono anni secundi Pontificatus felicitis Recordationis EUGENII, P. P. quarti, pag^a 98.

DISPENSATIO Nobili Viro GEORGIO DE SETON
Militi, et Nobili Mulieri MARGARITE STEWART,
Diecefis Candidæ Casæ et S. Andree.

JA. LUJER.

Eugenius IV.
anno 6^{to}
6 idus. Janu-
arii.

1436.

EUGENIUS Episcopus, Servus Servorum Dei. Veneli Fratri Episcopo Candide Casæ Salutem et Aplicam Benedictionem. Oblate nobis nuper pro parte dilecti filii nobilis viri Georgii Seton Militis et nobilis mulieris Margarite Stewart tue et Sancti Andree diecesis petitionis series continebat quod ipsi non ignorante se duplici tertio gradu consanguinitatis esse conjunctos matrimonium inter se per verba de presenti legem contraxerunt et carnali copula consumarunt. Cum autem ipsi obstante impedimento quod ex consanguinitatis gradu huoi provenit in dicto matrimonio remanere nequeant dispensatione Aplica super hoc non obtenta et si divortium fieri inter ipsos gravia possent inter eorum consanguineos amicos scandala verisimiliter exoriri dictaque Margarita diffamata perpetuo remaneret. Quare pro parte Georgii et Margarite ptorum nobis fuit humiliter supplicatum ut eis super hoc de absolutionis beneficio ab excommunicationis sententia quam propterea incurrisse noscuntur ac alias de oportune dispensationis gratia providere de benignitate Aplica dignaremur. Nos igitur ex premissis et aliis nobis expositis causis huoi supplicibus inclinati fraternitati tue de qua in iis et aliis specialem in Domino fiduciam obtemus per Aplica scripta comittimus et mandamus quous eisdem Georgium et Margaritam si hoc humiliter petierint a sententia excommunicationis huoi hac vice dumtaxat aucte nra absolvas in forma ecclesie consueta injunctis eis inter alia sub virtute juramenti per ipsos prestandi quod de cetero similia non comittent nec ea comittentibus prestabunt auxilium consilium vel favorem ac pro modo culpe penitentia salutari et aliis que de jure fuerint injungenda. Et demum si tibi

expediens videbitur quod huoi dispensatio fiat ipsaque Margaritha propter hoc rapta non fuerit cum eisdem Georgio et Margarita ipsis tamen prius ad tempus de quo tibi videbitur ad invicem separatis ut impedimento huoi non obstante matrimonium inter se de novo contrahere et in eo postquam contractum fuerit remanere libere et licite valeant eadem auctoritate dispen-
 Prollem exinde fuscipiendam legitimam nunciando. Datum Bononie anno Incarnationis Dominice millesimo quadringentesimo trigesimo sexto, sexto idus Januarii anno sexto.

B. X. X. X. Valverius.

Reg^{is} libro quinto anni sexti Pontificatus felicitis Recordationis EUGENII, Pape quarti, pag^a 121.

DISPENSATIO JACOBO DE AMYLTON, Militi, et
 JONETÆ MAXWELLE Domicellæ, Diocesis Glasguen.

JA. PETRI.

EUGENIUS Episcopus, Servus Servorum Dei. Venerabili Fratri Episcopo Glasguen. Salutem et Apostolicam Benedictionem. Oblate nobis nuper pro parte dilecti filij Jacobi de Amylton Militis et dilecte in Xpto filie Jonete Maxwelle Domicelle tue diecesis petitionis series continebat quod ipsi ad conservandum inter eorum parentes et amicos benevolentiam et amorem cupiunt invicem matrimonialiter copulari. Sed quia dictus Jacobus quamdam mulierem eidem Jonete in duplici tertio confanguinitatis gradu conjunctam actu fornicario carnaliter cognovit hujusmodi eorum desiderium adimplere non possunt dispensatione Aplica de super non obtenta. Quare pro parte dictorum Jacobi et Jonete nobis fuit humiliter supplicatum ut super hoc eis de oportune dispensationis gratia providere de benignitate Aplica dignarenur. Nos igitur ex premissis et aliis nobis expositis causis huoi supplicationibus inclinati maternitati tue de qua in iis et aliis specialem in Domino fiduciam obtinemus per Aplica scripta committimus et mandamus quatenus si est ita dictaque Joneta propter hoc rapta non fuerit juncta prius ipsi Jacobo occasione actus premissi penitentiae competentium cum eisdem Jacobo et Joneta ut impedimento quod ex premissis provenit non obstante matrimonium inter se libere contrahere et in eo postquam contractum fuerit licite remanere valeant auctoritate Apostolica dispenses.

Eugenius IV.
 anno 9^o
 Pridie kal.
 Aug^{ti}.

1439.

penfes. Prolem ex huoi matrimonio fufcipiendam legitimam nunciando. Datum Florentie anno Incarnationis Dominice millefimo quadringentefimo trigeſimo nono Pridie kalendas Auguſti anno nono.

Ant: XX. de Adria.

Reg^{is} libro primo anni noni Pontus felicitis Recordationis
EUGENIJ, Pape quarti, pagina 166.

DISPENSATIO Nobili Viro Filio JACOBI DE AMILTON
DE CADZOU Domicelli de Baronum, et Nobili Mulieri
EUPHEMIE Domicelle DE COMING, Dunblanen. et
Glaſguen. Diceſis.

B: DE FLORENTIA.

Eugenius IV.
anno 10^o.
5 kal. Martii.

1440.

EUGENIUS Epifcopus, Servus Servorum Dei. Venerabili Fratri Epifcopo Dunblanen. Salutem et Apoſtolicam Benedem. Oblate nobis nuper pro parte dilecti filii nobilis viri Jacobi de Amilton de Cadzou Domicelli de Baronum et dilecti in Xpto filie nobilis mulieris Euphemie Domicelle de Comitum Generibus procreatorum Glaſguen. dioc. petitionis ſeries continebat quod ipſi de comuni ipſorum parentum conſanguineorum et amicorum voluntate et conſenſu necnon pro ſubditorum fuorum hinc inde conforendis firmandisque per amplius pacis et concordie nexibus et ex certis aliis rationabilibus cauſis deſiderant invicem matrim^lr copulari. Cum autem ipſi Jacobus et Euphemia pro eo quod Jacobus ptus quamdam mulierem eidem Euphemie duplici ſecundo conſanguinitatis attinentem pluries actu fornicario cognoverit necnon cum quadam alia muliere que etiam dicte Euphemie in triplici ſecundo et ſimplici tertio conſanguinitatis gradibus ex diverſis lateribus provenientes conjuncta eſt ſponſalia carnali tamen copula non ſequuta contraxit huoi eorum deſiderium adimplere nequeant diſpenſatione ſuper hoc Aplica non obtenta pro parte Jacobi aſſerentis quod dudum ipſe et dta alia mulier utriusque eorum ad id accedente conſenſu a ſponſalibus huoi per quamdam diſſinitivam in partibus illis latam ſententiam liberati et abſoluti fuere ac Euphemie predictorum nobis fuit humilr ſupplicatum ut eiſdem Jacobo et Euphemie de opne diſpenſationis gratia ac alias ſuper hiis providere de benignitate Aplca dignaremur. Nos igr qui pacem et ſalutem ſingulorum querimus ex premiſſis et aliis nobis expoſitis cauſis huoi ſupplicaonibus inclinati

inclinati fraternitati tue cum venis frater noster Joannes Epus Glasguen. cui in hoc casu scribendum esset ad presens a sua diecesi Glasguen. absens exit per Aplica scripta committimus et mandamus quous si est ita dictaque Euphemia propter hoc rapta non fuerit cum eisdem Jacobo et Euphemia prius tamen dicto Jacobo pro incestu et excellibus huoi equa et congrua de qua tibi videbitur penitentia imposita ut impedimentis que ex pmissis proveniunt non obstantibus matrum inter se libere contrahere et in eo postquam contractum fuerit remanere licite valeant Aplica auctoritate dispenses. Prolem ex huoi matrimonio suscipiendam legitimam nunciando. Datum Florentie anno Incarnationis Dominice millesimo quadringentesimo quadragesimo quinto kalendas Martii anno decimo.

B. XXXVI. Valverius.

Registrata libro nono anni decimi Pontificatus felicitis Record. EUGENII, P. P. quarti, pa. 206.

DISPENSATIO Nobili Viro JACOBO DOUGLAS Domicello, et Nobili Mulieri ELISABETH STEWART Domicelle, Diecesis S. Andree.

C. DE ELTEN.

EUGENIUS Episcopus, Servus Servorum Dei. Venerabili Fratri Episcopo Sancti Andree Salutem et Apostolicam Benedem. Oblate nobis nuper pro parte dilecti filii nobilis viri Jacobi Douglas Domicelli et dilecte in Xpto filie nobilis mulieris Elifabeth Stewart Domicelle tue diecesis petitionis series continebat quod ipsi pro continuandis pacis et amicitie, nexibus que inter eorum parentes consanguineos et affines retroactis temporibus vigerunt invicem matrimonialiter copulari desiderant. Sed quia Jacobus tertio et Elifabeth prefati secundo consanguinitatis gradibus invicem se attingunt huoi eorum desiderium adimplere nequeant dispensatione super hoc Apostolica non obtenta. Quare pro parte ipsorum Jacobi et Elifabeth nobis fuit humil supplicatum ut eis super hoc de opne dispensationis gratia providere de benignitate Apostolica dignemur. Nos igitur qui Xpti fidelibus pacis commoda libenter procuramus ex premissis et certis aliis nobis expositis causis auoi supplicationibus inclinati fraternitati tue de qua in hiis et aliis speciale in Domino fiduciam obtinemas

Eugenius IV
anno 106.
4 idus
Octobris

111

per Apostolica scripta committimus et mandamus quous si est ita dictaque Elifabeth propter hoc rapta non fuerit cum eisdem Jacobo et Elifabeth ut impedimento quod ex consanguinitate huoi provenit nonobstante matrimonium inter se contrahere et in eo postquam contractum fuerit remanere libere et licite valeant auctoritate Apostolica dispenses. Prolem ex huoi matrimonio suscipiendam legitimam nunciando. Datum Florentie anno Incarnationis Dominice millesimo quadringentesimo quadregesimo, quarto idus Octobri, anno decimo.

An. XX. de Adria.

Registrata libro tertio anni decimi Pontificatus felices Record.
EUGENII, P. P. quarti, pag^a 255.

DISPENSATIO Nobili Viro JACOBO STEWART Domicello et Nobili Mulieri ELIZABETH BOYD Domicelle, Diccesis Sodorensis et Glasguensis.

FRANCONIUS.

Eugenius IV.
anno 12^o.
3 kal. Febrii.
1442.

EUGENIUS Episcopus, Servus Servorum Dei. Venerabili Fratri Episcopo Glasguen. Salutem et Apcam Benedictionem. Oblate nobis nuper pro parte dilecti filii Jacobi Stewart Domicelli et dilecte in Xpto filie nobilis mulieris Elifabeth Boyd domicelle Sodoren. et tue diccesis petitionis series continebat quod ipsi qui secundo et quarto consanguinitatis gradibus invicem conjuncti sunt ut inter eorum parentes affines et amicos pax concordiaque ferventur et ex certis rationabilibus causis desiderant invicem matrimonia. liter copulari. Cum autem ipsi obsistente quod ex dicta consanguinitate provenit impedimento desiderium eorum adimplere nequeant dispensatione super hoc Apostolica non obtenta. Pro parte ipsorum Jacobi et Elifabeth nobis fuit humi supplicatum ut eis super hiis de oportune dispensationis gratia providere de benignitate Apca dignaremur. Nos igitur hujusmodi supplicationibus inclinati fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus per Apca scripta comittimus et mandamus quatenus si est ita dictaque Elizabeth propter hoc rapta non fuerit cum Jacobo et Elifabeth predictis ut impedimento hujusmodi nonobstante matrimonium inter se libere contrahere et in eo postquam contractum fuerit remanere licite valeant

valeant auctoritate Apostolica dispenses. Prolem ex ipso matrimonio suscipendam legitimam nunciando. Datum Florentie anno Incarnationis Domini millesimo quadringentesimo quadragésimo secundo tertio kalendas Februarii anno duodecimo.

M. XXXVJ. de Adria.

Reg^a libro primo anni XIJ. fel. Rec. EUGENII, Pape quarti Pontus, pagina 47.

DISPENSATIO Nobili Viro WILLELMO Comiti de
DOUGLAS et Nobili Mulieri MARGARITHE de DOUGLAS
Domicelle Diecesis Glasguensis.

JO. DE TOSILON.

EUGENIUS Episcopus, Servus Servorum Dei. Venerabili Fratri Episcopo Glasguen. Salutem et Apostolicam Benedicem. Oblate nobis pro parte dilecti filii nobilis viri Wilhelmi Comitis de Douglas et dilecte in X^{pto} filie nobilis mulieris Margarithe de Douglas Domicelle tue diecesis petitionis series continebat quod ipsi qui ut asserunt de majorum nobilium et baronum regni Scotie procreati existunt ut inter eorum parentes et affines ac amicos pacis et amicitie federa serventur desiderant invicem matrimonialiter copulari. Sed quia secundo et tertio consanguinitatis gradibus in simul sunt conjuncti huoi eorum desiderium adimplere nequeunt dispensatione Apostolica super hoc non obtenta. Quare pro parte Wilhelmi et Margarithe p^{torum} nobis fuit humiliter supplicatum ut eis super hoc de opne dispensationis gratia providere de benignitate Apostolica dignaremur. Nos igitur qui inter fideles libenter cum eisdem Wilhelmo et Margaritha ut impedimento quod ex consanguinitate huof provenit nonobstante matrimonium inter se contrahere illudque in facie ecclesie juxta morem solemnizare et in eo postquam contractum et solemnizatum fuerit ut presertim remanere libere et licite valeant auctoritate Apostolica dispenses. Prolem ex huoi matrimonio suscipendam legitimam nunciando.

Eugenius IV.
anno 14^o
9 kal. Augusti.

1444.

Datum Rome apud Sanctum Petrum anno Incarnationis Dominice millesimo quadringentesimo quadragesimo quarto, nono kalendas Augusti anno quarto decimo.

An. XXX. de Adria.

Registra libro septimo anni quarti decimi Pontificatus felicis Record. EUGENII, P. P. quarti, pag^a 236.

The preceding are all the Dispensations of which I received authenticated Copies from the Office of the *Dataria*; for having found that the charges of searching for and obtaining Official Copies of Papers in that Office were pretty considerable, and the Dispensations being of no other use to me than that of gratifying curiosity, I considered the nineteen thus obtained as sufficient for that purpose.

It may be necessary to observe, that the Dispensations both from the Vatican and from the *Dataria*, are printed literally according to the Official Copies of them, without any alteration or correction of the orthography, which in some instances appears to be inaccurate; as also that all those from the *Dataria* were authenticated in the same manner as the first here printed.

THE END.

