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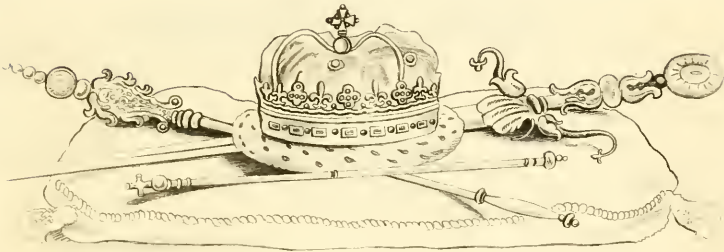


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PAPERS

RELATIVE TO

THE REGALIA OF SCOTLAND.



PRINTED AT EDINBURGH;

M.DCCC.XXIX.



PRESENTED
TO THE
BANNATYNE CLUB,
BY
WILLIAM BELL.

THE BANNATYNE CLUB.

M.DCCC.XXIX.

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[PRESIDENT.]

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RIGHT HON. SIR GEORGE WARRENDER, BART.
- 100 THE VENERABLE ARCHDEACON WRANGHAM.
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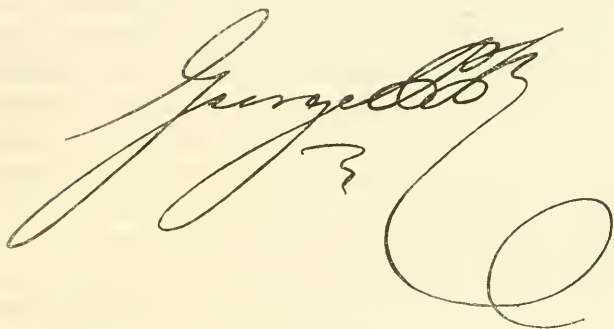
THIS Collection of Documents, connected with the Preservation of these Ancient Monuments of Scottish Royalty, in perilous Times, and with their subsequent Discovery, is presented to THE BAN-NATYNE CLUB, to whom the "Observations" will be acceptable, as being the joint Production of two of its most distinguished Members, who mainly originated, and who have conferred such important Services on the Club. The Entries connected with the Regalia added in the Notes, and in the Appendix, have been gleaned from the Records of the Country. The Original Letters, now first published, are interesting only as relating to the Defence of Dunnottar, the Fortress to which the Regalia were sent for safety by Order of the Parliament of Scotland, in June 1651, and which was the last to surrender to the Forces of the Commonwealth.

The "True Account" is connected with a Controversy, which it were needless now to revive. Its Fate attained for it a peculiar Notoriety; for which Reason, as well as to record the State of the Art of Printing in those times, a Facsimile of it is given.

WARRANT FOR OPENING THE CHEST DE-
POSITED IN THE CROWN ROOM OF THE
CASTLE OF EDINBURGH, SUPPOSED TO CON-
TAIN THE REGALIA OF SCOTLAND,

M.DCCC.XVII.

IN THE NAME AND ON THE BEHALF OF HIS MAJESTY,



WHEREAS by the Twenty-fourth Article of the Treaty of Union, it is provided, *inter alia*, “ that the Crown, Sceptre, and “ Sword of State, continue to be kept as they are within that part “ of the United Kingdom now called Scotland, and that they shall “ so remain in all time coming.” And Whereas it appears, from a public Instrument bearing date the twenty-sixth of March 1707, within the Castle of Edinburgh, that the said Crown, Sword, Sceptre, and other Regalia, were delivered by the Depute of the then Earl Mareschal, in presence of the Treasurer Depute, for the purpose of being lodged in the Crown Room of the Castle of Edin-

burgh ; and Whereas it appears from a Report made to Us, dated the twenty-second day of December 1794, by certain Noblemen and Officers of State acting under a Commission from Us, dated the fifth day of November 1794,* for opening and inspecting the said Crown Room, that there was found therein a large Chest of oak-wood fastened by two iron locks, of which no keys were to be found ; which Chest the said Commissioners left unopened, being doubtful of the propriety of forcing the same until Our further pleasure was made known : And We, considering the probability arising from the above documents, that the Regalia of Scotland are secured within the said Chest, and that the said Regalia may have sustained, or be in the course of sustaining injury by remaining uninspected for such a length of time, and that it is proper their existence and present condition should be ascertained ; therefore, We do hereby grant warrant to and authorize our right trusty and right entirely beloved cousin Charles William, Duke of Buccleuch and Queensberry, Lord Lieutenant of the county of Mid Lothian, or our Lord Lieutenant of the said county for the time being ; our right trusty and right entirely beloved cousin Alexander, Duke of Gordon, Keeper of our Great Seal, or our Keeper of the Great Seal for the time being ; our right trusty and well beloved cousin and Councillor Robert, Lord Viscount Melville, Keeper of our Privy Seal, or the Keeper of our Privy Seal for the time being ; our right trusty and well beloved Archibald Colquhoun, Lord Clerk Register, or our Clerk Register for the time being ; our right trusty and well beloved Councillor

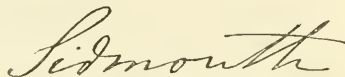
* The Commission and Report above referred to will be found in the Appendix.

William Dundas, Keeper of our Signet, or the Keeper of our Signet for the time being ; our trusty and well beloved Major-General John Hope, Commanding our Forces in Scotland, or the Commander in Chief for the time being ; General Sir Robert Abercromby, Governor of our Castle of Edinburgh, or our Governor thereof for the time being ; the Lieutenant-Governor of the said Castle for the time being ; our right trusty and well beloved Robert (William) Arbuthnot, Lord Provost of Edinburgh, or the Lord Provost of Edinburgh for the time being ; our trusty and well beloved Charles Hope of Granton, Lord President of the Court of Session, or the Lord President for the time being ; our trusty and well beloved Robert Dundas of Arniston, Lord Chief Baron of our Court of Exchequer, or our Lord Chief Baron for the time being ; our trusty and well beloved David Boyle, our Justice Clerk, or our Justice Clerk for the time being ; our right trusty and well beloved Councillor William Adam of Blair-Adam, Lord Chief Commissioner of the Jury Court, or such Lord Chief Commissioner for the time being ; our trusty and well beloved Alexander Macconochie of Meadowbank, our Advocate, or our Advocate for the time being ; our trusty and well beloved James Wedderburn, our Solicitor General, or our Solicitor General for the time being ; our trusty and well beloved Walter Scott of Abbotsford, advocate, one of the Principal Clerks of Session ; William Clerk, advocate, Principal Clerk of the Jury Court ; Henry Jardine, Deputy Remembrancer in Exchequer ; and Thomas Thomson, advocate, Deputy Clerk Register for Scotland ; or any five of them, to open the said Crown Room within the Castle

of Edinburgh, and to open, or cause to be forced open, the said chest, and inspect the contents thereof; and the same being so opened, We do hereby order and direct an exact Inventory of the said contents to be drawn up in writing and transmitted to Us, that Our farther pleasure in the premises may be known.

Given at Our Court at Carlton House, the twenty-eighth day of October 1817, in the fifty-eighth year of Our Reign.

By the Command of His Royal Highness the
Prince Regent, in the name and on the be-
half of His Majesty,

A handwritten signature in cursive script, reading "Sidmouth". The signature is written in dark ink and is positioned below the text of the warrant.

REPORT OF THE COMMISSIONERS APPOINT-
ED TO OPEN THE CHEST DEPOSITED IN
THE CROWN ROOM OF THE CASTLE OF
EDINBURGH, CONTAINING THE REGALIA
OF SCOTLAND.

M.D.CCC.XVIII.

TO HIS ROYAL HIGHNESS
GEORGE, PRINCE OF WALES,
REGENT OF THE UNITED KINGDOM
OF
GREAT BRITAIN AND IRELAND,
IN COUNCIL.

WE, the undersigned Commissioners, appointed by a Warrant under the Sign Manual of your Royal Highness, bearing date on the Twenty Eighth day of October, One thousand eight hundred and Seventeen, “for Opening the Chest deposited in the Crown “Room of the Castle of Edinburgh, supposed to contain the Regalia of Scotland,” Do most humbly beg leave to present to your Royal Highness the Report of our proceedings in the execution of the commission with which it has been the pleasure of your Royal Highness to entrust us.

After some preliminary arrangements as to the order of procedure which appeared to us most suitable to the occasion, WE assembled in the Castle of Edinburgh on Wednesday the 4th day of

February current, and having read and considered the Act of Delivery, drawn up by the Deputy of the Earl Mareschal at the period of the deposition of the Regalia of Scotland in the Crown Room of the said Castle on the 26th of March, 1707 ; as also the Report made to his Majesty by the Commissioners appointed to open the said Crown Room, bearing date on the 24th of December, 1794, both of which are specially referred to in the Warrant directed to us, by your Royal Highness, We did forthwith proceed to execute the trust committed to us by the said Warrant. The Keys of the Crown Room were produced to us sealed and labelled according to the Report of the Commissioners in 1794, and the outer and inner doors of the Crown Room being successively inspected, were found locked and sealed as described in that Report. Upon entering the Crown Room, we found it in the condition described in the Report of 1794, containing only a large Chest, secured by two strong locks, corresponding to that described in the foresaid Report.

In pursuance of the instructions in your Royal Highness's Warrant to us, (finding that no keys had been preserved,) we directed the Chest to be forced open in our presence ; and it is with sentiments of profound satisfaction We now report to your Royal Highness that we found therein the REGALIA of the ancient KINGDOM of SCOTLAND, namely the CROWN, the SCEPTRE, and the SWORD of STATE, corresponding to the description contained in the before mentioned Act of Delivery and Deposition, dated in 1707. We also found a Silver Rod or Sceptre, not therein described, and the proper purpose of which we have not ascertained.

Having thus assured ourselves, by a general inspection and examination, that the Regalia were in the same state in which they had been when deposited there immediately after the Union of the Kingdoms in 1707; We judged it necessary, for the purpose of enabling ourselves to lay before your Royal Highness still more exact information relative to the state of the Regalia of Scotland, again to assemble in the Castle of Edinburgh on Saturday the 7th day of February current, and again to open the Crown Room and the Chest in which they were contained; having previously requested the attendance of certain gentlemen well skilled in precious stones, and of several skilful draughtsmen, by whom accurate sketches of the Regalia might be made for the information of your Royal Highness.

Upon a minute comparison, the various articles of the Regalia were found to correspond generally with the description contained in the above-mentioned Act of Delivery and Deposition; and as that description appears to have been drawn up with considerable care and minuteness of detail, it has humbly appeared to us the fittest course to annex an accurate copy of it to this Report,* begging leave to refer to the various sketches which accompany our Report, and which though necessarily executed in circumstances of much hurry and inconvenience to the several draughtsmen who favoured us with their assistance, are yet calculated to give an exact idea of the several objects.

* This description will be found in the Appendix.

In its minute details, the description now referred to seems chiefly defective in what relates to the precious stones which adorn the Crown ; but that defect will be found to be fully supplied by the minute Inventory of the scientific gentlemen who accompanied us on the 7th of February, and which we have also annexed to the Report.*

The general appearance of the Crown is remarkably elegant. It has suffered less than could possibly have been expected, by being so long excluded from light and air. Even the velvet and ermine are not materially injured, and the pearls are less tarnished in their lustre than was to have been apprehended.

The Sword of State, which was presented by Pope Julius II. to King James the Fourth of Scotland, with the title of Protector of the Faith, A.D. 1507, is of very elegant workmanship. Both the Pommel and the ornamented Scabbard appear to have sustained considerable injury prior to their deposition, but the blade has been very little affected with rust.

The Sceptre is in like manner of very elegant workmanship. Its age is not known, but it is probably of a date much more ancient than the Sword of State. It is a little bent where the crystal globe rises from the capital, an injury which it appears to us to have received prior to its deposition in 1707.

* It has been thought unnecessary to print this Inventory, or the Minutes of the Proceedings of the Commissioners afterwards referred to.

The Rod or Sceptre of silver, which is not mentioned in the act of deposition, and the proper name and purpose of which is at present unknown, is of plainer workmanship than the other articles, measuring 3 feet 2 inches, and having at the lower extremity a globular ornament of the same metal, with a small mond or globe at the upper end surmounted by a cross patee.

In submitting to the inspection of your Royal Highness the drawings which accompany this Report, we feel that it would be to deprive the gentlemen who so readily gave their assistance on this interesting occasion, of the only reward which it is in our power to offer were we to omit to give our testimony to the great accuracy and truth of these delineations.

In the Chest containing the Regalia, there was found the original schedule of Protest delivered by the Earl of Mareschal's Deputy upon the deposition of the Regalia, and another copy of the description of the Regalia narrated in that Protest. The manner in which the Regalia had been deposited, seemed, upon the whole, extremely simple, and rather negligent, no precautions having been taken to exclude dust, except by some pieces of linen flung over them.

Having thus completed our examination of the Regalia in so far as appeared to us to be requisite in the execution of our present duty, the whole were again replaced in the same Chest with some additional precautions for their safe custody, and for the security of

the Crown Room, of which a detail will be found in the Minutes of our Proceedings which also accompany this Report.

We cannot allow ourselves to conclude our Report without begging leave to state that the interest expressed by your Royal Highness in the fate of these venerable monuments of the independent sovereignty of Scotland, has been met in a very remarkable degree by corresponding feelings in the inhabitants of this country. On the subject of our investigation the most lively and anxious curiosity has been manifested by the public; and in order to gratify this loyal and patriotic feeling as speedily as possible, the first discovery of the ancient Regalia of Scotland on the 4th of February was announced to the inhabitants of the Metropolis by hoisting the royal standard on the ramparts of the Castle, and was hailed by all ranks with the warmest expressions of satisfaction.

C. HOPE,

WILLIAM ADAM,

KINCAID MACKENZIE,

WALTER SCOTT,

THO. THOMSON,

D. BOYLE,

JOHN HOPE, M. Genl.

JAMES WEDDERBURN,

WILLIAM CLERK,

HENRY JARDINE.

Edinburgh, Feb. 21st, 1818.

OBSERVATIONS
ON THE
HISTORY OF THE
REGALIA OF SCOTLAND.



Measuring about 9 Inches in Diameter



OBSERVATIONS, &c.

THE date of the various articles of the Regalia can be precisely ascertained, excepting only that of the CROWN, concerning which something is left to conjecture. Neither does this doubt relate to the crown as it at present appears, because it is certain that the arches, ball, and cross, which close and surmount the original coronet or diadem, were added to it by James V.; so that the question only remains, to what era we ought to refer the diadem itself, which is unquestionably of a date more ancient than the additions made to it.

There is a natural inclination in the mind to ascribe the date of so remarkable a relic to a period of national triumph, and its formation to the commands of a victorious and patriotic monarch: we cannot, therefore, wonder at the fond desire which Scottish antiquaries have shown to refer the date of this diadem, in the language of national song, to

“ Days when gude KING ROBERT rang.”

And although no direct proof can be produced that this was actually the case, the following circumstances seem to render the conjecture highly probable.

There can be no doubt, that, from an early period, the Scottish, like other European nations, used the crown as a symbol of royalty, and accordingly their historians mention on various occasions the ceremony of coronation at the Abbey of Scone; but the crown used on these occasions, with every other emblem of royalty, was taken from John Baliol by Edward I. of England in the year 1296. The ceremony of degradation was performed in the castle of Montrose, (or Brechin, according to other authorities,) where the unfortunate Baliol was produced before Edward, dressed in

the full robes, and adorned with all the ensigns of royalty. The garments were stripped from him one by one: the lining of ermine was torn from his royal vest, from which he acquired the ignominious nickname of *Toom-tabart*, or *Empty Coat*—the sceptre, sword, crown, and ring, were then severally taken from him, and the degraded monarch was compelled, by the symbol of delivering a white wand, to yield up to Edward his full right of sovereignty.* It cannot be doubted that the English king retained possession of these royal insignia, since he was at the pains to transport to London the celebrated marble stone used at the coronation of the Scottish kings,—an emblem of his victorious usurpation neither so valuable nor so portable.

If farther proof were wanting of the English monarch having carried off or destroyed the Regalia of Scotland in the year 1296, it arises out of the fact, that when Bruce first asserted his right to the crown of Scotland, and was crowned king at Scone, a temporary circle, or *coronel* of gold, was used for that purpose, which would have been unnecessary had the ancient regalia existed, or been within his reach. Even this temporary badge of royalty fell into the hands of the English after Bruce's defeat at the battle of Methven, exactly three months after his coronation. The golden crownlet, after Bruce's defeat and flight, appears for a time to have been concealed by one

* The original account of this mortifying ceremony, as given by the Prior of Lochleven, is as follows:

NOTE FIRST.

“ THIS Jhon the Balliol on purpos
He tuk, and browcht hym till Munros;
And in the castell of that town,
That thau was famous in renown;
This Jhon the Balliol dyspoyld he
Of all hys robys of ryalté.
The pelure thai tuk off his tabart,
(Twme Tabart he was callyt eftywart)
And all othire insynguis,
That fel to kyngis on ony wys,
Bathe scepter, swerd, crowne, and ryng,
Fra this Jhon that he made kyng,
Halyly fra hym tuk thai thare,
And made hym of the kynryk bare.
Thau this Jhon tuk a qwhynt wand,
And gave up in-til Edwardis hand
Of this kynryk all the rycht,
That he thau had, or have mycht,
Fra hym and all his ayris thare,
Thareft to claime it nevyr mare.”

Geoffrey de Coigners, to whose care it had probably been entrusted. These circumstances we learn from the tenour of a pardon issued by King Edward to Coigners, at the instance of Queen Margaret of England.*

It is certain, therefore, that when the victor of Bannockburn assumed the absolute sovereignty of his dominions, there was no Scottish crown in existence, since that used by his predecessors, as well as the coronel made for his own coronation, had both fallen into the hands of the English. Of their subsequent fate we are entirely ignorant; nor does it clearly appear what measures were ever afterwards taken for their restoration to Scotland. It is indeed sufficiently ascertained, that at the Peace of Northampton, in 1328, it was agreed that the famous Stone of Scone, on which the Kings of Scotland were wont to sit at their coronation, should be restored to the Scots: † and it seems difficult to suppose that a similar stipulation had not been made for the restitution of the Scottish Regalia; unless, perhaps, they had been destroyed during the interval of the English usurpation. ‡ Certain it is, that if any such condition was made, it was not complied with in the case of the Regalia, any more than that respecting the Stone of Scone, which, notwithstanding the treaty, was still retained in England. The ancient crown of Scotland, therefore was never restored, which

* RYMER, Fœd. I. 1012. Ed. 1816.—*Pardonatio concessa Galfrido de Coigners, qui Coronellam Roberti de Brus cum qua se coronari fecit in Scotia, retinuit et concealavit.*—A. D. 1307. An. 35 Edw. I.—*REX Omnibus ballivis et fidelibus suis ad quos, &c. Saltem. Sciatis quod, ad instantiam Margarete, Regine Anglie, consortis nostre carissimæ, pardonavimus Galfrido de Coigners transgressionem quam fecit, postquam quedam coronella aurea, de qua Robertus de Brus, inimicus et rebellis noster, in terra nostra Scotie, nuper se coronari fecit, ad manus ejusdem Galfridi devenit; Coronellam illam retinendo et concealando, unde idem Galfridus coram nobis et concilio nostro occasionatus extitit et convictus. Nolentes quod dictus Galfridus per nos, vel hæredes nostros, seu ministros nostros quoscunque, inde occasionetur in aliquo sen gravetur. In cunjs, &c. Teste Rege apud Karliolum xx die Martii.*

Per ipsum Regem nunciante thesaurario.

† There is in the possession of the Dean and Chapter of Westminster, a writ under the Privy Seal of Edward III. dated at Bordesley, in July 1328, directed to the Abbot and Convent of Westminster; in which, after reciting that his council had, in his Parliament holden at Northampton, agreed that the Stone whereupon the Kings of Scotland used to sit at the time of their coronation, and which was then in the keeping of that Abbot and Convent, should be sent to Scotland, and that he had ordered the Sheriffs of London to receive the same from them by indenture, and cause it to be carried to the Queen Mother; he commands the Abbot and Convent to deliver up the said Stone to those Sheriffs as soon as they should come to them for that purpose.—*Calendars of Ancient Charters, &c. Introd.* p. 58.

‡ The different parts of what has been denominated the Treaty of Northampton, from the place of its final ratification by Edward III. and his parliament, were contained in various instruments and indentures, dated, some of them at York, others at Edinburgh. Of these, the principal are now known to be preserved in the Public Archives of Scotland; but in none of them is there any stipulation either respecting the Scottish Regalia, or the Stone of Scone.—*See the new Edition of RYMER's Fœdera.*

renders it highly probable that the diadem now preserved was made by Bruce's orders, to replace "the golden round and top of sovereignty," which was the visible emblem of the national independence, recovered by the wisdom and valour of the Scottish deliverer.

At the death of Robert Bruce, such a crown was in existence, for his son, David II., held his coronation with unusual solemnity; and it is particularly noticed, that, by the special directions of the Pope, the ceremony of unction was then, for the first time, used in the inauguration of a Scottish monarch. Where new ceremonies were added, the ancient rights were doubtless carefully observed; and it cannot be doubted, therefore, that David was regularly crowned, and with a diadem suited to his dignity, which crown must have been fabricated betwixt the date of the battle of Bannockburn in 1314, and that of David II.'s coronation in 1329.

The workmanship of the ancient portion of the present crown, and, in particular, the mode in which the gems are set, betokens great antiquity, and appears at least as early as the fourteenth century, which corresponds with the date of Bruce's reign. After this period, precious stones were usually polished and cut into facets, whereas those of the Scottish crown are set rough, and in their natural state, without any attempts to relieve or improve their appearance by the art of the lapidary.

To these observations it may be added, that such representations as exist of the Scottish crown previous to the time of Robert, whether on coins or on the seals of monarchs, are, as far as the rudeness of the delineation enables us to judge, of a different form from that which we are now treating of, and represent a diadem ornamented with *fleurs-de-lis* only, whereas, from the time of Robert Bruce downwards, the *fleurs-de-lis* are interchanged with crosses, as on the present crown. The head of David I. at Melrose Abbey, is, in like manner, environed with a crown bearing *fleurs-de-lis* only; whereas that supposed to represent Robert Bruce, in the Abbey of Dunfermline, where that great deliverer lies buried, bears the crosses also. These circumstances afford strong indications in support of the hypothesis, which assigns the date of the present crown to the happy reign of that great monarch.

There occurs only one argument affecting this hypothesis, namely, that it is possible the crown used at David's coronation may have been again carried off during the brief usurpation of Edward Baliol in 1332. But although it is certain, that in that year Baliol went through the ceremony of a coronation at Scone, and therefore was in possession of the Regalia, yet there is nothing in any of the historians which can lead

us to suppose that any dilapidation took place on that occasion. Neither could Baliol, whose ambition it was, under the protection of England, to establish himself as King of Scotland, have had the slightest motive for offering such a gratuitous insult to the feelings of his subjects. To which it may be added, that his expulsion from Scotland was so sudden and so precipitate, that, far from having time to carry with him any part of the national jewels, Baliol escaped from Annan with scarce a single attendant, and very nearly in a state of nakedness. In the long wars and disturbances which followed, Scotland was indeed repeatedly overrun, but never subjugated; Dumbarton, Dunbar, and other strongholds, were usually in possession of the patriots, who had therefore the means of securing the Regalia. We cannot suppose that they neglected this; for the silence both of English and Scottish historians, whose exultation or grief would have been sufficiently clamorous, seems to assure us that the crown of Bruce did not again fall into the hands of the enemy.

We ought also to mention, that, as far as the rudeness of the coinage enables us to determine, the coins of Scotland, down to the reign of James IV., exhibit a diadem or circle, relieved with *fleurs-de-lis* and crosses, exactly resembling the original and more ancient part of the present Scottish crown.

In the end of the fifteenth century, the sovereigns of the independent states of Europe began to alter the shape of their crowns, and to close them with arches at the top, in imitation of those which are called imperial. This distinction was formerly proper to emperors. "The crown of the emperor," we translate from Honorius of Augsburg, "represents the circle of the globe. Augustus, therefore, bears it in evidence that he possesses the sovereignty of the world. An arch is bended over the diadem, in order to represent the ocean, by which the world is divided."* But although this mystical explanation seems to render the arched crown peculiar to the imperial dignity, the distinction was soon afterwards assumed by the kings of Europe, in order to establish a suitable distinction between independent monarchs and the petty sovereigns of every description, all of whom assumed the diadem, or open crown. Charles VIII. of France took an arched crown in the year 1495. There is some doubt with regard to the time when the close crown was assumed in England; but the best authorities refer it to the reign of Henry VII. and the year 1485. The practice at length became so general, that the French phrase, *fermer la couronne*, signifies the effort of a prince to shake himself clear of vassalage to a superior.

* GEMMA ANIMÆ, Lib. I. cap. 224.

The Scottish monarchs had more reason than most others to maintain in every way their title to that independence, which they had been so often obliged to assert against the encroaching pretensions of their neighbours. Accordingly, on James IV.'s second coinage in the year 1483, he is represented with bushy hair, and a close or arched crown, which, as Snelling remarks, is as early, if not an earlier assumption of this mark of supremacy, as any that appears in the English series.*

But although this badge of sovereignty was represented as arched upon the Scottish coinage, as a public intimation of independent sovereignty, it is probable that the actual crown itself underwent no change until the reign of James V. who added the two concentric circles, surmounted at the point of intersection with a mound of gold enamelled, and a large cross patee, upon which are the characters J. R. V. We have already stated, that it is evident that these arches are of a date much posterior to the original crown, from the following circumstances: 1st, They have not originally made a part of the diadem, but are attached to it by tacks of gold. 2dly, The workmanship of the arches is of a different and inferior description. 3dly, The metal differs in quality, the gold of the arches being inferior in purity to that which forms the diadem. When, therefore, we find in the Manuscript Diary of Lord Fountainhall, preserved in the Advocates' Library, a memorandum, stating that "the crown of Scotland is not the ancient one, but was casten of new by James V." we must understand it in the limited sense of an alteration of the form by the addition of the arches, not an actual re-moulding of the whole substance of the crown.

The SCEPTRE was also made in the reign of James V., as appears by the characters J. R. V. engraved under the figures of the three saints, which are placed upon the top of it. It may be presumed that the sceptre was made at the same time when the crown was altered; most probably during the king's visit to Paris in 1536. James, when preparing for his intimate alliance with France by marrying one of her princesses, might be naturally induced to repair and augment the splendour of the national Regalia; and the advanced state of the arts at Paris afforded him the best opportunity of doing so.†

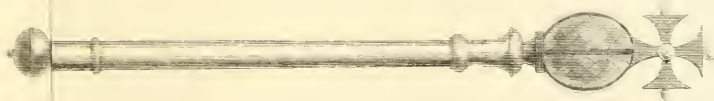
* View of the Silver Coinage of Scotland, 1774, p. 10, 11.

† The only part of the Sceptre which seems of a different age from that of James V. is the large globular mass of rock crystal, and its peculiar metallic *settings*, which surmount the sculptured figures near the top, and which indicate a degree of rudeness in the arts that ill accords with the other parts of the workmanship. It seems by no means improbable that this stone (which in the wardrobe inventories is dignified with the name of a *great beryll*) was an amulet which had made part of the more ancient Sceptre of the Scottish Kings.

1850



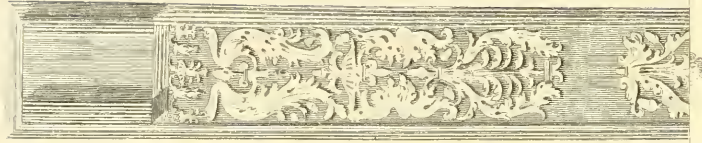
1850



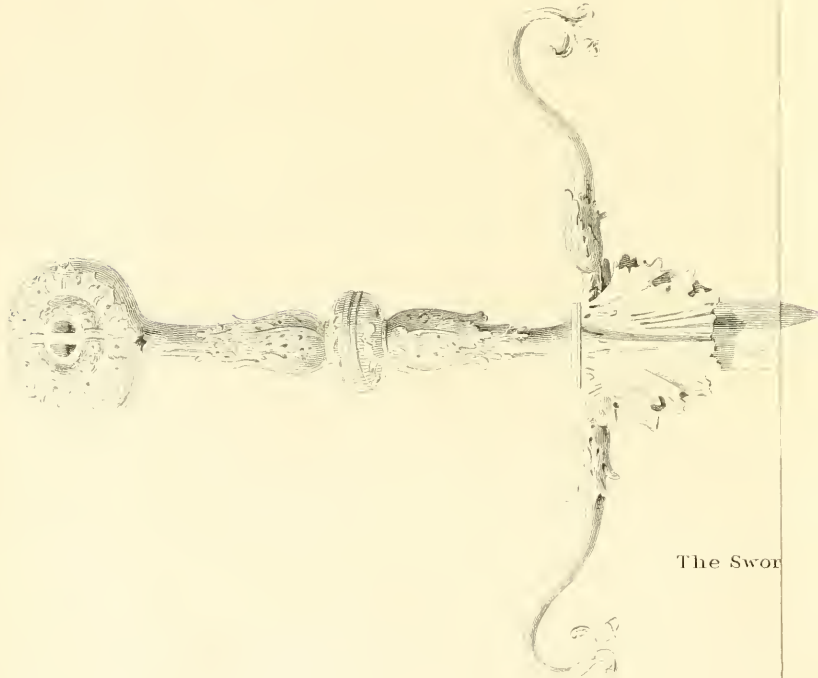
About and. This Rod was found in the Chest along with the Regalia.



SWORD OF ST



Drawn by W. H. Lizars



Drawn by W. Allan.

The Swor

The SWORD of STATE has an earlier date than the Sceptre. This beautiful specimen of early art was presented to King James IV. by the warlike Pope Julius II. in the year 1507. It was accompanied by a consecrated hat; and both, as we are made acquainted by Lesly,* were delivered with great solemnity in the Church of Holyrood by the Papal Legate and the Abbot of Dunfermline.† This article of the Regalia is not interesting to the antiquary alone; the beautiful and fanciful style of the sculpture upon the handle, and the filigree work with which the sheath is covered, carry back the admirer of the arts to the period when they revived in their splendour. The various devices which are interwoven with the chasing represent the Papal Tiara and the Keys of St Peter,—ornaments appropriate to the See of Rome; and the foliage of oak-leaves and acorns, the personal device of Pope Julius, with which they are intermingled, forms a most beautiful example of the style of ornament commonly termed *grotesque*, which is thus described by Benvenuto Cellini.

“ In Italy there is a variety of tastes, and we cut foliages in many different forms; the Lombards make the most beautiful wreaths, representing ivy leaves, and others of the same sort, with agreeable twinings highly pleasing to the eye. The Romans and Tuscans have a much better notion in this respect, for they represent acanthus leaves, with all their festoons and flowers, winding in a variety of forms, and amongst these leaves they insert birds and animals of several sorts, with great ingenuity and elegance in the arrangement. They in part likewise have recourse to wild flowers, such as those called lyon’s mouths, accompanied with other fine inventions of imagination, which are termed grotesque by the ignorant.”‡

Having thus given some account of the external appearance of these Regalia, and of the date to which each article may be ascribed, it remains to notice the use which

* De Rebus Gestis Sctorum, Edit. 1578, p. 330.

† In confirmation of this, the following curious notices of payments to the Ambassador of this Pontiff occur in the account of James Abbot of Dunfermling, Lord High Treasurer of Scotland.

1507.—Item, the xj day of Aprile, to the Papis Embassat, quhilk brocht the Sword and Hat, j m. (1000) franch crowuis. vij c. lii.

Item, to him ane gret gilt cowp, with the caise, brocht hame be the Bischope of Ross of the new copburd.

Item, to him twa stopes, with ther caises, brocht hame be Maister James Merchanestoun.

Item, to ane man quhilk convoyit and gydit the Embassat to London. v li. xij s.

Item, to the Papis Embassatis servand that sang to the King. vij li.

Item, to ane Scottis man that com with the said Embassat. lvj s.

‡ Life of Ben. Cellini, London, 1771, Vol. I. p. 110.

was made of them upon public occasions of solemnity, together with such particulars as can be collected respecting their history.

The chief use of these ornaments, unquestionably, was at the CORONATION of each new monarch.

It happens that the Scottish writers, seldom very full in recording matters of mere ceremonial, have left us no particular account respecting the rites of coronation. One remarkable part of the ceremonial, as practised in the early monarchy, seems to have derived its origin from the ancient Celtic ceremony of placing the new Chief, or Tanist, upon a stone or rock, when assuming for the first time the command of his tribe. Indeed, the stone itself, termed in the Gaelic *LIAFAIL*, (the fated grey-stone,) is said to have been originally brought from Ireland by Fergus, and (according to the Book of Howth) was vocal in heathen times, like the pulpit of Mahomet or statue of Memnon, and emitted a sound when the lawful heir of the crown first was placed upon it.* The priests, with the art which they so frequently practised, seem to have adopted, and, after their own manner, sanctified this custom; and hence the usage of placing the new-made monarch of Scotland upon the fated stone, which now altered its character without losing its sanctity, and was credulously believed to have been the pillow of the Patriarch Jacob, when he beheld his vision in the field of Bethel. This part of the ceremonial, the only one very peculiar to Scotland, was abolished by the transference of the *Fatal Stone* to Westminster, it being of course impossible to find any substitute for so venerable a relic. This loss was sustained several years before any part of the present Regalia had an existence, and the sight of the Scottish palladium in the Abbey of Westminster is still an affliction to the eyes of the more zealous Scotsman.

Respecting other parts of the Scottish coronation ceremony, our chief guide must be the account of the ill-omened coronation of Charles II. as it was performed in the church of Scone on the 1st of January, 1651, when he was called to the throne by the Presbyterian interest, less out of a sense of returning loyalty, than from their strong indignation against their late brethren, the English Independents.

Upon that occasion, the King, clad in a prince's robe, walked in procession from the hall of the palace to the church, the spurs, sword of state, sceptre, and crown, being carried before him by the principal nobility. It was remarkable, that upon this

* Ware's Antiquities of Ireland, p. 17.

occasion the crown was borne by the unhappy Marquis of Argyle, who was put to death in no very legal manner immediately after the Restoration, using upon the scaffold these remarkable words, "I placed the crown on the King's head, and in reward he brings mine to the block."

Upon entering the church, the King ascended an elevated throne, and listened to a sermon by Mr Robert Douglas, minister of Edinburgh, in which, with more zeal than decency and discretion, the preacher insisted upon the sins of the royal house, not forgetting those of the King himself. King Charles then solemnly swore to the Covenant, which, doubtless, in the opinion of many present, was the most substantial and important part of the ceremony. He then took the Coronation Oath, as contained in the 8th Act of the first Parliament of James VI. This oath was so much altered upon the change of religion, that it no longer resembles the ancient coronation oath of Scotland, which we have reason to believe was far more special in its description of the civil duties of the sovereign to the subject. There exists an unpublished act of a General Council of the Nation in the reign of Robert III. from which the substance of the ancient oath may be collected; and its terms, as adjusted in one of the Parliaments of King James II., may be still more exactly ascertained.*

Charles was then invested with the royal robes by the High Chamberlain, girded with the sword of state, and crowned by the Marquis of Argyle with the royal crown. Each of these actions was accompanied by a suitable exhortation.

When the King was thus adorned with all the ensigus of his high dignity, Lyon King-at-Arms caused a herald to call the nobility before their sovereign, one by one, according to their rank. Each as he passed before the King knelt down, and, with his hand touching the crown on the King's head, swore these words: "By the Eter-

* The Act here alluded to is that of a Council-General, holden at Perth, January 27, 1396, appointing David Duke of Rothesay to be the King's Lieutenant throughout the realm; and, besides a special oath, peculiarly applicable to this delegated office, requiring further, that "the said Duc he sworne til "fulfyl efter his power all the thingis that the Kying in his crownyng wes sworne for til do to haly kyrke "ande the pupyl,"—"that is to say, the fredome ande the rycht of the kyrke to kepe wudamyste; the "lawys ande the lowable custumes to gerr he kept to the pupyl; manslaerys, refferis, brynneris, ande "generaly all mysdoeris thuruch strynte til restreygnybe ande punyse; and specially cursit men here- "tekis and put fra the kyrke, at the requeste of the kyrke, to restreygne."

The coronation oath, said to have been made in the Parliament of James II., June 14, 1445, is not preserved on record, but may be found in several ancient manuscripts of Scottish law. From one of these manuscripts, preserved in the Harleian Library, it has been printed in Pinkerton's History, vol. i. App. p. 476.

nal and Almighty God, who liveth and reigneth for ever, I shall support thee to my utmost." This individual homage being rendered, the nobility held up their hands and took a general oath of fidelity.

The Earl Mareshall and Lyon King then went to the four corners of the stage successively, and proclaimed the obligatory oath to be taken by the subjects at large; and the people, holding up their hands, swore: "By the Eternal and Almighty God, who liveth and reigneth for ever, we become your liege-men, and truth and faith shall bear unto you, and live and die with you against all manner of folks whatsoever, in your service, according to the National Covenant and Solemn League and Covenant." The nobility and the Lyon King-at-Arms then assumed their coronets.

The Lord Chamberlain next unloosed the sword of state from the King's side, drew it, and delivered it drawn into the King's hand, who gave it to the Constable to be borne naked before him.

The Earl of Crawford and Lindsay placed the sceptre in the King's right hand, with a suitable exhortation; and the Marquis of Argyle installed him in the royal throne, saying: "Stand and hold fast from henceforth, the place whereof you are the lawful and righteous heir, by a long and lineal succession of your fathers, which is now delivered unto you by authority of Almighty God." The minister then threw in a long word of exhortation; which finished, a free pardon to all offenders was proclaimed from the four corners of the stage by the Lord Chancellor and the Lyon King-at-Arms.

The King then, supported by the Chancellor, Constable, and Mareshall, exhibited himself to the people at the door of the church, who received him with shouts of "God save the King!" The new made Monarch returned into the church and assumed his throne, while the Lyon King recited the royal pedigree up to Fergus the First. Then the Lyon again called the Lords, one by one, to do homage, who, kneeling, and holding their hands betwixt the King's hands, did swear these words: "By the Eternal and Almighty God, who liveth and reigneth for ever, I become your liege-man, and truth and faith shall bear unto you, and live and die with you, against all manner of folk whatever, in your service, according to the National Covenant and Solemn League and Covenant."

Another long exhortation, pronounced by the minister, in which again the iniquities of the royal house were not forgotten, showed the ill-timed and intemperate zeal of the Presbyterian party. When this was ended, the King, wearing his royal robes,

with the crown on his head, the sceptre in his hand, and the sword of state borne before him, returned to the palace in solemn procession.

Such was the ceremony of Charles II.'s coronation, in which, we may presume, that most of the ancient rites, so far as they were known or remembered, were duly observed. The ceremony of anointing the Monarch was, indeed, omitted, either because the ruling powers judged it in itself superstitious, or because they chanced to recollect that it had been introduced into the coronation ritual by a bull of Pope John XXII. Upon the whole, the impertinent zeal of the paritanic clergy, "thrusting the doctor's chair into the crown," marred the dignity of a solemn union betwixt the King and his people, by an over-strained zeal for the Solemn League and Covenant, and by allusions to former disputes, equally rude, impolitic, and mistimed.

During the sittings of the Scottish Parliament, which were usually preceded by a solemn procession of the members, the Regalia were borne in state to the hall of the assembly, and, as emblems of the royal authority, were placed on a table before the throne, when they were not worn upon the person of the Sovereign.

It has been already mentioned, that the royal assent to the acts of the Scottish Parliament was given by touching them with the sceptre. According to the ancient and established ceremony in such cases, the Lord Chancellor presented the laws to the Sovereign, or, in his absence, to the Commissioner who occupied the throne as the King's representative, and the King, or his Commissioner, touched the bills with the sceptre. James VI. was at great pains to explain this matter to the English Parliament when he adjourned them on the last day of March 1607. His object was to impress upon his English subjects that the royal authority which he possessed, according to the constitution of Scotland, gave him a negative voice in the proceedings of the national council. "Besides," said the British Solomon, "when they (*i. e.* the Scottish Parliament) have passed them for laws, they are presented unto mee, and I, with my sceptre put into my hand by the Chancellor, must say, *I ratifie and approve all things done in this present Parliament.* And if there bee any thing that I dislike, they raise it out before. If this may be called a negative voyce, then I have one I am sure in that Parliament."

The production of the Honours in Parliament was accounted such a necessary part of the solemnity attending the sitting of that national body, that their absence was accounted ominous. When the Articles of Perth, so obnoxious to the Presbyterians, were passed, in the year 1621, the discontented party exulted that the tempest

upon this occasion (in itself a prodigy) prevented the Regalia from being brought in procession to the Parliament, and that the bated articles were not greeted with the presence of the Honours when they were adopted.

During the sitting of Parliament, the royal Insignia were placed under the care and custody of the Earl Marshell of Scotland, whose high office of state was hereditary in the family of Keith. It would also appear that the same Officer claimed a right to preserve the Regalia during the intervals in which Parliament was not sitting; but as this must have been attended with much inconvenience, the castles, estates, and vassalage of that great nobleman, by which alone he could protect the Regalia, lying far in the north, and at a distance from the seat of government, the Honours, excepting upon one memorable occasion, to be hereafter noticed, seem to have been usually lodged, with the rest of the royal treasure, in the Jewel-House, under the care of the Treasurer for the time. We find them, accordingly, repeatedly given up in the inventories of the royal treasure; as, for example, in the year 1539, when this entry occurs in the inventory of the royal wardrobe:—

“ JOWELLIS.

“ Item, ane crowne of gold sett with perle and precious stanis.

“ Item, in primis diamentis tuenty.

“ Item, of fyne orient perle thre scoir and aucht, wantand ane floure delice of gold

“ Item, ane septour with ane grete bereal and ane perle in the heid of it.

“ Item, twa swerdis of honour, with twa beltis, the auld belt wantand foure stuthis.

“ Item, the hatt that come fra the Paip, of gray velvett, with the Haly Gaist sett all with orient perle.”*

In a subsequent inventory, given up by John Tennand, 28th November, 1542, a similar entry occurs concerning the Regalia.

“ Item, in the first his grace's croun, full of precius stanes and orient perle, with ane septur set with ane greit barrell.

“ Item, twa swordis of honour, with twa beltis wantand four stuthis.

* Collection of Inventories and other Records of the Royal Wardrobe and Jewel-House, &c. Edin. 1815, 4to.

“ Item, ane rob royall of purpoure velvatt lynitt with armin, and ane kirtill of the samyne velvott, lynitt in the foir breistis with armin and heid siclyk.”

In these inventories the reader will see mention made of *two* swords of state; the second was probably that which was presented to James V. from the Papal See, upon the 22d February, 1536; a gift which, according to Lesly, was accompanied by an intimation which James, for the time, had the wisdom to disregard, that the edge of the weapon would be well employed against his heretical neighbour, Henry VIII. of England. This sword appears to have been lost in the lapse of time; or in the dilapidation of the royal treasure which took place during the beginning and latter end of Queen Mary's reign.

Another curious article occurs in Tennand's inventory, namely, “ the Queenis Graces crown, set haill with the perle and precious stanis, with ane sceptour with ane quhyte hand.” These subordinate articles of the Regalia have been also long lost or destroyed.*

* It may be worth while here to give a few Extracts from the Accounts of the Lords High Treasurers of Scotland of repairs made upon the various articles of the Regalia at different periods.

1502.

“ Item, the xv day of Januar payit to Robert Selkyrk, cutlar, in the first, for the gret sword of honour vij li.
 “ Item, for ane scheith to the same ij s.
 “ Item, for ane gilt sword delivered to the King in Faukland, in October bipast, quhen the King passit to the Mouth xl s.

1503.

“ Item, the x day of July, for ane quarter and ane nail of purpoure vellus, to bind the hand of the sword of honour, and to the scheith of the same xxviij s. j d. ob'.
 “ Item, to Johne Auchleck to be gret mailzies for govnis agane the mariage liij li.
 “ Item, the xvij day of Julij, deliverit to Johne Curroure, goldsmyth, to mak ane crown for the quene, xxxvij Leois and half rose nobles, xvj Scottis crownis, j quarter rose noble, xxvij Scottis rideris, ane thaird part Leo, and ane angell, quhilk cost xxiiij s. weyand xj unce and ane angell wecht lxxvj lib. v d.
 “ Item, for making and werkmanship, and inlayk of the samyn xx li.
 “ Item, to Matho Auchleck, goldsmyth, that wantit of the Kingis crown v rideris, twa Scottis crownis, half ane angell weyand ane unce and j d wecht summa vij li. xiiij s. iiij d.

1512.

“ March.—Item, for ane pund of caddes to turse the sverd of honour in till vij s.

1516.

“ Item, the xvij day of August deliverit to Mathew Auchleck, goldsmyth, to mend the hiltis of the Kingis sverd of honour, twa uncis of silver, price of ilk unce fourtene schillingis, ane ducat of wecht of the gilding of the samyn hiltis, and ane lycht Franche crownie for his laubouris liij li. xij d.

At the accession of James VI. to the Crown of England, it is probable he carried with him to his new kingdom all the personal part of the royal treasure; but the Honours properly so called remained in Scotland, and continued to be kept by the Treasurers.

1526.

“ Item, the xxix day of November gevin to Hary Rudeman, for ane caise to the swerd of honour
iiij li.

1532.

“ May.—Item, for vij unce, ane quarter of unce, and half ane unicornie wecht gold, to mend the Kingis crowne; price of the unce coft at Thomas Wod, goldsmyth, viij li. v s. lx li. vij s. vj d.

“ Item, for ane unce gold coft at James Achesoun, cunyeour to the samyn effect, price viij li.

“ Item, for half ane elne purpou velvet to be ane bonat to the said crowne, price xxxv s.

“ Item, for bukram and blak to lyne the said bonat iiiij s.

“ Item, the samyn day (xxvij August) to Adam Leys, goldsmyth, for the mending of the Kingis crowne, and making of the sprygis thairto vj li.

1533.

“ Item, for polis to hald the caise of the swerd of the honour togidder xx d.

“ Item, to George Hereot, goldsmyth, for mending of ane of the Kingis silver stolpis viij s.

“ Item, to Sir James Hamiltoun for thre unce gold furnessit he him to the mending of the Kingis croun xxiv li.

1536.

“ Item, to Adam Leis, goldsmyth, to mend the sword of honour, thre unce of Inglis grotis xlvj s.

“ Item, to gilt the samyn, ane angell nobill xxx s.

“ Item, for making of the samyn xiiij s.

“ Item, deliverit to Adam Leys, goldsmyth, xj unce and ane half of silver attour the auld sceptour of silver, weyand xv unce, to mak ane new sceptour of ix li. iiij s.

“ Item, for making of the said sceptour vij li.

“ Item, for gold to gilt the samyn ix li.

1538.

“ Item, deliverit to Johne Patersone, for the making of ane caise to the Kingis grace swerd of honour, at Johne Tennandis command iiij li.

1539.

“ Item, the v day of October, gevin to Johne Mosman, for making of the Quenis crowne, and furnishing of stanis therto, quhilk weyt xxxv unce of gold of mynde xlv li.

“ Item, the xv day of Januar, deliverit to him for making and fassoun of the Kingis crowne, weyand iij pund wecht x unces, and therof of gold of the mynde xlv unce quarter unce xxx li.

“ Item, gevin to him for xxiiij stanis therto, of the quhilkis there wes iij gret gemottis and ane grete amoret, price of the iiij, vj li., and price of the pece of the uther xix stanis, xiiij s. xix li. vj s.

“ This crowne deliverit to the Kingis grace in the palice of Halyrudebous, the xiiij day of Februar following.

“ Item, gevin to Johne Patersone for ane caise to the King's crowne xxxiiij s.

“ Item, deliverit to Thomas Arthure, to be ane bonat to the Kingis crowne, half ane elne purpur velvet, price xxxij s. vj d.

“ Item, deliverit to him to lyne the samyn, half ane elne purpur sating xxxv s.

surer during the period when the Parliament was not sitting. Upon the death of Sir Gideon Murray of Elibank, Treasurer Depute of Scotland, his son, Sir Patrick Murray, presented a supplication to the Privy Council, setting forth that it had pleased

- “ Item, gevin to him for making of the samin bonat v s.
 “ Item, the vj day of Februar, gevin to Johne Mosman to gilt the Queenis septur, iijj rois nobillis x li. xij s.
 “ Item, deliverit to him to be the samin septur, xxxj unces half unce of silver xxiiij li. xvij s. ix d.
 “ Item, for the fassoun of the samyn septur, ilk unce v s. vj li. xv s.
 “ Item, gevin to Johne Patersoun for ane caise to the Queenis septur xiiij s.

1542.

“ Item, gevin to the Capitane of Crawford for five score xij unce quarter unce unmolting gold of mynd, price of the unce vj li. viij s., quhilk wes deliverit to Johne Mosman, and disponit upone the King and Queenis graces crownis; weyand, the Kingis crowne xvj unce quarter unce, the Queenis crowne xxxv unce, and to eyk ane grete cheenze to his grace, xvij unce; and ane belt to the Quene, weyand xix unce half unce; as the said Johnes compt at mare lenth proportis vij c xvij li. vij s.

1571.

- “ Item, the said day (xvij August) be my Lord Regentis grace speciale command to Mungo Bradie, goldsmith, ane pund ane unce wecht and ane half of silver to be ane crown of honour and sceptour; price of the unce xxvj s. viij d. xxiiij li. vj s. viij d.
 “ Item, to gilt the fairsaid werk, vj rois nobillis; price of the peece iij li. xiiij s. xxviij li. iij s.
 “ Item, xij unce of quik silver to gilt the said werk xxx s.
 “ Item, to ane outlar for gilding of the plunet and hiltis xx s.
 “ Item, to the said Mungo for the fassone and gilding of the said werk xvij li.
 “ Item, be my Lord Regentis grace speciale command for the franch of ane bote of Leithe with the honouris to Brantland xx s.
 “ Item, for the hire of twa careage horsis, ane to the honouris, and the uthir to the goldsmith, to Strivilling xxiiij s.
 “ Item, to the said Mungo and his servand for their expensis remanand in Strivilling, be the space of xv dayis, ilk day xij s. iij d. x li.
 “ Item, for the hire of ane horse to turse him hame xij s.
 “ Item, the xxvj day of August, be my Lord Regentis grace speciale command to be the Kingis robroyale agane the Parliament, and gevin to James Inglis, tailyour, twa elnis of quhite armosing taffeteis iij li. x s.
 “ Item, twa unce of purpour silk to be ane string to the said robroyale, &c. xxxij s.
 “ Item, ane quarter of blew taffeteis to lyne the bonet within the crowne x s.
 “ Item, for silk to the same vj s.
 “ Item, for caddes ij s.
 “ Item, for making of the same bonat xxiiij s.
 “ Item, ane elne ane quarter of black velvot to be ane skabert to the swerd of honour vj li. iij s. ix d.
 “ Item, for ane swerd to be the swerd of honour v li.
 “ Item, the swerd slipper for making and grathing of the skabert thairto xxx s.
 “ Item, for weving and making of thre dosane of buttonis of gold and silver to the Kingis Majesteis cottis xxxvj s.
 “ Item, to the pure folk at the Kingis Majesteis furthcoming of the Castell of Strivilling vj li.

the King's Majesty to commit to his deceased father, the keeping of his Majesty's Honours, to wit, his Majesty's crown, sceptre, and sword, with his Majesty's whole silver plate of the kingdom of Scotland, and the mace called the Treasurer's mace of the said kingdom, from the charge of which valuable articles the said Sir Patrick Murray prayed to be relieved. The Lords of Privy Council ordered the Honours, with the great oak chest in which they were usually kept, to be delivered up to the Earl of Mar, then Lord High Treasurer. At a meeting of the Privy Council, five days afterwards, the Lords pronounced an order discharging Sir Patrick Murray of the custody of the Regalia, as having been, after exact inspection, delivered in their Lordships' presence to the Earl of Mar. The original proceedings, which may be seen in the Appendix, contain an accurate description of the crown and its jewels, real and counterfeited, mentioning also, that ten of the small *challoms* or spaces were filled with blue enamel instead of stones; that there were two *challoms* totally empty, and two filled with flat white stones; all which imperfections exist at the present day. The same accurate description takes notice, that the top of the sceptre has been broken and pieced; and also that the handle and scabbard of the sword of state had sustained some damage; which injuries may be still observed.

There is a constant tradition, for which we are not able to produce a distinct or written authority, that Charles I. desired to have the crown of Scotland sent up to London to be used in his coronation there; but that this having been declined by the Scottish Privy Council, as contrary to the laws of the kingdom, he was induced to undertake a journey to Scotland, in order to be there crowned King. Upon this occasion Clarendon informs us, that the King appeared with no less lustre at Edinburgh than at Whitehall; and that the pomp of his coronation passed with all the solemnity and evidence of public joy which could be expected or imagined,—a glimpse of sunshine soon to be overcast by the approaching tempest. Nor did it escape that great historian, that the lavish expense of the Scottish nobility, emulous to support their dignity upon such an occasion, involved their estates in debt, which finally rendered them discontented, and ripe for desperate counsels.

In the beginning of the Scottish civil wars in 1637, while the Marquis of Hamilton was residing at Dalkeith, he appears to have meditated the removal of the Regalia, not perhaps conceiving them very safe in the hands of the Earl of Mar, then governor of Edinburgh castle. But as no defence was ultimately made, the Royal Insignia fell into the hands of the Covenanters in 1638, as appears from the following passage in

Baillie's Letters :—" Dalkeith, in the Treasurer's sight, was taken, with the munition that so much din was of, seized on. The Crown, Sceptre, and Sword, which (I know not how) had been transported there, were, with all reverence, brought back by our nobles to their proper place in the Castle of Edinburgh."*

In the year 1650, Charles II. recalled from abroad by the Presbyterian party in Scotland, was crowned at Scone, and we have already noticed the ceremonies which were observed upon that occasion. The subsequent national misfortunes, and the defeat at Worcester, laid Scotland open to the invading army. The Regalia had hitherto, according to ancient usage, been regularly delivered to the Earl Marshall, to be by him kept during the sitting of Parliament, and again re-delivered to the Commissioners of the Treasury upon the rising or adjournment of that assembly, and instruments were asked and taken upon all these occasions, in evidence that the officers on either side had discharged their duty, and acquitted themselves faithfully of the responsibility annexed to it. Several examples of this formality are here given from the Acts of the Parliament of Scotland.† But the time now approached rapidly when it became highly desirable to find a more remote and secure place, in

* Baillie's Letters, &c. vol. i. p. 158.

† *In the Parliament held at Edinburgh, Mail 15, 1650.*

" INSTRUMENTIS takin be the L. M. of Argyll, vpon the producon of the Honouris in face of Parliament, and delyverie thairroff to the Laird of Scottiscraig, in name of the Erle Marchall."

July 5, 1650.

" INSTRUMENTIS takin be St Charles Erskine, vpon redelyverie of the Honouris to be kepted or transported, as the Committee of Estates shall give ourdur."

In the Parliament held at Perth, Nov. 26, 1650.

" THE L. M. of Argyll, askit instrumentis vpon the producon of the Honouris, viz. the Crown, scepter, and sword, in face of Parliament, whiche wes delyvered to the Laird of Scottiscraig, in name of the Erle of Marischell."

Dec. 30, 1650.

" SCOTSCRAIG, in name of the Earle Marshall, tooke instrumentis vpon the production of the Honouris, quibich the King and Estates ordanes to be delyvered to the Marques of Argyll, in name of the Commissioners of the Thesaurarie, and if any dauger be in keeping of thame, to be rewled be the adysee of the Committee of the Estaitis."

In the Parliament held at Perth, Mar. 13, 1651.

" THE L. M. of Argyll, for himself and in name of the remanent Commissioners of the Thesaurarie, did exhibeit in face of Parliament, the Honouris, viz. the crown, scepter, and sword, and thair-upon askit instrumentis, whiche wer delyvered to the L. of Scottiscraig, in name of the E. Marchell, to be keptit by him during this Sessione of Parliament."

which to deposit these national treasures, than any which remained in the power of the Lords of the Treasury. Edinburgh Castle, and all the strongholds south of the Forth, were already in the hands of the English, so that on the 6th day of June, 1651, being the last on which the Scottish Parliament sat, they ordered the Earl Mareshall to transport the Regalia to his castle of Dunnottar, to be kept there until further orders.

Dunnottar Castle, the ancient baronial castle of the Mareshall family, is situated near Stonehaven, in ^{Argyleshire} Fortarshire, upon a perpendicular rock, the top of which forms a space of several acres, walled around the verge of the precipice, and covered with buildings. The rock projects into the German Ocean on the one side; and on the other is separated from the mainland by a chasm of tremendous depth, only accessible by one very steep and narrow path, leading to the castle gate, which opens into a long and intricate covered way.

The strength of Dunnottar is, however, greater in appearance than reality; for though impregnable before the use of artillery, the castle is now commanded from several of the neighbouring heights.

The defence of this place was intrusted to George Ogilvy of Barras, a soldier of experience, trained in the wars in Germany, to whom the Earl Mareshall, with the title of Lieutenant-Governor, committed the full command of the castle and the garrison, and whose appointment as such appears to have been directly sanctioned by the King. The garrison amounted only to about one hundred men, a number quite in-

Mar. 31, 1651.

“THE L. Mongomrie, in name of the E. Marchell, askit instrumentis wpon the reproductione of the Honouris, viz. the Crown, scepter, and sword, in face of Parliament, and protestit for exoneration thairof, quhilkis were thane delyvered to the M. of Argyll, in name of the Commissioners of the Thesaurarie.”

In a Parliament held at Stirling on the 23d of May, 1651, at which the King was present, there is the following entry.

“THE L. M. of Argyll, for himself and in name of the remanent Commissioneris for the Thesaurarie, askit instrumentis upoun the productione of the Honouris, viz. the Crown, scepter, and sword, for his and thair exoneration, and thairupoun askit instrumentis, Lykas thairefter the Honouris wer by his Majesties and the Parliaments ordour delyvered to Sr Wm. Keath of Ludquhairn, in name of the E. Marchell, to be kept during this Sessione of Parliament.”

And on the last day of this Parliament, (June 6, 1651,) there are

“Instrumentis takin be the E. Marchell, upon the production of the Honouris with his dysyre represented to the Parliament That the same might be putt in sum pairt of securitie. His Majestie and Parliament ordanes the said Erle of Marchell to caus transport the saidis Honouris to the hous of Dunnottar, thair to be kept by him till farther ordouris.”

sufficient to man the walls of a castle so extensive; but it was probably thought that the natural strength of the place secured it against every mode of attack but surprise or regular approaches.

The only remaining authority then existing in Scotland, opposed to the English, was that of a Committee of Estates appointed by the King and Parliament in June 1651; and so limited had their means become, in consequence of the rapid advances of the English army, that the supplies of ammunition and provisions to the Castle of Dunnotter appear to have depended almost entirely on the private exertions of the Lieutenant Governor,* whose resources were drawn chiefly from the neighbouring estates of the Earl Maresball, himself by this time a prisoner in the Tower of London.

* There is a local tradition, that along with some other artillery sent to Dunnotter Castle, was the celebrated piece of ancient ordnance familiarly known by the name of *MOSS-MEG*. The bed *she* is believed to have occupied during the siege is still shown, upon a battery projecting over the sea, of a size far exceeding that of the other embrasures, and from which *she* still gets the credit of having dismasted an English vessel steering for the harbour of Stonehaven, at the distance of a mile and a half. These traditions, however agreeable to our national prejudices, and in harmony with the popular respect which *Moss* appears always to have commanded, are unhappily falsified by the official documents respecting the surrender of the Castle of Edinburgh in December 1650, published by order of the Parliament of England. Among these is a list of the ordnance taken in the Castle on the 21th December, 1650; in which a conspicuous place is given to "the great iron murderer called Muckle Megg." In another list, *she* is denominated "the Great Mag."

Having been thus compelled to deprive "*Muckle Meg*" of a part of her traditional honours, we shall beg leave to make *l'amende honorable* to this redoubted female, by here recording some of the genuine evidence of that special consideration in which she was held at a still earlier period of her history. In the accounts of the High Treasurer during the reign of James IV. the following entries are to be found, relative chiefly to her transportation from Edinburgh Castle to the Abbey of Holyrood, apparently on some occasion of national festivity.

" Item, to the pyonouris to gang to the Castell to help with <i>Mons</i> donn	x s.
" Item, to the menstrallis that playit befoir <i>Mons</i> donn the gait	xiv s.
" Item, gifin for xliii stane of irne to mak grath to <i>Mons</i> new cradill, and gavillokkis to ga with hir for ilk stane xxviii d.	xxx s. iv d.
" Item, to vii wrichtis for ii dayis and aue half, that maid <i>Mons</i> cradill, to ilk man on the day	xvi d.
" Item, for walking of <i>Mons</i> the xxv, xxvi, xxvii, xxviii, xxix dayis of Julij, and the gunnis in the Abbay ilk nycht	iii s.
" Item, the last day of August gifin to Robyn Ker, to fee 100 warkmen to pas with <i>Mons</i> , sic like as the laif war feit, to ilk man vi s.	xxx li.
" Item, for xxiv lib. of talloun for <i>Mons</i>	vj s.
" Item, for ½ galloun of tar	ii s.
" Item, viii elle of canvas to be <i>Mons</i> a claith to cover hir	ix s. iii d.
" Item, for mair talloun to <i>Mons</i>	ii s.
" Item, gifin to John Mawar and ii wrichtis to pas with <i>Mons</i> for thair oukis wage	xxx s.
" Item, to tua smythis to pass with hir, for ane onkis wage to ilk aue of thame	ix s. iii d.
" Item, 200 spikin nalis to turse with <i>Mons</i>	lii s.

The Regalia had not been long lodged in the fortress of *Dunnottar*, before the hazard of their falling into the hands of the enemy appeared so imminent, that the Committee of Estates, now returned to *Aberdeen*, applied to Lieutenant-Governor *Ogilvy* by letter, directing the Honours to be removed from that castle. Upon a further retreat to the western end of *Loch Tay*, the Committee resumed the subject, and addressed an order to the Earl of *Balcarras*, authorizing him to receive the Regalia from Lieutenant-Governor *Ogilvy*, whom they directed to deliver them up to his Lordship. The Lieutenant-Governor declined to comply with either of these requisitions, not considering *Balcarras* as properly authorized to relieve him from the responsibility which had been imposed on him by the ordinance of Parliament. In a personal interview with Lord *Balcarras*, he renewed this refusal, and expressed his reasons in a letter to the Earl of *Loudoun*, the Lord Chancellor, declaring his readiness to surrender the Regalia, upon being discharged from his responsibility; or his willingness to defend his charge to the last in the castle of *Dunnottar*, if he were supplied with men, provisions, and ammunition, of the want of all which he complained heavily. The Earl of *Loudoun* returned an answer, which we quote, in order to show the desperate circumstances in which Lieutenant-Governor *Ogilvy* was supposed to be placed by those best qualified to judge of his situation, as well as the deep personal responsibility at which he undertook to defend the Honours of Scotland,—a task from which he had so fair an opportunity of escaping, had he been disposed to shelter himself under the opinion of others.

“ I conceive,” says the Chancellor in his letter, “ that the trust committed to you, and the safe custody of the things under your charge, did require that victual, a competent number of honest and stout soldiers, and all other necessaries, should have been provided and put in the castle before you had been in any hazard; and if you be in good condition, or that you can timely supply yourself with all necessaries, and the place be tenable against all attempts of the enemy, I doubt not but you will hold out. But if you want provisions, sengers, and ammunition, and cannot hold out at the

“ Item, (the xij day of August) giffin to Sir Thomas Galbreth, for paynting of *Mons* clait̄ xiiij s. In the festivities celebrated at *Edinburgh* by the Queen Dowager, *Mary of Guise*, on the occasion of her daughter's marriage to the Dauphin of France in 1558, *Mons Mec* was, of course, not allowed to remain silent or inactive. In the Treasurer's accounts there is the following article:—

“ Item, the third day of Julij [1558.] By the Quenis precept and speciale command, to certane pyonaris for thair lauboris in the mounting of *Mons* furth of hir lair to be schote, and for the finding & carying of hir bullet efter scho wes schot fra *Weirdie Mure* to the Castell of *Edinburgh*, x s. viij d.

assaultis of the enimie, which is feared and thought you cannot doe ; if you be hardly persewed, I know no better expedient than that the Honours of the Crowne be speedily and saifly transported to some remote and stroug castle or hold in the Highlands ; and I wish you had delivered them to the Lord Balcarras, as was desired by the Committee of Estates ; nor do I know any better way for preservacione of the thingis, and your exoneration ; and it will be an inexpressible lose and shame if these thingis shall be taken by the enimie, and very dishonourable for yourself. So having granted you the best advice I can at present, I trust you will with all care and faithfulness be answerable, according to the trust committed to you."

The country being now overrun by the English, the Castle of Dunnotter was summoned to surrender, with promise of fair terms, by Lieutenant-General Overtoun ; and shortly afterward the Governor received a similar summons from Lieutenant-Colonel Dutton, warning him of the inutility of resistance when almost all the other national fortresses had surrendered. To both these summonses Ogilvy returned a determined answer, expressing his resolution to defend the castle to the last.

Nov. 8.
1651.
Nov. 22.

But in a letter to the King, the Lieutenant-Governor gives the following melancholy statement of his condition, and, as is usual in a time of general disaster, not without imputing some blame to his companions in misfortune. " Whereas your Majesty committed the rule of this kingdom to those noblemen who are now in the enimie's hand, among whom is Lord Maresball, who, if he had been at liberty, would have done for this place ; and those who remained in this kingdom (as Huntly, Balcarras, and others,) from whom some help was expected, have laid down their arms and submitted themselves to the enemy ; and those forts which might have been preserved for your Majesty's service, are given up to them, Dumbarton and this of Dunnotter only excepted, which is more looked upon by the enemy than any place of the kingdom, the Honours of this kingdom, that which is preserved of your Majesty's stuffs, and other things of concernment, being here ; which, although some noblemen (who now have submitted themselves) have required from me, yet I have retained them, being persuaded that they could not be so safe in any other place of this kingdom, if those noblemen had done their duty, and the event declaring that they should have been in the same condition with themselves. Your Majesty will be pleased to take this to your consideration, and see how this place (which, by the Lord's assistance, shall not be delivered into their hands by my default) may be provided with ammunition and other necessaries ; for I have received nothing from the publick, (as your

Dec. 20.

Majesty ordained,) but have maintained the same upon the small rent my Lord Marshall hath in this place; and now am so environed with the enemy on all hands, that none will come in hither with provisions, only the sea patent if I had friends. Wherefore your Majesty will be pleased timeously to send your royal commandments hither (if it be possible) with a sure band, in a small vessel, which may come to the foot of the house (although the enemy were in leaguer about it,) and deliver the same without any danger. Your Majesty will be pleased also to look upon an account of my fidelity in relation to the enemy, although they have spread papers to the contrary, which maketh many to have sinister opinions of me; but, by the Lord's help, your Majesty shall find me faithful, do what they please, until I either hear from your Majesty, or see you in such condition as those rebels may be forced to submit themselves, which shall ever be the earnest desire and hearty prayer of your Majesty's most loyal and faithful subject—*GEORGE OGILVY.*"

The plan proposed for sending off the Regalia by sea was either not adopted, or proved unsuccessful. Meantime the danger darkened on every hand; the whole kingdom was subdued by the English, excepting the remote glens, where Glengary, Lochiel, and other Highland Chiefs, maintained a desultory resistance, more honourable to themselves than useful to the royal cause. Yet, in defiance of the murmurs of his little garrison, whose numbers were totally insufficient for the defence of so large a fortress, in spite also of every deficiency of provisions and ammunition, and of constant attacks from the enemy, the gallant Ogilvy continued to hold out the Castle of Dunnotter. His only encouragement seems to have been a letter from the King, written on a small piece of paper for the purpose of concealment, and sent by a special messenger, who succeeded in delivering it. It is addressed,—“For the Governor and Gentlemen in the Castle of Dunnotter,” and is of the following tenor:—

“Gentlemen, Assure yourselves I am very carefull of you, and sensible of your affection to me. Give credit to what this bearer shall say to you, and observe the directions you shall receive from Lieutenant-General Middleton. You shall shortly heare againe from me; and I would have you find some way frequently to advertise me of your condition, which I will take all possible care to relieve.—Paris, March 26th, 1652.”

CHARLES R.

Letter from King Charles II to Lieutenant-Governor
Ogilby - Paris 26 Mar 1652

To the Governour and gentlemen
in the Castle of Dunstons

Gentlemen, Assure your selves I am very care-
full of you, and sensible of your affection to me,
your credit to what this bearer shall say to you, and
obscure any directions you shall receive from Lt. Col. Middleton
You shall shortly heare againe from me and I would
have you find some way frequently to advertise me of
your condition, w^{ch} I will take all possible care to re-
lieve Paris March 26th 1652,

Charles II

General Middleton wrote by the same conveyance, in terms highly flattering to the Lieutenant-Governor; he uses these strong expressions. "My dear friend—I am overjoyed to hear that you in this time doe behave yourselfe so gallantie, that I shall be most desirous to doe you a service. The particulars I remit to the bearer, my cozen and yours, to whom give trust, since he is particularlie instructed from him who shall rather perish than be wanting to his friend, and who in all condition is, and shall be yours,

J. M."

Notwithstanding the encouragement contained in these letters, it was too plain that the castle could not long hold out. Since the beginning of May it had been closely blockaded, battered from the heights, and harassed by frequent assaults, and the garrison was exhausted with fatigue and by privations. The Governor's anxiety about the safety of the Regalia rose to the highest pitch. If they fell into the hands of the English, they probably would be destroyed, like objects of ordinary plunder,—unless, like the fated stone, they had been carried to London, as trophies of Scotland's disgrace, or that Colonel Overtoun, a fanatical expectant of the fifth monarchy, had thought proper to reserve them to grace the second advent.

In this emergency female ingenuity and courage found a resource. The Earl Mareshall was a prisoner in England, but his mother, the Countess Dowager, by birth Lady Margaret Erskine, a daughter of the Earl of Mar, a woman of masculine courage and prudence, was not disposed to forget that the charge of the Regalia was one of the honourable duties imposed upon her son as his birth-right inheritance. This lady, in concert with the Governor's wife, and with Christian Fletcher, wife of the Rev. James Granger, minister of Kinneff, contrived a daring scheme for extricating the Honours of Scotland out of their present precarious situation. In prosecution of their plan, Mrs Granger went to the Castle of Dunnottar, having obtained permission from the English General to visit the Governor's lady. In her charge Mrs Ogilvy placed the Regalia. This was done without the Lieutenant-Governor's knowledge, in order that when obliged to surrender the castle, he might with truth declare he knew nothing of the time and manner of their removal. They were delivered by Mrs Ogilvy to her intrepid confidante, who concealed the crown in her lap, while the sceptre and sword, wrapt up in *hards* or bundles of flax, were placed upon the back of a female domestic. Mrs Granger's horse had been left in the English camp; for so precipitous is the chasm which divides Dunnottar from the mainland, that the castle gate can neither be approached nor entered by a person on horseback. She returned

through the English camp unsuspected, the load of her attendant passing for a quantity of flax, which Mrs Ogilvy, according to the economy of Scottish matrons, destined for the spinning-wheel and loom, and had taken this opportunity to send thither to be manufactured. The English General himself is said courteously to have placed Mrs Granger in her saddle, little dreaming, of course, of the treasure which she had concealed about her person, and alarming her much from the hazard of discovery. She kept her composure, however, and so preserved her secret.

The Regalia were thus transported in safety to the manse of Kinneff, and there placed under the charge of the Rev. James Granger, husband of the dauntless matron who had brought them from Dunnottar at so much personal risk. They are said to have been concealed for a time in a double-bottomed bed, until Mr Granger had a safe opportunity of interring them in the church. Meantime Mr Granger granted to the Countess of Maresball the following authentic account of their secret depositions.

Mar. 31.
1652.

“ I, Mr James Granger, minister at Kinneff, grant me to have in my custody the Honours of the kingdom, viz. the Crown, Sceptre, and Sword. For the Crown and Sceptre I raised the pavement-stone just before the pulpit, in the night tyme, and digged under it ane hole, and put them in there, and filled up the hole, and layed down the stone just as it was before, and removed the mould that remained, that none would have discerned the stone to have been raised at all. The Sword again, at the west end of the church, amongst some common saits that stand there, I digged down in the ground betwixt the twa foremost of these saits, and laid it down within the case of it, and covered it up, as that removing the superfluous mould it could not be discerned by any body; and if it shall please God to call me by death before they be called for, your ladyship will find them in that place.”

Dunnottar Castle continued to hold out for some time after the removal of the Regalia. Whitelock, in his Memorials, notices the preparations for reducing it; and again, twenty days afterwards, he mentions the progress of the siege, and the high terms demanded by the Governor. Shortly afterwards he records its surrender in the following terms:—“ That the English forces before *Dunnottar* Castle in *Scotland*, playing with their guns at it, and having shot in about twelve granadoes, which broke into their tower and killed seven men; those in the castle, notwithstanding their high terms before, yielded upon conditions, only to march out half a mile with their arms, and then lay them down. That this was the last garrison in *Scotland* reduced.”*

* Whitlock's Memoir of English Affairs in the Year 1652, p. 510.

Besides having every motive which could vindicate a man of honour in the surrender of a fortified place, Lieutenant-Governor Ogilvy received a warrant from the Earl Marshell, the proprietor of the castle, stating, that he had resolved "to submit his person, fortune, house, and property into the hands of the existing government, that he might peaceably enjoy himself and what belonged to him under protection of the Commonwealth of England; and in order thereto, as conducing to his good," his Lordship required "his assured friend the Governor to deliver up his house of Dunnotter to Major-General Deane, who was to receive the same from him in name of his Excellencie the Lord General Cromwell, for the use of the Commonwealth of England, wherein he must not fail, and for doing which this should be his warrant."

Notwithstanding the injunctions of the lord of the castle, and the straits to which the fortress was reduced, the Governor continued to hold out until General Deane granted him terms so advantageous, that they seem to have been dictated by the general's anxiety to possess himself of the Regalia. One of the leading articles of the capitulation stipulated, "That the crown and sceptre of Scotland, together with all other ensigns of Regalia, should be delivered to the English general, or a good account given thereof, for the use of the Parliament." It was further agreed, "That upon the true performance of the forementioned articles, Captain George Ogilvy, with the officers and soldiers under his command, should have liberty to march forth of the said castle with the usual honours of war," and "to have passes to go to their own homes, and there to live without molestation, &c.; and that the said Captain should, free from sequestration, enjoy all the personal estate which he had, with the castle of Dunnotter, and all household stuff of his own within the castle," &c.

On these honourable conditions the last Scottish fortress surrendered to the enemy; but the disappointment of General Deane was extreme, upon finding that the Regalia had been removed, and to what place could by no means be discovered. Letters were received by the English government, stating "that great riches were in Dunnotter Castle, the sword, sceptre, and crown, but they could not be found."* The republican general wreaked his disappointment upon Governor Ogilvy, whom he held to have violated the meaning of the capitulation. Heavy fines and rigorous imprisonment were resorted to, to extort from Ogilvy and his lady the secret intrusted to them; but they remained determined to conceal from the public enemy all informa-

* Whitlock's Memorial, p. 510.

tion upon the subject. The health of Mrs Ogilvy sunk under close confinement, but her courage did not give way ; and in the spirit of the house of Douglas, to which she belonged, she exhorted her husband with her dying breath to preserve inviolable the secret intrusted to him.

The worthy clergyman and his wife did not escape suspicion and strict examination. The tradition even bears, probably with exaggeration, that Mrs Granger, whose visit to the castle was now remembered, was actually put to the torture. They retained their faith with the same firmness as Mrs Ogilvy and her husband, nor could any thing be extorted from them concerning the fate of the treasure under their charge.

In the meanwhile the inventive genius of the Countess of Mareshall had devised a scheme for diverting the suspicions of the enemy into a false channel. Her younger son, the Honourable Sir John Keith, had gone abroad about the time that the Regalia were removed ; and a report was circulated by his mother, that he had carried the Regalia with him beyond seas. To sustain this rumour, the young gentleman wrote home to Scotland, claiming the congratulations of his friends on the safety of these Honours of the Crown ; and shortly after, returning from abroad, and being imprisoned and examined, he took on himself the guilt of having carried the crown, sceptre and sword, abroad, and delivered them to Charles II. at Paris.* This well-contrived story deceived the English rulers, and farther search after the Scottish Regalia was relinquished.

While they were thus the objects of search, the Honours of Scotland remained safe in their place of concealment at Kinneff, undisturbed save by the pious care of the clergyman, who occasionally visited them at night, and with the utmost secrecy, in order to change the cloths in which they were wrapt, and secure them, as far as possible, from the risk of injury by damp or otherwise.

Upon the Restoration, the Countess of Mareshall and Lieutenant Ogilvy hastened to anticipate each other in communicating the important secret to Charles II., and appear to have entered into an acrimonious controversy, which it is unnecessary to revive, upon the degree of merit which each might claim in the course of the transaction.

Charles II. seems to have distributed his rewards with more regard to rank and influence than to justice. The Honourable Sir John Keith, in virtue of his mother's

* Wood's edition of Douglas's Peerage, article Earl of Kintore.

merits and his own, was created Earl of Kintore and Knight Mareshall of Scotland, with a salary of four hundred pounds yearly. The office was made hereditary in his family, but was taken from the second Earl of Kintore on account of his accession to the insurrection of 1715. It has been recently bestowed upon Sir Alexander Keith, of Dunnotter and Ravelston, descended from, and claiming the representation of, the ancient Earls Mareshall. The Earl of Kintore, also, obtained a coat of augmentation, to be quartered with the arms of Keith, being gules, a sceptre and sword in saltire, with an imperial crown in chief, within an orle of eight thistles, Or, with the motto, *Quæ amissa salva.*

The rewards of the gallant Lieutenant-Governor of Dunnotter were purely honorary, although his patrimonial estate, never a large one, had been impoverished by the fines and sequestration imposed during the usurpation. He was created a baronet by a diploma, which bears the following testimony to his faithful services:—“*Sciatis quando-quidem nos considerantes preclara servitia a dilecto et fideli nostro Georgio Ogilvie de Barras nobis prestita et peracta, (utpote qui auxiliarius fuit in conservatione nostre Regie Corone, Sceptri, et gladii, antiquorum insignium et monumentorum hujus regni nostri) ac gravia detrimenta que hanc ob causam diu pertulit et subiit; ac satis compertum habentes ejus constantem fidelitatem et amorem erga nostrum servitium; cum que toto tempore non ita pridem usurpate dominationis spretis omnibus Illecebris et minis quibus tunc temporis obnoxius fuit tam candidè et ingenue semetipsum gessisse, ut merito symbolum Regii nostri favoris et respectus in eum ejusque familiarum in perpetuum conferendum et collocandum censeamus.*”

The feudal tenure of Sir George Ogilvie's estate of Barras was at the same time changed from ward-holding to that of blanch. In justice to that gallant man, we cannot but record this second acknowledgment of his merit by public instrument, more especially as these empty honours, with an augmented blazon of arms,* were the only rewards which he received for his many sufferings and distinguished services.

The new charter states, that it is granted in respect of Sir George Ogilvie's high services, “In that he wes instrumentall in the preservatione of his Highness crowne,

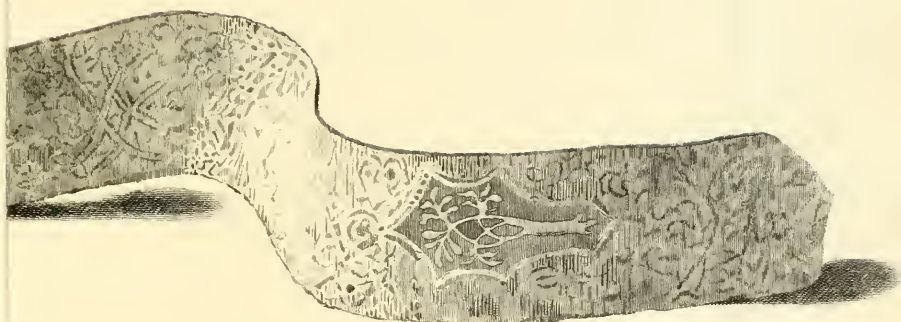
* Viz.—“The said Worshipful Sir George Ogilvie of Barras, Knight Baronet, for his achievement and ensign armoriall, bears *Argent* a lyon passant guardant, holding betwixt his paws a sword crested in pale, *Gules*, and therewith defending a thistle placed in the dexter chiefe *vert*, crowned, or with the badge of Nova Scotia as being Baronet. Above the shield an helmet befitting his degree, mantled, *Gules* double *Argent*. Next is placed on aue forse for the crest, a demi-man issuing out of a forse armed at all points proper. The motto in aue escroll, *Præclarum Regi et Regno servitium.*”

sceptre, and sword, the ancient Honours of this his kingdome of Scotland, and the damadge sustained be the same Sir George Ogilvy theirthrow from the beginning of the usurpation, during which tyme, notwithstanding of all temptations and threatenings used against him by the usurperis, he carryed himself with so much integrity that his Majestie wes graciously pleased to conceive he deserved ane marke of his Highness favour putt upon him and his family, upon which consideratious his Majestie did, by the foresaid charter, change the holding of his lands of Barras, and of new gave, granted, and disponed to the said Sir George Ogilvy and his foresaids for evir, all and hail the said lands of Wester Barras, with all and sundry the pertinent thair of mentioned in the said chartour, to be halden of his Majestie and his Highnes successores in free blanch ferme for yearlie payment of ane penny," &c.

We ought to mention, that the belt belonging to the sword of state was not delivered up to Mrs Granger, but continued in the possession of Governor Ogilvy, who perhaps retained it as a piece of real evidence of his having had the Honours in his custody. It was long afterwards discovered carefully packed up and concealed in the wall of the house of Barras. The belt was easily recognised, being adorned with the same fanciful ciplers and emblems, executed in silver gilt, which appear on the scabbard of the sword. An accurate drawing was taken from the original, in possession of the present Sir George Ogilvy, and it forms one of the engravings prefixed to this volume.

While rewards and titles were distributed to those of family and interest concerned in this great piece of national service, we are happy to find room to correct a traditional statement, which has found its way into the statistical account of the parish of Kinneff, that the services of the trusty clergyman and his intrepid wife were passed over without notice or reward. On the contrary, the Committee of Estates of the Kingdom, on the 19th September, 1660, appointed Sir Gilbert Ramsay of Balmane, and James Peadie, ballie of Montrose, to repair to Mr Granger, and to return him thanks for his conduct in preserving the Honours of the Kingdom, and to intimate that they would recommend him to the Parliament, which was soon to meet. Accordingly, an early act of the Scottish Parliament,* after the Restoration, endowed Christian Fletcher, otherwise Granger, with the sum of two thousand marks Scottish, as a reward of her courageous loyalty,—a sum considerable in those times, though no

* See Appendix, No. III.



OF SCOTLAND,

And for safety during the Usurpation of CROMWELL.

doubt this high-spirited woman thought herself best remunerated by the successful discharge of her duty to her country, in saving the emblems of its dignity from the irritated grasp of an invading enemy.

From the Restoration to the period of the Union, the Regalia of Scotland continued as formerly to be kept in the Crown-room of the Castle, under the charge of the Treasurer or his deputy, during the intervals of the sessions of Parliament. At the beginning of each session they were delivered to the Earl Mareshall or his deputy, in whose custody they remained while Parliament continued sitting, and were then again formally restored to the charge of the Treasurer. A few extracts from the Records of Exchequer, describing the manner of this transference, are given below.*

At the period of the Union, every reader must remember the strong agitation which pervaded the minds of the Scottish nation, who could not, for many years, be persuaded to consider this incorporating treaty in any other view than as a wanton surrender of their national independence. So deep was this sentiment, that a popular preacher in the south of Scotland, who died about the middle of last century, confessed

Edinburgh, 9th June, 1702.

* THE Lord Treasurer Deput went in his own coach with Moncrief and Mr James M'Kenzie, to the Castle of Edinburgh, and carried down, in one of the Commissioner's coaches, the Honours, betwixt 11 and 12 of the clock, viz.—His Lordship the Crown, Moncrief the Scepter, and Mr Mackenzie the Sword. The Erle of Kintor was with them in the coach, and the Honours were delivered by them to Mr Wilson, one of the under Clerks of Session, at the table whereon they ly at the meetings of the Sessions of Parliament; and Deacon Letban, smith, gott the keyes of the vault and chest quhair the honors lay, from Moncrief, to help some defect in the locks, and has not returned them.

Edinburgh, 1st July, 1702, being the day after the Parliament did rise, betwixt 11 and 12 of the clock.

The Honors were carried up to the Castle, and were layed up in the chest within the vault. The Thesaurer Deput Moncrief, and Mr Ja. M'Kenzie, receiving them as above, in the Commissioner's coach; the Erle of Kintor being with them.

Edinburgh, 5 May, about 8 o'Clock at night, 1703.

The Honors were carried from the Castle to the Abay; the Crown by Moncrief; the Scepter by Mr Ja. M'Kenzie; and the Sword by Forglan, in the Commissioner's coach. And the Lord Boyll, Thesaurer Deput cam there in his own coach, and returned to the Abay, where the Honours were laid down on a table in the Commissioner's presence.

Edinburgh, 17 Septr. 1703, about 5 of the clock at night.

The Honors wer carried up to the Castle, bot were not put in the chest that stands in the vaults until the next morning, at the sight of the Thesaurer Deput.

N. B.—Moncrieffe, mentioned in the foregoing Minutes, was Sir Thomas Moncrieffe of Moncrieffe, and who was, with Mr James Mackenzie, Joint Clerk of the Treasury Exchequer.

to his friends, that he was never able to deliver a sermon, upon whatever subject, without introducing a hit at the Union.

While the public mind was in such an inflammatory state, and watching as it were for subjects of offence and suspicion, the fate of the Regalia, the visible mark and type of Scotland's independence, excited deep interest. The opposers of the Union, availing themselves of this feeling, industriously circulated a report that the Honours of the kingdom were to be transported to England, as a token of the complete humiliation of her ancient rival. This surmise was circulated in lampoons too coarse for quotation, and it served to animate one of Lord Belhaven's eloquent invectives against the projected Union. "Hannibal," he exclaimed, calling on the Scottish nobles and commons to unite against the public danger,—“Hannibal is come within our gates: Hannibal is come within the length of this table; he is at the foot of the throne. He will seize upon these Regalia; he will take them as his *spolia opima*. He will whip us out of this house, never to return again.”

As if to show that these apprehensions were not entertained without grounds, and that the surreptitious removal of the Regalia was an evil to be guarded against, it was moved by the opposers of the Union, when the twenty-fourth article of the treaty was under discussion, “That the crown, sceptre, and sword of state, Records of Parliament, &c. continue to be kept as they are within that part of the united kingdom now called Scotland; and that they shall so remain in all times coming, notwithstanding the Union.” The amendment was readily adopted by the framers and managers of the treaty, sufficiently willing, in their turn, to show that they meditated no such gratuitous insult upon their country as was imputed to them. The clause passed unanimously, and forms part of the great national treaty.

The sceptre of Scotland performed its last grand legislative office, by ratifying the Treaty of Union, on the 16th of January, 1707. The Earl of Seafield, then Chancellor, on returning it to the clerk, is reported to have brutally and scornfully applied the vulgar phrase, “*There is an end of an awld sang* ;”—an insult for which he deserved to have been destroyed on the spot by his indignant countrymen. The rest of the session was employed chiefly in passing private bills; on the 25th of March it was adjourned,—never to meet again;—and on the 28th of April, 1707, the Parliament of Scotland was finally dissolved by proclamation.

From this period the charge of the Regalia, which devolved on the Earl Marshell during the sessions of the Scottish Parliament, terminated for ever; and in surrender-

ing them, for the last time, to the Earl of Glasgow, Treasurer-Depute of Scotland, William, the ninth Earl Maréshall, displayed a feeling extremely different from that evinced by Lord Seafield. That noble person having opposed the Union in all its stages, declined witnessing in person the final consummation, by the surrender of the Regalia to dust and oblivion. He appeared, however, by his procurator, William Wilson, one of the depute-clerks of Session, who took a long protest, which has been often printed, describing the Regalia in terms which lead to an exaggerated idea of their value; protesting that they should not be removed from the Castle of Edinburgh, without warning given to him, or to the successor in his title and office.

A numerous body of respectable witnesses placed their names to this instrument. One copy was deposited in the chest, and many others were distributed by the Earl Maréshall to the universities and other public bodies throughout the kingdom.*

* This Instrument will be found printed in the Appendix. One of these, finely ornamented, along with answers from the Universities of Aberdeen, St Andrews, and Glasgow, from the Earls Maréshall, Erroll, and Strathmore, and from the Royal College of Physicians and Faculty of Advocates, on receipt of their respective copies, are preserved in the archives of the Antiquaries of Scotland. The latter shall here be quoted: it is, like all the rest, addressed to Mr William Wilson, one of the under clerks of the Session, and is as follows:—"Edinburgh, 31 December 1709—Worthie Sir,—Of all the Societies whom you have been pleas'd to complement with authentick Instruments taken by you upon the Lodgement of the Regalia within the Crown room of the Castle of Edinburgh, as Deput to the Right Honourable the Earl Marischall after the Union of the two Kingdoms, this of the Faculty of Advocates judge themselves under the greatest obligation to give this publick testimony of their gratitude and thankfulness; For that you have not only favoured them with the most curious of these Instruments, but further with the hopes of a singular compliment concerning the same, after your decease by a particular letter of yours to the Faculty, in July last, read in their presence with great satisfaction, and ordered to be recorded.

"This Instrument has been fram'd after so much labour and pains, and is so very curious in deciphering these Regalia, both with respect to their antiquity, and likewise their value and magnificence, that in their esteem they cannot but justly be reckon'd amongst one of these monuments which will give greatest light to the antiquity, sovereignty, and independence of Scotland, as a separat Kingdom before the Union, to future ages.

"Your constant fidelity and generous care of these Regalia, for the long time they were under your trust and inspection, together with your great pains and labour in making and composing such a handsome and proper Instrument upon the giving them off your hands, and lodging them in the proper and secure repository aforesaid, cannot misse of making your memory respected by posterity, as that of a faithful and generous friend and lover of your native country.

"And by how much the nearer tye and relation you have to this Society, in vertue of your office, so much the deeper they desire you may esteem their grateful resentment of the above, and your former donatives, tending very much to adorn the other monuments of antiquity in their Library.

"This signed in name, presence, and by warrand of the said Faculty, by, Sir, your most humble servant,

"ROB. BENNET, l. p. f."

The Regalia of Scotland, with the Treasurer's mace, were deposited in the great oak chest with three keys, which is often mentioned in the Records as a place wherein they were kept. The chest was left in the Crown-room of Edinburgh Castle, a vaulted apartment in the square, having the window defended by strong iron gratings, and the entrance secured by a strong grated door of iron, and an outward door of oak, thick studded with iron nails, both fastened with strong locks and bars. It does not appear to whom the keys of the Crown-room and chest were intrusted, nor have they ever since been found.

The government of the day were, no doubt, glad to have these objects removed from the sight of the Scottish public, connected as they now were with feelings, irritable, and hostile in a high degree to the union, and to the existing state of things. But when the people observed that the Regalia were no longer made visible to the subjects, they fell into the error of concluding that they were either no longer in existence, or had been secretly transferred to England. The gratuitous absurdity of so useless a breach of the Union was, in the opinion of many, no reason for disbelieving this injurious surmise. They said such insults were often committed in the mere wantonness of power, or from the desire to mortify a proud people. Mons-Meg, it was remarked, though regarded then as a national palladium, and though totally useless except as a curiosity, had been removed to the Tower of London, in the pragmatical wantonness of official authority, and to the great scandal of the Scottish populace. It was argued, that a similar senseless exertion of power might have removed the Regalia, or that they might have been withdrawn on mere political grounds, lest they should have fallen into the hands of the Jacobites, who more than once threatened to surprise Edinburgh Castle. These suspicions were strengthened by the recollection, that, from some circumstance which has never been explained, a crown has been always shown in the Jewel Office of the Tower, said to be that of Scotland. Whether the royal ornament be the crown of the Scottish Queen, mentioned in Tenand's Inventory, which may have been carried by James VI. to England, or whether it be the crown made for Mary of Modena, consort of James II. or some other diadem, is a question we have no means of deciding. That it is not the royal crown of Scotland, is now evident. But it was long suspected to be so; and even Arnot, the historian of Edinburgh, influenced perhaps by certain political prejudices, gives currency to the surmise that the Regalia had been secretly removed from the kingdom. "Since the Regalia," says that author, "were deposited, no governor of the Castle, upon his ad-

mission, has made inquiry if they were left secure by his predecessor. No mortal has been known to have seen them. Whether it was, that the government entertained a jealousy that the Scots, in their fickleness or disgust, would repent themselves of the Union, or that they dreaded the Regalia might, upon an invasion, fall into the hands of the House of Stuart, it appears probable that the Regalia have been privately removed, by a secret order from the Court; for it is impossible that any governor of the Castle would abstract them without authority. If, after this general surmise, so publicly thrown out, the officers of state and governor of Edinburgh Castle will not make personal inquiry, whether the Regalia of Scotland be in the Castle, the public will be entitled to conclude, *that they are not there*, and that they have been carried off by private orders from Court.*

These feelings, however, passed away; the memory of the Regalia became like that of a tale which had been told, and their dubious existence was altogether forgotten, excepting when the superstitious sentinel looked up with some feelings of awe at the window of the mysterious chamber which had not been opened for a century; or when some national bard apostrophized

—“ The steep and iron-belted rock,
Where trusted lie the monarchy’s last gems,
The sceptre, sword, and crown, that graced the brows,
Since father Fergus, of an hundred kings.”

ALBANIA, A POEM.

In the year 1794, the Crown-room was opened by special warrant under the Royal Sign Mannal to search for certain records which it was supposed might possibly have been deposited there. The dust of a century was upon the floor; the ashes of the last fire remained still in the chimney; no object was to be seen, excepting the great oak-chest so often mentioned, which the Commissioners had no authority to open, their warrant having no relation to the Regalia.† The Crown-room was secured with additional fastenings, and was again left to solitude and silence; the fate of the Honours of Scotland remaining thus as uncertain as ever.

At length, in 1817, his Royal Highness the Prince Regent, now King GEORGE the FOURTH, influenced by that regard for the history and antiquities of his kingdom which

* Arnot’s History of Edinburgh, p. 292.

† This Warrant, with the Report of the Commissioners thereupon, dated 22 Dec. 1794, will be found in the Appendix.

well becomes his high station, and not uninterested, we may presume, in the development of the mystery which had so long hung over these insignia of royalty, was pleased to issue his warrant to the Scottish officers of state, and other public officers therein named, directing them to open the Crown-room and search for the Regalia, in order that their existence might be ascertained, and measures taken for their preservation.

In virtue of this new warrant, many of the Commissioners being detained by absence from Edinburgh, the gentlemen under-named assembled in the Governor's house, for the purpose of executing the duty intrusted to them, viz. the Lord President of the Court of Session, the Lord Justice-Clerk, the Lord Chief Commissioner of the Jury Court, Major-General John Hope, the Solicitor-General, the Lord Provost of Edinburgh, Sir Walter Scott, one of the Principal Clerks of Session, William Clerk, Esq. Principal Clerk to the Jury Court, Sir Henry Jardine, King's Remembrancer in Exchequer, and Thomas Thomson, Esq. Deputy Clerk Register of Scotland.

It was with feelings of no common anxiety that the Commissioners, having read their warrant, proceeded to the Crown-room; and having found all there in the state in which it had been left in 1794, commanded the King's Smith, who was in attendance, to force open the great chest, the keys of which had been sought for in vain. The general persuasion that the Regalia had been secretly removed, weighed heavy on the mind of all while the labour proceeded. The chest seemed to return a hollow and empty sound to the strokes of the hammer; and even those whose expectations had been most sanguine, felt at the moment the probability of disappointment, and could not but be sensible, that, should the result of the research confirm these forebodings, it would only serve to show that a national affront and injury had been sustained, for which it might be difficult, or rather impossible, to obtain any redress. The joy was therefore extreme, when, the ponderous lid of the chest being forced open, at the expense of some time and labour, the Regalia were discovered lying at the bottom covered with linen cloths, exactly as they had been left in the year 1707, being about a hundred and ten years since they had been surrendered by William the ninth Earl Mareshall to the custody of the Earl of Glasgow, Treasurer-Depute of Scotland. The relics were passed from hand to hand, and greeted with the affectionate reverence which emblems so venerable, restored to public view after the slumber of more than a hundred years, were so peculiarly calculated to excite. The discovery was instantly communicated to the public by the display of the royal standard from the Castle, and was greeted by the shouts of the soldiers in garrison, and of a multitude

of persons assembled on the Castle-hill; indeed, the rejoicing was so general and sincere, as plainly to show, that, however altered in other respects, the people of Scotland had lost nothing of that national enthusiasm which formerly had displayed itself in grief for the loss of these emblematic Honours, and now was expressed in joy for their recovery.

There was found in the chest with the Regalia a silver rod or mace, topped with a globe, apparently deposited there by the Earl of Glasgow, and which proves to be the mace of office peculiar to the Treasurer of Scotland. It is mentioned in the discharge granted by the Privy Council to Sir Patrick Murray, in 1621.

In order to gratify a curiosity which has something in it so generous, his Royal Highness the Prince Regent, to whom these proceedings were reported, was pleased to commit the charge of the Regalia to the officers of state, that they might be exhibited to the public under proper precautions for their preservation.

In consequence of the powers intrusted to them, the officers of state named Captain Adam Ferguson, son of the celebrated Historian, and long an officer of the Peninsular army, to be the Deputy Keeper of the Regalia. With equal propriety of selection, two Yeomen Keepers have been chosen, veteran non-commissioned officers of excellent character, who shared the dangers and fate of Waterloo. The room in which the Regalia are now exhibited to the curiosity of the public is handsomely fitted up in the form of a tent, and where they are properly protected from the risk of injury. The dress of the attendants, being that of the ancient yeomen of the guards, as represented in a curious picture of the Duke of Albany and Queen Margaret, preserved at Luton, joined to the military medals which the men themselves have gained, has an antique and imposing appearance, well corresponding with the character of the relics of ancient monarchy intrusted to their charge.



APPENDIX.

APPENDIX, No. I.

EXTRACTS FROM THE REGISTERS OF THE PRIVY COUNCIL
OF SCOTLAND, RESPECTING THE STATE OF THE REGALIA.—
A.D. M.DC.XXI.

Apud Edinburgh, quinto Julii 1621.

SEDERUNT.

CHANCELLAIR.	B. DUNBLANE.	ADUOCAT.	FOSTERSAIT.
THESAURAIR.	L. ERSKINE.	KILSAITHE.	CRAIGTOUN.
LOTHEANE.	L. CARNEGVE.	BRINTYLAND.	S ^r ANDRO KER.
TULLIBAIRDINE.	M ^{of} ELPHINSTOUN.	MARCHINSTOUN.	S ^r P. YOUNG.
MELROS.	PREUIE SEALE.	INURTEILL.	M ^r P. ROLLOK.
LAUDERDAILL.	JUSTICE CLARK.	RIDHOUS.	CONSERVATOUR.

*Warrant to Sr Patrick Murray for deliverie of his Majesties Honouris and
Silver Plaitt.*

ANENT the supplicatioun presentit to the Lordis of Secretit Counsaill be Sr Patrick Murray of Elibank, Knight, makand mentioun, that quhair the Kingis Majestie being pleasit to committ to unquhile S^r Gedeone Murray, fader to the said S^r Patrick, the keeping of his Majesties Honouris, to witt the Crown, sceptour, and sword, with his Majesties wholl silver plaitt of the kingdome of Scotland, and the maise callit the Thesauraris maise of the said kingdome. The said unquhile S^r Gedeone, in his tyme, deliverit the said maise to Johnne, Earl of Mar, Lord Heich Thesaurair of this kingdome, to whose charge the keeping of the same apparteyned, and the Honouris and silver plaitt he retenir in his awne keeping. And now it being the goode pleasour of

God to call the said unquhile S^r Gedeone to his mercie from this mortall lyffe, sua that the burdyne and charge of the saidis Honnouris, silver plaitt, and maise lyis upoun the said S^r Patrick, humelie desyring thairfoir the saidis Lordis to tak some ordour quhairby the saidis Honnouris and silver plaitt may be tane af his hand, and that he may be fred, exonerit, and releued of thame, and of the said maise formarlie delyuerit be his said unquhile fader to the said Lord Thesaurair, and that ane formall discharge may be gevin to him thairupoun, lyke as at mair lenthe is contenit in the said supplicatioun. Quhilk being red, hard and considerit be the saidis Lordis, and thay finding the said S^r Patrick his desire to be most just, laughfull, necessair and reasonnabale ; Thairfoir the saidis Lordis Ordanis the said S^r Patrick To delyver his Majesties saidis Honnouris, to witt, the Crown, sword, and sceptour, togidder with his Majesties whole silver plaitt, quhairof his said unquhile fader had the charge and keeping, to the said Johne Earle of Mar, Lord Heigh Thesaurair of this kingdome, to the effect thay may be put in his Majesties Castell of Edinburgh, and thair to be keepit be the said Lord Thesaurair to his Majesties use, and that the said S^r Patrik delyver the same *with the grite aik-kist*, quhairin the honnouris ar presentlie keepit, upon inventair in presence of S^r Richard Cokburne of Clerkintoun Knight Lord Prive Seill ; S^r George Hay of Kinfawnis Knight Clerk of Register ; S^r Robert Melvill of Bruntyland Knight, Sir Andro Hamiltoun of Redhous, and Mr Johne Weynis of Craigtoun, or ony three of thame ; the said Clerk of Register being always one whome the saidis Lordis hes nominat and appointit to sie the said inventair to be cleirlie and perfytlie maid, conteneing the particular nomber and soirtis of the said silver plaitt, and weyght of the same. Anent the delyverie of the quhilkes honnouris and silver plaitt, with the aik-kyst quhairin the honnouris lyis, now appointit to be delyverit to the said Lord Thesaurair, and anent the delyverie of the maise foirsaid formerlie delyverit into him in manner foirsaid, the extract of this present act with the said Lord Thesaurair his acquittance, &c. salbe unto the said S^r Patrick a sufficient warrant.

At Edinburgh the Tent Day of July, 1621.

*Act in favouris of Sr Patrick Murray of Elibank, anent his Majesties
Honnouris and Silver Plaitt.*

The quhilk day, in presence of the Lordis of secreit counsaill, compeirit personallie S^r Richard Cokburne of Clerkintoun, Lord Prive Seale ; S^r George Hay of Kinfawnis,

Clerk of Register; Sr Robert Melvill of Burntisland; Sr Andro Hamilton of Ridhous; and Mr Johnne Weymis of Craigtoun, and reportit and declairit that they, according to the commissioun and warrant given be the saidis Lordis to thame, Conventit and mett within his Majesties Cunyeehous, within the burgh of Edinburgh, with John Erle of Mar, Lord High Thesaurair of this kingdome, upoun the seventh day of July instant quhair Sr Patrik Murray of Elibank, knight, eldest laughfull sone to unquhile Sr Gedeone Murray of Elibank, knight, late Thesaurair Depute of the said kingdome, produceit and exhibeit befor thame his Majesties honnouris, to witt, his Crowne, Sceptour and Swerd, togidder with his Majesties silver plaitt, quhairof the said unquhill Sr Gedeone had the charge and keeping; and that thay sighted the saidis honnouris, and remarkit the same verie narrowlie, and fand that the Crowne had in the neder circle thair-of nyne garnites, foure jasintis, three counterfeite emeralds, four amatystis, and twentie-twa pearlis. Abone the neder Circle sax small thine triangle diamontis, ten small triangle challons, filled with blew amalyne in steade of stones, tua small emptie chal-lons, haveing no thing in thame bot the blak tent, and tua challons with tua flatt qubyte stones with the boddum upmost, nixt abone the small challons nyntene grite and small rag pearle, and within the roise, betuix the flour de Luce, threttie-fyve pearle sum les sum more, with ten qubyte stonis in the middis thairof. In the foure quartaris of the bonnett of the Crowne foure pearle sett in foure pecis of garniseene of gold enamaled, and in the croce abone the Crowne, ane amatist and aught perlis. And that the scep-tour wes in three peeceis, haveing ane perle in the top, and ane cristell globe benethe, the heade quhairof hes beene brokiu, and mendit with wyre. And that the swerd had the plumbett birsit and brokine, with ane voyde place in everie syde thairof, and the scabart thairof riven, birsit, and brokine, wanting some peeceis out of it. And thay declairit that thay causit confer all the particulars concerning thir Honnouris, with the Act of Counsaill quhairby the said unquhile Sr Gedeone ressavd the saidis Honnouris fra unquhile Sr Johnne Arnott, and fand thame to be conforme to the said Act in every point, and that nothing was inlaiking that wes contenit in the said Act. And siclyke thay declairit that thay causit number the particular soirtis of the said silver plaitt, and wey the same, &c. &c. That the said Sr Patrick, immediatlie after the sighting of the saidis Honnouris, and after that the said silver plaitt was numberit, weyed and inven-tarit as said is, delyverit the said Honnouris and silver plaitt to the said John Erle of Mar, in thair presence, quho causit pak and put up the silver plaitt in tua cloisse cof-feris; the keyis quhairof wer delyverit to the said John Erle of Mar himself, lyke as

the said Johne Earl of Mar being personallie present grantit the ressett of the saidis Honnouris, and of ane grite aik-kist, quhairin thay ar keepit, and of the silver plaitt, and maise, called the Thesauraris maise, whilk wes delyverit to him be the said unquhile S^r Gedeone in his awne tyme. Quhilk report and declaratioun maid be the said Commissioneris, and grant foirsaid maid be the said Erle of Mar in maner foirsaid, being hard and considerit be the said Lordis, and they rypelie advysit thairwith, The Lordis of Secreit Counsaill findis and declairis, that the said unquhile S^r Gedeone hes most faithfullie, cairfullie and honestlie preservit and keepit his Majesties Honnouris and silver plaitt foirsaid, fra the tyme that he ressavit the same untill the tyme of his deceis. And that the said S^r Patrik, his sone, hes most worthelie exonerit himselff of the saidis Honnouris and silver plaitt, and of the aik-kist quhairin the Honnouris wer keepit, by making of a full delyverie of the same to the said Erle of Mar, conforme to the warrand and ordinance of the counsell given to him for that effect. And therefore the saidis Lordis exoneris, releeves and freethis the said unquhile S^r Gedeone, the said Patrik, his sone, and thair airis and executouris of his Majesties saidis Honnouris and silver plaitt, and of the maise, callit the Thesauraris maise, delyverit be the said unquhile S^r Gedeone in his awne tyme to the said Lord Thesaurair, and of the aik-kist foirsaid, and declairis thame to be free thairof for now and ever.



APPENDIX, No. II.

LETTERS AND OTHER ORIGINAL PAPERS RELATIVE TO THE SIEGE AND SURRENDER OF THE CASTLE OF DUNNOTTER.— A.D. M.DCLI—M.DC.LII.

I. COMMISSION, THE EARL MARSHALL TO GEORGE OGILVIE OF BARRAS.

FORASMUCH as the Kings Majestie and Committee of Estates have entrusted the care of the keeping of the hous and castle of Dunnoter to ws, William Earle Marischal, and have allowed fourtie men, a Lientenant, and tuo serjants to be enterteand within it upon the publick charge ; Thairfore Wee doe heirby nominat George Ogilvie of Barras to be our Lieutenant for keeping of the said hous, And Gives unto him the sole and full power of the Command therof, and of the men that are to be enterteand therin for keeping therof, under ws ; with power to him to bruike, enjoy and exerce the said place with all the fees, dues, and allowances belonging thairto, als fullie in all respects as anie other Lieutenant in sic a caise may doe. In witnes quhairof wee have subscriyved thir presents at Stirling the 8 of Julij 1651.

W. Keith, witnes.

MARISCHALL.

A. Lindsay, witnes.

Al. Primerose, witnes.

2. THE COMMITTEE OF ESTATES " FOR GEORGE OGILVIE DEPUTIE GOVERNOR OF THE CASTLE OF DUNNOTER."

Aberdene, last Agust, 1651.

LOUEING FREIND,

It being thought fit That the honors of the Crown should be for thair farther securitie removed from that place, the Laird of Innes wes thairupon sent on Saturday last to receive thame ; Bot upon pretence of your absence nothing wes done, Quhairfore wee have againe sent these to yow, to know your Resolution, That accordingle

wee may send some to ressave thame. What ever fall out this wilbe ane exoneration to ws: Yow sall also send to ws ane accompt of the condition of the hous of Dunnoter, what yow heare of the enemies motions and of the resolutions of the shyre of Kincardin.

Wee are informed that a servant of Colonel George Keiths is latelie come from the Kings Army in England, and is now in or about Dunoter, yow sall thairfore send him in to morrow to this place to the Committee, that frome him they may have accompt of bussines thair. We are,

Your assured freinds,

CALANDER.

J. G. Durie.

S^r Th. Nicolson.

S^r J. Innes.

A. Belsches.

Ro. Farquhar.

3. THE COMMITTEE OF ESTATES TO LORD BALCARRAS.—SEPT. 10, 1651.

RYCHT HONORABIL,

The Comittee of Estat is taking into ther consideratione how necessarie it is in this tyme of trouble that speciall cair be taken of the saiff custodie of the honouris of the Crowne and the Kings stuff which war sent to Dunnotter, we desyre your Lordship that yow wold tak a speedie and effectuall way for preservacione thereof where they may be surest keiped frome danger, which trusting your Lordship will carefully performe, we rest

Your Lo. verie affectionat freinds.

Wigtone,

LOUDONE, CHANCELOR,

Lothian,

Argyle,

S^r James Wemis Bogie,

Linlithgow,

S^r Arthour Stirling,

Home,

Blair of Ard Blair,

Wemis,

James Monteith,

Mr Geo. Dundass.

Frome Westend

Mr John Cowen,

Lochtay

this 10th Septemb.

1651.

4. GEORGE OGILVIE TO THE LORD BALCARRAS.

MY LORD,

Yours I received, and ane letter from the commitie of estats to your Lordship, daitit the tenth of September, quhairin they desyre your Lo. to haue ane cair for securing of the honors and the kings stuffs* quhilk wes in Dunnoter, bot no order to your Lo. for removing of the samen nor to me for the delyvery of them, bot as I doe presume is rather to haue takine course with this house quhair they ar, to haue furnest the samen with both witteles and men, and every thing neidfull as the securest part now in this part of the kingdome, bot gin the commitie of estates, quhos hands ar at this letter, sall any way think otherways I reuerence ther better judgement, and sall upone the receat of ane order from them, with ane exoneration to my lord Marschall and me, delyver them to any having that warrand, quhilk I hop will give your Lo. full satisfaction, for, bot ther particular order, I cannot dou it, being ane business of such gryt importance; and I hop your Lo. will pardonne me for that, and in the meane tyme, that your Lo. wald be plessit to cause prouyd us of witteles, for as your Lo. knowis ther wes ane order drectit from the commitie of estats to the generall commisser, for to haue sent heir sax hundreth boills of meill, quhairof we have not receavit the halffe theroff, and nou as I am informit, they haif sold and disponed the samen at Aberdeen, and the schyr of the mernes, quhilk sould haue payit wantinence to us will not acknowledge us ane penny, as your Lo. may presume be ther ansuer to me quhilk your Lo. sall receive heir encloissit, so I think we are in ane very hard conditione, and I think gin thes honors wer remoued, non sould dou so much as once ask for us; bot I hop your Lo. for the respect you cary to my Lord Marschall, will tak this to your consideration, and let us be suplied of such things as we stand in

* The King's stuffs here noticed, had been removed from Dundee to Dunnotter Castle by order of the Committee of Estates, on 24 August, as appears from the following letter addressed to the Earl Marishall—dated "Killimure, 24 August:—Right Honorable,—The Kings Majesties stuffes which are now at Dundie, are appointed by act of the Committie of Estates to be caried to Dunnotter. Wee most thairfor entreat your Lordship to provyde for thame sufficient rooms: and that the keyes thairof be delyvered to the master of the Wairderop or any haueand his order. Sua hoiping yee will nocht fail in soe doeing, Wee are your Lo. most humble servants, (signed) LORDGOU, *Cancellarius*, Craford & Lindsay, Balcarras, J. Duffus, J. Hepburne, A. Belsches."

Besides the Regalia and the King's Wardrobe, it is well known that the Registers of the Kirk of Scotland, and the Records and other valuable muniments belonging to the university of St Andrews, as well as some of the papers belonging to the Dukedom of Hamilton, had been transported to Dunnotter Castle for safety.

need of, for since I hav ane particular order from the king for keeping of this house, and since your lordship having the pour in your hands with the committie of estats, I hop spedie course salbe takine about the prowying of this house, for gin your Lordship and the committie wald provyd me with ane hundreth men, quhairof I have recavit non as yet except fourtie, and so long as I han wittells or ammonitione, I sall mantine the samen, vnder God, aganst all Ingland; so not willing to trubill your Lo. forder, bot that I ame

Your Lo. most humbill servant,

[George Ogilvy.]

5. LORD BALCARRAS TO THE GOVERNOUR OF DUNNOTTER.—OCT. 11, 1651.

SIR,

You ar nou I believe hardly in expectation of releefe, & yee knoue hou much it concerns not only the kingdom bot yourself in particular, that the honors be secured, I shall therfor again desire you by verteue of the first warrant which you save, & of this likewise which I have lately received & nou send you inclosed, that yee deliver them immediatly after the receipt heiroff, to the Bearer S^r Arthure Forbes, whose receipt of them under his hand I doe heirby declair shall be as valide for your acquittall & liberation, as if yee had it under the hand of

Your affectionat freend, to serve you,

Duffus, 11 October, 1651.

BALCARRAS.

I shall not nou repeat the arguments I used to you at Dunnoter. If they wer strong then. I am sure they are much more nou, for the condition of businesse is much altered since. I say no more, bot remember what I then spoak to you as your freend.

6. GEORGE OGILVY "FOR THE RIGHT HONORABIL THE EARLL OF LOWDONE,
LORD HY CHANCLER OFF SCOTTLAND."—OCT. 1651.

MY LORD,

Haveing beine sundrie tymes prest to delyver the honors as first be my Lord Calander by a order of Comitie of Estaits siting in Aberdein, and thereafter be the

Lord Balcarass by a order by the same Comitie, and last of all, by a letter frome the Lord Balcarass to me, to delyver the honouris to Sir Arthour Forbes grounded upone a Letter frome your Lo. and the rest of the Comittie of Estaitis of the tent of September last ; all which orders they may conceive to have bein sufficient for them to have resaved the honouris ; but as I conceive no sufficient warrand for me to delyver them, haueing resaved the charge of that hous and what was intrustett therin, frome the Earll Marshell, and then by a particular warand under his Majesties owne hand, yet notwithstanding if your Lo. and the Comitie of Estaitis ther sall conceaw that they may be mor secure in any other [place] then they ar heir, I sall delyver them to quhome your Lo. and the Comitie of Estaitis ther shall appoynt to resauue theme ; they bringing with theme ane act of the Comitie for the Earll Marschall and my exoneration therof ; and that I haue withall a particular order for the delyverie of them, but withall humble submitting to your Lo. and Comitie of Estaitis ther better consideratione, I conceive that ther is no place in this kingdome quhair they cane be more secwre nor quhair they ar, and with les charges, if the Comitie of Estait be pleased to tak order tymeouslye for furnishing of me with sutch things as is necessar for defence of this hous ; for all former orders that wes appoyntit for the furnishing of itt is altogider disobeyed ; for quhair the Generall Commissar sould have send in to itt sex hundreth bollis of neall, I have nocht resaved the halff therof ; and as I am credible informed he hath sold and is selling the rest of itt in Aberdeen, and for the maintenance of the Mearns, which was appoyntit for this house, ye will find the heritouris ansuer by the copy of a letter to me from the clerk of the comitie of the shyre heir inclosed, I humble desire that the Comitie of Estait wold be pleased to give order that I may have ane hundreth men appoyntit for the defence of the hous, of which as yeit I have resaved but fourtie. I have send your Lo. the donbell of my letter to the Lord Balcarass, wherby my proceedings may be knowen, if that he be ther, that you wilbe pleased to lett him haue it, for I haue sent one of purpose with it to the chanry of Ross, for Sr. Arthur Forbes wold not upon any tearmes undertak to send my ansuer to the Lord Balcarass, altho the Comitie of Estait in the letter to the Lord Balcarass did speak as well of the Kingis stuff as of the honouris ; Yeit nether in his letter to me nor in his order to Sir Arthur Forbes so mutch as mentioned, and I houpe that if you tak that resolutione to remov the honouris, you will think upone some course for his Majesties stuff. If it wold pleas the Comitie of Estait to liberat the Earll Marshell and his mother ther lands in Buchane, Mar, and Mearns, frome the Marquis of Huntlie and utheris ther Leuys,

and appoynt them for the garison of this house, they wilbe as many men as I sall desyre for the defence of the same ; all which I humblie remit to the wyse consideratione of the Comittie of Estait, and that they may be pleased to let me know ther resolutions heirin, that I may the better dispose of the affairs concerning this house, and that your Lordship will pardone the tediousnes of this letter, which I could not shorten, in respect that the busienes therin is of so hye ane concernment ; this I humblie intreat may be impartit to the Comittie of Estaitt frome

Dunnotter, [last] of

Your Lo. most humbell servand

October 1651.

GEORGE OGILVY.

I have sent a particular of wituall emonitione and uther sutch things which I conceive to be necessar to be had for the defence of the house of Dunnotter, which if the Comittie of Estait salbe pleased to tak order for delyverie of the same to me, I houpe and am confident, with Godis assistance, to keep and maintaine this hous against any enemy quhatsomever.

7. THE EARL OF LOUDON "FOR MY MUCH RESPECTED FREIND, GEORGE OGILVIE, GOVERNOUR OF DUNNOTTAR."—NOV. 13, 1651.

[This Letter appears in the Pamphlet by Sir George Ogilvie, 1701, p. 5, which forms a part of this collection, and referred to in the Observations, p. 36.]

8. GENERAL OVERTON, "TO THE HONORABLE THE GOVERNOR OF DUNNOTTER CASTLE, AND TO THE REST OF THE GENTLEMEN THERE."—NOV. 8, 1651.
GENTLEMEN,

I have power to domillish your awne and the remainder of the Lord Marshalls houses in these partes, except yow timously prevent the same by your giving up the Castle of Dunnotter to the use of the state of England, upon such tearmes as other gentlemen of honor have hearetofore (when the forces of this nation were more significant) accepted. Yow may obserue this season, which the moste significant persons of your nation close with by putinge theyre persons and estates under oure protection ; yow may likewise consider how imprudent, or att least improvident a parte it may be reputed in a time of pacification for your selves to be the onely antagonists

to an armie whose armes God Almighty hathe hitherto made successefull againste your most considerable cittadells : I dare not promise yow the like oportunity for good tearmes in future to cum of upon as all is redie upon spedie capitulation att present to performe

Gentlemen, your humble servant,

Steane Hiuc, Novemb. 8th, 1651.

R. OVERTON.

9. GEORGE OGILVY TO GENERAL OVERTON.—Nov. 8, 1651.

SIR,

I have received yours; for answer wherunto, ye shall know that I have my commissione aboletly from the Kings Majestie and non else, wherfor ye may doe what ye please with my Lord Marishall his houses, for he hes no interest in this, which by the help of the Lord I intend to preserve to the utermost of my lyfe, till I have further orders from his Majestie, and the successe you have had in former tymys shall no vyse move me to the contrer, for I know that the Lord is aboue you, to whose providence I intrust myselfe, and bids you fareweill.

S^r, your servant,

Dunnotter, the

GEORGE OGILVY.

8 of November, 1651.

10. COLONEL DUTTON "FOR THE COMMANDER IN CHEIFE OF DUNNOTTER CASTLE."—Nov. 22, 1651.

HONORED SIR,

Whereas you keepe Dnnnotter Castle for the use of your Kinge, which castle doth belonge to the Lord Marshall, whoe is nowe prisoner to our Parliament of England. These are to advyse and require yow in their names to surrender the said castle to me for their use : And I doe assure yow, by the word of a gentleman, that yow shall have very honorable and soldier lyke condicions. If yow refuse this offer, then, if any change shall happen to yow contrary to your expectations, by the violence of our soldiers, blame your selfe, and not me; for I may tell yow, that the Lord hath bene pleased to deliver unto us many stronger places by storme, then that is, since

our unhappie difference hath been : And I doubt not but the same God will stand by us in our attemptes in this. I desyre your speedye answer, and shall rest,

Dated att Stone Hyve, Sir, your very humble servant,
the xxijth of November, 1651. THO. DUTTON.

11. GEORGE OGILVY TO COLONEL DUTTON.—NOV. 22, 1651.

HONORED SIR,

Wheras you writt that I keep the castle of Dunnoter, for the use of the Kings Majestie, which hous (as you say doth belong to the Earle Marischall) you shall know I have my Commission absolutelie from his Majestie, and non else ; neither will I acknowledge ony mans interest heir, and intends, by the assistance of God, to maintaine the same for his Majesties service upon all hazard whatsoever. I hope you have that much galantrie in yow as not to wrong my Lord Marischall his lands, seeing he is prisoner himself, and hath no relatione in this place for the present. Wheras you have had success in former tymes, I attribut it to the wrath of God against us for our sinnes, and the unfaithfulness of those men who did maintaine the same, and non wherof you shall find heir by the Lords grace, to whom I committ myself, and am,

St, your verie humble servant,

Dunnoter, Novemb. 22, 1651.

GEORGE OGILVY.

12. GEORGE OGILVY "FOR THE KING HIS MAJESTIE."—DEC. 20, 1651.

MAY IT PLEASE YOUR MAJESTIE,

The sad condition this your ancient kingdom is in, (which the Lord, in his wyse dispensatione, hath suffered an perfidious enimie totaly to subdue,) together with the great trust your Majestie hath committed to your unworthie servant, doth mak me to have my humble address to your Majestie, Shewing,

That wheras your Majestie committed the rule of this kingdome to those Noblemen who are now in the enemies hands, among whom is the Earle Marischall, who, iff he had bein at libertie, wold have done for this place, and those who remained in this kingdome, as Huntly, Balcarras, and others, from whom som help was expected, have laid down armes and submitted themselves to the enimie ; and those forts which might have bein preserved for your Majesties service, ar given up to them, Dumbar-

town and this of Dunnotter only excepted, which is more looked upon by the enemy than any place of this kingdom, the honours of this kingdom, that which is preserved of your Majesties stuff, and other things of concernment, being heir; which although some Noblemen (who now have submitted themselves) have required from me, yet I have retained them, being persuaded that they could not be so safe in any other place of this kingdom, if those Noblemen had done their duty, and the event declaring that now they should have been in the same condition with themselves. Your Majesty will be pleased to take this to your serious consideration, and see how this place (which, by the Lords assistance, shall not be delivered in their hands in my default) may be provided with ammunition and other necessaries, for I have received nothing from the publick, (as your Majesty ordained,) but have maintained the same upon the small rent my Lord Marischall hath in this place, and now am so environed with the enemy on all hands, that none will come in hither with provision; only the sea is patent, if I had friends: wherefor your Majesty will be pleased to send your Royall commandments hither, (if it be possible,) with a sure hand in one small vessel, which may come to the foot of the house, (although the enemy were in league about it,) and deliver the same without any danger. Your Majesty will be pleased also to look upon an account of my fidelity in relation to the enemy, although they have spread papers to the contrary, which maketh many to have sinister opinions of me; but, by the Lords help, your Majesty shall find me faithful, do what they please, until I either hear from your Majesty, or see you in such condition as those rebels may be forced to submit themselves, which shall ever be the earnest desire and hearty prayer of

Your Majesties most loyal and faithful subject,

Dunnotter, December 20th 1651.

GEORGE OGILVY.

13. GENERAL LAMBERT TO THE GOVERNOUR OF DUNNOTTER CASTLE.--

JAN. 3, 1652.

S^r,

Being desirous to avoid the effusion of blood, and the destroying of the country, I have thought fit to send you this summons to surrender up the castle of Dunnotter, with the provisions of warre thereto belonging, into my hands, for the use of the Parliament of the Commonwealth of England. If you shall hearken heerto with

speed, you shall have conditions for yourselfe and your soldiers under your command, as may befit a man of honour and one in your condition. I expect your speedy answer, and am,

Sir, your servant,

Dundee, Jan. 3^a 1652.

J. LAMBERT.

14. GEORGE OGILVY TO GENERAL LAMBERT.—JAN. 7, 1652.

HONORED SIR,

I have received yours for surrendering of the castle of Dunotter, the lyk wheroff I have receaued from sundrie of your officars befor, and have given answers therto; that being intrusted be his Majestie I wold not surrender the same upon any hazard whatsoever, bot intends, by the help of the Lord, to maintaine the same till I shall have orders from his Majestie in the contrair. I shall be as loath as any to occasione the effusione off blood, wheroff too much hath bene areadie, bot shall be farr mor loath to betray the trust imposed upon me. I cannot bot thank yow for your offers, and remaine,

Sir,

Dunotter, Jan. 7, 1652.

Your servant,

GEORGE OGILVY.

15, 16. LETTERS FROM KING CHARLES II. AND FROM GENERAL MIDDLETON TO THE GOVERNOR OF THE CASTLE OF DUNNOTTER.—MAR. 1652.

[These Letters are printed in the Observations. p. 38, 39.]

17. EARLL MARSHALL "FOR MY ASSURED FREIND, CAPTAIN OGILVYE, GOVERNOUR OFF DUNOTTER CASTLE."—MAY 4, 1652.

LOUING FREIND,

Since I received the favor of the liberti of the Citti of London from the Councill of State, I was to waitt upon my Lord Generall, and others of the Councill, with quhom having had som conference concerning my condition and effairs, I find itt my hapines to hau to do with persones of so much honor and justnes, thatt I am re-

solved to putt my person, fortions, houses, and all, freely unto ther handes, that I may peaceably inioy myselfe and quhatt belongs to me, under the favor and protection off the Comonwealth of England. And in order heirunto, as conducing to my good, I doe heirby requyre you to delyver up my house of Dunotter to Major Generall Deane, quho is to receive the sam from yow in name of his excellence, my Lord Generall Cromwell, for the use of the Comonwealth of England, quherof you must not fail. And for so doing this shall be your warraud. Written and sygned with my hand, att London, the 4th of May 1652.

Your assured frend,

MARISCHALL.

18. GEORGE OGILVY TO MAJOR-GENERAL DEANE, COMMANDER IN CHIEFF OF THE ENGLISH FORCES IN SCOTLAND.—MAY 9, 1652.

S^r,

In my former letters to Generall Major Lambert and others, anent the randitione of this house, I wes then resolved upon no termes to treat till I sould have ane absollut warrand from the Kings Majestie; but at the ernest desyr and persuasione of the Earll Marschalls freinds, quho is now most consernit in this place, and be quobos advyse now in the kingis absence I resolve to be reulit, and for the escheweing of the effusione of blod, quhairof tue much hes bene already, and questionles will follow mor on this busines giv not prewented; and upon thes considerationes I wes mowit to commissionat tua gentillmen to meit and treat with yow, or any ye sould apoynt, having your commissioun and warrand, anent the randitione of the castle of Dunnoter to you for the use and service of the Parliament of England, upon honorabill termes and conditiones: They shone me that ye wes satisfiet, bot because this did not presied, ye wald not go one with them in the capitulatione, this poynt of forme being wanting: Therfor I thought feit heirby to showe yow, that I am content to go on in the said capitulatione for randitione of this place upon honorabill termes as said is, and for that effeck sall giv pour and warrand to tua gentillmen to meit and treat with yow, at such tyme as yow sall desyre and mak knowne with this berer: And giv this beis not satesfactory to you, ye sall find men heir, God willing, readeley to waitt upon your serviee to laischart and lay downe ther lyff befor we in any dishonorabill way betray our trust: And I attest God to be jug betwixt you and us, and that he

may call for the blod that wilbe shyd at his hands quho salbe cause of it; so exspecks
your ansuer, and rests

9 May, 1652.

Your servant,

GEORGE OGILVY.

19. COLONEL MORGAN "FOR THE GOVERNOR OF DUNNOTTER CASTLE."—

MAY 14, 1652.

S^r,

I am commaunded hither by the Honorable Major Generall Deanes order, with
a considerable strength of the army, to summon you to surender unto mee the castle
of Dunnotter, for the use of the Parliament of the Commonwealth of England, with
all the ordnance, and other armes, amunition, and provision therein; as also the
Crowne and Septer of Scotland, which doubtless is in your custodie, with all en-
signes of regallitie and other goods belonging to the late King of Scotland. You
may take notice of what condition you are in, and so obserue this my summons, and
prevent that inconveniencie which doubtles is like to fall upon you. I shall ex-
pect your answeare within an houer after the receipt, and shall remayne

Your servant accordingly,

Att the Black hill

THO. MORGAN.

of Dunnotter, in the Leager,

14th May, 1652.

20. MAJOR GENERAL DEANE "TO CAPTAINE OGILVY, GOVERNOUR OF DUN-
NOTTER CASTLE."—MAY 15, 1652.

S^r,

Understanding by the Laird Morphey and Collonell Barkley, that you have
desired for to speake with some of the Earle Marshalls freinds concerning the ren-
dicion of Dunnotter Castle, and that a cessation of armes might bee in the interim,
the Lord Morphey haueing engaged they shalbee upon the place by Wednesday next
for that purpose. I am content to prevent the effusion of blood, that there shalbee
noe act of hostility on my part untill that tyme: and if your intentions bee the same,
I desire to understand it in wrighting by this bearer. I am

May 15th 1652.

Your servant,

RI. DEANE.

S^r,

Having received the enclosed from the Lord Marshall, I thought fit to send it to you by a drumm of my owne. I expect your positive answere thereto by this bearer, and remain

May 15th 1652.

Your servant,

Ri. DEANE.

21. GEORGE OGILVY TO MAJOR GENERAL DEANE.—MAY 15, 1652.

HONORED SIR,

By the Laird of Morphie and Collonell Barclay ther persuasione and advise, I was pleased to condescend, that my Lord Marschall his freinds haveing such interest heir, he not being present, sould meitt and give ther judgment for preventing of the effusione of blood, which I shall be sorie sould be shed among Christians: As for cessatione from acts of hostilitie, I shall be content to condescend therto, providing you be pleased to call in your wholl people to the leager to the Blackhill, that non approach or dig any works, otherwayes blaim me not to hold them back. And in the mean tyme, that the neirest pairte of the countrey be not wronged, seeing they belong to my Lord Marschall and myself, and that you think upon those propositiones given to Morphie, as you shall wish me to be

Your servant,

Dunnoter, May 15th.

GEO. OGILVY.

S^r,

I have received my Lord Marshall his letter, anent the renditione of this hous, which I believe he could not refuse, being a prisoner, and possible forced therto by the Lord Generall: Bot seing ther ar mor concerned in this place than he, I cannot be satisfied therwith; alwayes to let yow sie how far I am for his good, and nowayis contraire to youres. If it shall please yow to procure libertie to my Lord Marischall to come for Scotland in freedome and not as prisoner, I shall be verie much ruled by him, and upon honorabill conditiones, which I maid knowne to yow befor by the Laird of Morphie, shall be content to enter a capitulatione, providing you remove your force from the schyr, and desist from further till his homecoming. If this sceme not satisfactorie, I must have patience, and comitt the event to the Lord, to whose providence I comitt myselfe, and remain

Your servant,

Dunotter. May 15th.

GEO. OGILVY.

22. ARTICLES OF AGREEMENT between Collonell Tho. Morgan in the behalfe of the Parlyment of the Commonwealth of England, and Captain George Ogilvy, Governor of Dunnotter Castle, for the Surrender theareof.

1. That the said Cap^t Ogilvy deliver up unto mee the Castle of Dunnotter, with all the ordnance, armes, ammunition, provisions, and all other utensells of warr, for the use of the Parlyment of the Commonwealth of England, upon Wednesday the 26 instant, by nine of the clocke in the morniog, without wast or imbasellment.

2. That the late Kings goods, with the Lord Marshalls, and all other goods within the said castle, shall be delivered to me, or whom I shall apoynt, for the use of the Parlyment of the Commonwealth of England.

3. That the Crowne and Scepter of Scotland, together with all other ensignes of Regallitie, be delivered unto mee, or a good account theareof, for the use of the Parlyment, &c.

4. That upon the true performance of the formentioned Articles, Cap^t George Ogilvy, with the officers and souldiers under his command, shall have liberty to march forth of the said Castle, att the lower apoynted, with flying collours, drom beateing, march lighted, completely armed, the distance of one mile, theare to lay downe their armes, and to haue passes to goe to their own homes, and theare to live without molestation, provided they act nothing prejudiciall to the Commonwealth of England.

5. That the said Capt Ogilvy shall (free from sequestration) enjoy all the personall estate which he hath now without the Castle of Dunnotter, and all such necessarie household stuffe of his owne which is now in the Castle, as shall be thought fit by mee, or by them whom I shall authorise to deliver them unto him.

Blackhill, att the
Leager, 24^o May, 1652.

THO. MORGAN.

APPENDIX. No. III.

PROCEEDINGS OF THE COMMITTEE OF ESTATES AND OF
THE PARLIAMENT OF SCOTLAND, IN FAVOUR OF MR JAMES
GRANGER, MINISTER OF KINNETH, AND CHRISTIAN FLET-
CHER HIS WIFE, 1660, 1661.

Edinburgh, 19th September 1660, Post meridiem.

SEDERUNT.

CHANCELOUR.	Colintoun.	Fairnie.	Jo. Bell.
Roths.	Cavers.	Aldie.	Dun. Nairne.
Buchan.	Whitslaid.	Neatoun.	Ja. Peadie.
Wigtoun.	Innis.	Rickartoun.	Al. Coninghame.
Tullibardin.	Skirline.		Da. Spence.
Haddingtoun.	Wdnie.		Ro. Whyt.
Galloway.	Strathurd.	Sir A. Ramsay.	Geo. Garden.
Dumfries.	Waughton.	Ro. Murray.	Da. Sympson.
Dalhousie.	Carden.	Jo. Jossey.	
Calander.	Stobs.	Hew Hamiltoun.	
Burghlie.	Polmais.	Jo. Milne.	
Belheaven.	Kilsyth.	Sir R. Ferwbar.	

Act Mr James Granger anent the Honouris.

THE Committee of Estats being informed that the Crown, Scepter and Sword, which are the antient honouris of this his Majesties kingdome, have in thir tymes of trable bygone, bene safely preserved by Mr James Granger, minister at Kinneth, and [Christian] Fletcher his wife: And that the said Mr James is desyreous the same should now be taken off his hand, and delyvered to such persones of trust as the Com-

mittie shall appoint for that effect. They doe therfor heirby give order and warrand to Sir Gilbert Ramesay of Balmayne elder, and James Peadie, baillie of Montrose, to repare to the said Mr James; and in name of the Committie rander him thanks for his carefull preservation of the saids honouris; and show him that they will with the best conveniency effectually recommend him to the Parliament, that ane gratuity for his paines may be given him: and to receive from him the forsaid honours, and make particular inventory therof; wheranent and for delyverie of the saids honouris thir presentis shall be to the said Mr James ane sufficient warrand and exoneration.

Order to Robert Keith anent the Honouris.

THE Committie of Estats doe heirby give order and warrand to Robert Keith of Whitrigs, Shireff deput to the Earle of Marishall, to receive from Sir Gilbert Ramesay of Balmayne, and James Peadie, Baillie of Monrosse, the honours of this kingdome, viz. Croun, Scepter and Sword, and to preserve them safely in his custodie within the Castle of Dunnottar, wuntill the Earle Marishall returne from England, or till further order from the said Committie or Estats of Parliament, wheranent thir presentis shall be his warrand.

At Edinburgh, 28th September, 1660.

Act for delyvering the Honouris to the Earle of Marishall.

THE Committie of Estates takinge to their consideration, that, by their order of the 19th of this instant, upon information that the Croun, Scepter and Sword, which are the antient honors of this his Majesties antient Kingdome, had in thir tymes of trouble bygone, bein saifellie preserved by Mr James Grainger, minister at Kinneth, and [Christian] Fletcher his wiffe; and that the said Mr James wes desireous the same should be taken aff his hand, and delyvered to such persones of trust as the Committie should appoint for that effect, did give order and warrand to Sir Gilbert Ramesay of Balmayne, elder, and James Peadie, baillie of Monrosse, to receive the said honors from the said Mr James; and lykwayes, that the said Committie, by their other order and warrand, the said day appointed Robert Keith of Whyterig, Shireff deput to the Earle Marishall, to receive the said honouris from the said Gilbert Ramesay

and James Peadie, and to preserve the same in the Castle of Dnnnotter untill the Earle Marishall returne from England, or till further order from the Committie or Estates of Parliament. And now the said Committie being more fully informed that the said honours wer in the custodie of the said Mr James, as trusted and employed in the preservation therof by the Countesse of Marishall, who, haveing received the key of that closet in the Castle of Dnnnotter wherin the saidis honouris lay, sent prively to her by the said Earle her some (when he wes taken prisoner at Eliot,) in order to the preserving of what wer there, contryved and ordered the safe conveyance of the said honours out of the said castle, (before it was randered,) and the committing therof to the trust and custodie of the said Mr James, as a persone in whom she reposed dureing the absence and imprisonment of her said sonne. And now that the said Earle hes aue order and warrand from his Majestie to the Countesse his mother, to delyver bak to him the said honouris, to be preserved in the said Castle, till his Majestie or Parliament further order theranent: And therupon the said Committie finding no necessitie of ther tuo orders abovementioned; Therfor the said Committie doe heirby recall and rescind ther said tuo former orders, and leave the said honors to be called for and disposed of by the said Earle, according to the trust and orders of Parliament, wherby the samen were committed to him and his Majesties warrand abovementioned.

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*Act of Parliament in favors of Christian Fletcher, spous of Mr James Granger,
Jan. 11, 1661.*

FORASMUCH as the Estates of Parliament doe understand that Christian Fletcher, spous to Mr James Granger, minister at Kinneth, wes most active in conveyeing the Royall Honors, his Majesties Croun, Sword and Scepter, out of the Castle of Dnnnotter, immediatly before it wes rendered to the English Usurpers, and that be her care the same wer hid and preserved: Thairfor the Kings Majestie, with advice of his Estates of Parliament, doe appoint tuo thousand merks scots to be forthwith payed unto her be his Majesties thesaurer out of the readiest of his Majesties rents, as a testimony of their sense of her service aforementioned.

APPENDIX. No. IV.

PROCEEDINGS OF THE PRIVY COUNCIL OF SCOTLAND, IN THE CAUSE, JOHN EARL OF KINTORE AGAINST SIR WIL- LIAM OGILVY OF BARRAS, KNIGHT—1702.

At Edinburgh, the 8th July, 1702.

SEDERUNT.

Her Majesties Commissioner.	E. Loudoun.	Lo. Advocat.
Lo. Chancellor.	E. Finlater.	Lo. Thesaurer Deput.
M. Annandale, P. S.	E. Northesque.	Lo. Justice Clerk.
M. Lothian.	E. Kintore.	Lo. Aberuchill.
E. Seafeld.	Vis. Roseberrie.	Lo. Halcraig.
E. Crawford.	Lo. Strathnaver.	Lo. Crocerig.
E. Erroll.	Lo. Montgomery.	Lo. Rankeilor.
E. Marr.	Lo. Forbes.	Lo. Phesdo.
E. Mortoun.	Lo. Ross.	Mr Fra. Montgomery.
E. Buchan.	Lo. Boyll.	Lo. Provost Edinburgh.
E. Eglingtoun.	Lo. President Session.	Lo. Meggins.

*Act in favours of the Earl of Kintore, for burning the Book emitted by Barras at
the Cross, by the hands of the Hangman.*

ANENT the lybell or letters of complaint, purchased and raised before the Lords of her Majesties Privie Counsell, at the instance of John Earle of Kintore, Knight Marishall of this ancient kingdom of Scotland, with concurrence of Sir James Stewart, her Majesties Advocat, for her Highnes interest, in the matter underwritten : That where every mans honour ought to be dear to him as his life, and that ane injurie by way of

defamation, in point of truth and honour, and tending to robb any person thereof, especially where his truth and honour is concerned as the most delicat and tender matters, is a most atrocious injurie, not only most sensible in the person injured, but aiming to expose him in the view and construction of all men ; and therefore, by the law of this and all other weell-governed realmes, most severely punishable : *NEVERTHELESS*, It is of verity that Sir William Ogilvy of Barras, Knight, is guilty of the forsaid cryme of defamation, and that in the most injurious and insolent manner, in so far as Sir George Ogilvie, father to the said Sir William, haveing been bred and brought up from a very low and obscure beginning by the deceast Earle Marishall, and in his family, and haveing about the year 1^m vj^c and fifty-one, been made livetenant of the garieson of Dunnottar by the said Earle, the keeper of the said castle, by this means the Honours of this said kingdom, viz. the Crown, Scepter and Sword, which, by King Charles the Second, when att that tyme goeing for England, were committed to the said Earle, to be secured in the said Castle of Dunnottar, fell to be in some maner under the charge of the said Sir George, according to the trust the Earle had reposed in him ; but the Earle haveing lodged the Honors in a secret place of the castle, and thereafter comeing to be unluckily surpris'd, with severall other noblemen, at Eliot, and with them made prisoners and carried to London, he was necessitat to send his privat orders, with the keys of that secret place where the Honors were, which he allwayes kept about him, to the Countes of Marishall his mother, prayeing her to take care of the Honours, it being no more in his power to look after them, whereupon she entrusted them to the care and keepeing of the said Sir George, is livetenant of the place as said is, who, though he received the said trust, yett in effect had proved very unluckie in it ; if the said Earle of Kintore, pursuer, then Mr John Keith, had not, albeit very young, by a happy foresight prevented the great hazard, in as much as when the Committie of States had about that tyme ordered the Lord Balcarras to receive the Honours out of the said Castle of Dunnottar, and the said Sir George was very much affraid to deny the Committies order, yet the said pursuer apprehending the danger, refused to give them out to the said Earle of Ballcarras, which did very visibly in the event prevent their falling into the English hands, when within a litle thereafter the Englishes became masters of all Scotland, the Honours haveing thus escaped this hazard, were still kept in the castle, but the English marching northwards towards Dunnottar, the forsaid Countes ordered the Honours to be convoyed privatly out of the way, which was done a few dayes thereafter by the

very faithfull assistance of one Mr James Grainger, a minister at Kinneff, who by his wife and his maid caused bring the Honours in a bundle of flax into his own house, and then lodged them in the church, with a very exact caution, and gave the Countes Marishall a receipt, bearing particularly the place of the kirk where they were lidd, and which indeed was the security of the Honours, through the good conduct of the Countes, and the faithful service of the minister and his wife, dureing the whole tyme of the English usurpation; for the English thereafter haveing besidged Dunnottar, it was surrendered by Sir George the livetenant, upon a very mean capitulation, and the livetenant was thereby bound to deliver the Honours, or give a rationall account of them; whereupon when Sir George and his wife were requyred, they asserted the Honours were carried abroad by the pursuer, and delivered to the King att Paris, which was indeed the contrivance that the complainer then advysed, and the principall cause of his goeing abroad. But Sir George not haveing at that tyme gott the Earles declaratione from Paris, he and his wife were kept prisoners untill the Earle wrott home from Paris, owneing that he had the Honours, and delivered them as said is, which proved the means of Sir George his liberatione: But the Earle having thus far concerned himselfe for the preservation of the Honours, he was constrained for to remain abroad for fear of the English, until the Earle of Midletoun came over to Scotland, and then the pursuer accompanied him in that expedition, in which he mett with severall hardshippes, being att first taken by the English, and then constrained to joyne with Generall Middleton and the rest in the hills, untill they were all defeat. Att which tyme the pursuer foreseeing his danger, fell upon a most happy contrivance both for the security of his own person, and likewayes for the safety of the Honours, for Generall Middleton being to leave Scotland, the pursuer took a receipt of the Honours under his hand, as if delivered to him att Paris by the King's order, so that when the pursuer came to be included in the Marques of Montrose capitulation, Generall Monk and Collonell Cobbat were very closs and severe upon him, but he producing Middletons receipt, and standing to it with a firm countenance and exact answers, he was includit in the capitulation, and thus the Honours were also secured till the Kings restoration in the year 1^m vj^e and sixty: Att which tyme the Countes of Marishall writes to the King to know his pleasure anent the Honours, and had a very kynd return of thanks for her good service, with orders to deliver the Honours to the Earle Marishall, Lord Privy Seale, but also gave the pursuer the patent of Knight Marishall, with ane honourable fee, and both in that patent and in the pursuer's patent, as

Earle of Kintore, his forsaid service and preservatione of the Honours is very honorably narrated, and the Lord Lyon was appoynted to give the pursuer Crown, Sceptor and Sword, as additions to his coat of armes. NOTWITHSTANDING whereof, the said Sir George Ogilvie not content with the acknowledgements he might pretend to for the small service he had done in the said matter, and which acknowledgement was also bestowed upon him, by his being made a Knight Barronet, and receiving some other reward and marks of his royall favour, had yett the confidence to send up his son, now the said Sir William, to London about the same tyme, and arrogating to himselfe the sole preservation of the Honours, and making his address to his Majesty by the Lord Ogilvie, thereafter Earle of Early, the Countess Marishall was necessitat to send to London a gentleman express, and also to give a true information of the whole matter to the Earle of Midletoun, for repressing Sir George his foresaid presumption and arrogancy, which was accordingly done ; for the Earle of Midletoun haveing represented the affair to the King, his Majestie refused to give any more ear to Sir George his false suggestions, which putt ane end to that attempt. If Sir George had kepted himselfe within bounds, nether the Countes of Marishall, who had that concern for him as to recommend him to his Majesties favor, nor any of the family of Marishall, would have grudged him the just reward of his faithfull and discreet service, but his arrogant impudence to have the whole care and good service of haveing preserved the Honours ascrybed to himselfe, with some other practises used at home for that effect, and thereby designeing to robb the Earles of Marishall and the pursuer of ther true merite, and belye his Majesties patent, was that which justly offended. But tho' Sir George was putt to silence, and did for many years thereafter content himselfe with the reward he had gott, without pretending any further, yet the said Sir William, his sone, bath of late had the confidence to cause print and publish a most foolish and reproachfull pamphlet, thereby reflecting on the memory of the said Countes of Marishall ; he also presumes openly to cast all the reproach and disgrace he can upon the pursuer, as if he had falsely ascribed to himselfe a concern and interest in preserveing the said Honours, and thereby surprised the King, and gott from him places and patents which he had no pretence to ; for, in his forsaid villanous pamphlet, *page tenth* and *eleventh*, he sayes, that the old Countes Marishall wrott to the King that her son John Keith (now the pursuer) had preserved the Honours, though he sayes, that the pursuer was then abroad, and knew nothing of the matter, and then adds, that the King, knoweing nothing of Sir George and his mother's

service, in respect they did not timely apply, did, upon the said Countes her misrepresentation, creat her son first Knight Marisball, and then Earle of Kintore, and ordered him a pension, for his pretended preservation of the Honours : And then this pamphlet gives ane accompt how the said Sir George practised the said minister, Mr James Grainger, and gott the Scepter from him, and likewayes surpris'd the Earle Marisball to give him a receipt of the haill Honours, as if these had been parts of his good services, whereas it's knowen, and can be made appear by write under Mr James Grainger's hand, that both these attempts were fraudulent, and purposely designed to support these false pretentions which the father Sir George did long since so impudently sett up; and now the sone doth no less insolently boast of, and this does most falsely and basely defame and reproach the pursuer, by offering to rob him of his just merite and honour, and likewayes to belye his Majesties patents in favours of the pursuer, and throw the blackest slander upon the pursuers name, honour, and fame : all which being evidently made out by the said pamphlett, whereof a printed coppie is herewith produced in the clerks hands, it is clear that the foresaid Sir William is guilty airt and part of a most injurious defamation and atrocious slander, which he ought not only to be made to retract as a manifest villany, but likewayes he ought to be further punished in his person and goods, at the sight of the Lords of her Majesties Privy Counsell, to the example and terror of others to committ the like in tyme comeing. As also the forsaid ignominious pamphlet ought to be brunt by the hand of the hangman, and all other [reparatioun] made to the said pursuer of his honour and good name, that can be proper against such an injurious and reproachfull undertaking. AND ANENT the charge given to the said defender to have compeared before the saids Lords of Privie Counsell, at ane certaine day bygone, to have answered to the poynts of the forsaid complaints, and to have heard and seen such order and course taken thereanent as the saids Lords of Privie Counsell should have thought fitt under the pain of rebellion, and putting of them to the horn, with certification, as in the said principall lybell and executions thereof at more length is contained. Which lybell being upon the day and date of thir presents, called in presence of the saids Lords of Privie Counsell; And the said pursuer compearing personally at the bar with Sir James Stewart, her Majesties Advocate, Sir David Dalrymple and Mr William Carmichaell, her Majesties Sollicitor, Mr Robert Forbes, Mr William Black, and Mr Patrick Leith, his advocats; And the said Sir William Ogilvie, defender, being oft tymes called, and not compearing personally, but by Sir David Thoires, Sir David

Cuninghame, Mr Francis Grant, and Mr Mungo Carnegie, his advocats, who produced two testificats, one of them under the hands of Mr Alexander Thomsone, Doctor of Medecine at Montrose, wherein he declares on soull and conscience, that the defender, Sir William Ogilvie, is under such a weakness and indisposition of body, that he cannot travell to Edinburgh without manifest danger of his life ; and the other under the hands of the minister and the elder of the paroch of Kinneff, wherein they also declare that he hes been valetndinary for these severall years bygone, and particularly since Martimes last, to the best of ther knowledge and skill, and that he is so weak, that he cannot travell to Edinburgh without manifest hazard of his life ; both dated at Barras the twenty-sixth of June, seventeen hunder and two years. And the pursuer, to verefie and instruct his lybell, produced ane patent of honour under his Majesties great seall, creating him Knight Marishall of the kingdom of Scotland, for the causes within and therein specefeit, dated att the Court of Whytehall, the second day of January sixteen hunder and sixty-six yeares. As also produced ane pamphlett, intituled, “ Ane true Accompt of the Preservation of the Regalia of Scotland, viz. the Crown, Scepter, and Sword, from falling into the hands of the English Usurpers, by Sir George Ogilvie of Barras, Knight and Barronet.” As also ane receipt granted by Mr James Grainger, minister att Kinneff, to the Countess Marishall, bearing him to have in his custody the Honours of the kingdom, viz. the Crown, Scepter, and Sword, and where the samen were absconded that the said Countess might have access thereto, dated the thirty-first day of March I^m. vi^c. and fifty-two yeares. And likewayes produced ane Declaration under the said Mr James Granger his hand, anent the way and maner of preserving of the Honoures by the Countes Marishall, dated the nyueteenth day of October, I^m. vi^c. and sixty yeares, with ane missive letter from the said minister to the said Countess Marishall, dated the twelth of November, I^m. vi^c. and sixty ; with ane other letter from the Earle of Midletoun to the said Countes Marishall, dated the fifteenth of November I^m. vi^c. and sixty, with two letters from his Majestie King Charles the Second to the said Countess Marishall, the one whereof, dated the fourth of January I^m. vi^c. and fifty-five, and the other the fourth of September I^m. vi^c. and sixty. AND the lybell, testificats produced for the defender, patent of honour, pamphlet, receipt and instructions above mentioned, being fully read in presence of his Grace, Her Majesties High Commissioner, and the Lords of Her Majesties Privie Counsell, and they having duely considered the samen ; His Grace Her Majesties High Commissioner, and the Lords of Her Majesties Privy Counsell, Ordains the said

pamphlett as injurious, ignominious and villanous, defameing the said Earle of Kintore, pursuer, to be brunt by the hands of the common hangman of the burgh of Edinburgh, at the Crosse of the said burgh, upon Fryday next, being the tenth instant, betwix the houres of eleven and twelve in the forenoon. And ordains the Magistrates of Edinburgh to see the samen effectuall and put to due execution upon the said day, as they will be ansuerable; and in respect of the certificats produced, continues the process against the Defender as to the personall conclusion against him, and the other points contained in the lybell, until the sixteenth of July instant.

Act in favours of the Earl of Kintore, for a Diligence to ceit Witnesses.

At Edinburgh, the 23d July, 1702.

ANENT the Petition given in and presented to the Lords of his Majesties Privie Council by John Earle of Kintore, SHOWING, That where the petitioner haveing raised a complaint against Barras, elder and younger, for printing, publishing, and dispersing a most defamatory pamphlet, and the same being called, ther is a testificat produced for Old Barras of his inability to travell; and the young man denyed the lybell. When this complaint was raised, the Earle of Kintore did not so much as think that a thing so palpable would have been denyed, and att first had no design of citeing any witnesses. And these few that were cited at random, whereof only three have compeared, and a second dilligence granted against the other two, so that is most necessar that the petitioner be allowed a new dilligence for citeing of some more witnesses, who may clearly prove the matter of fact contained in the lybell; And seing the committy have not yett mett, and none of the witnesses have yet deponed, and that the granteing of ther dilligence will nowayes protract but further the proces, and bring it to a conclusion, and therefore craueing to the effect after mentioned, as the said petition bears; The Lords of his Majesties Privie Counsell haveing considered this petition given in to them be John Earle of Kintore, they hereby grant and allow to the said petitioner, a dilligence for citeing of witnesses to compear before ther Lordships, and depone in the within process, and the Council assigns the twenty-eight day of July instant for that effect.

At Edinburgh, the 30th July, 1702.

SEDERUNT.

Lo. Chancellor.	E. Kintore.	Lo. Aberuchill.
E. Crawford.	Vis. Tarbat.	Lo. Rankeilor.
E. Marr.	Vis. Roseberry.	Lo. Phesdo,
E. Lauderdale.	Lo. Strathnaver.	Mr Fra. Montgomery.
E. Loudoun.	Lo. Forbes.	Ld. Steivenson.
E. Leivan.	Lo. Advocat.	Lo. Provost, Edinburgh.
E. Northesque.	Lo. Justice Clerk.	Ld. Meggins.

Decret.—The Earle of Kintore against Ogilvie of Barras.

ANENT the lybell or letters of complaint raised and persued before the Lords of her Majesties Privie Councill, at the instance of John Earle of Kintore, Knight Marishall of her Majesties ancient kingdom of Scotland, with concurrence of Sir James Stewart, her Majesties advocat for her highnes interest in the matter under written, Makeing Mention, that where every mans honour ought to be dear to him as his life, and that ane injury by way of defamation in poynt of truth and honour, and tending to robb any person thereof, specially where his truth and honour is concerned in the most delicat and tender matters, is a most atrocious injurie, not only most sensible to the person injured, but aymeing to expose him in the view and construction of all men, and therefore by the law of this and all other weell-governed realms, most severely punishable, Nevertheless, It is of verity, that Sir Wiliam Ogilvie of Barras, and David Ogilvie, his son, are guilty of the foresaid cryme of defamation, and that in the most injurious and insolent maner, in so far as Sir George Ogilvie, ffather to the said Sir Wiliam, havinge been bred and brought up from a very low and obscure beginning, by the deceast Earle Marishall, and in his famely, and havinge, about the sixteen hunder and fifty one, been made livetenant of the garieson of Dunnottar, by the said Earle, the keeper of the said castle; by this means the Honors of the said kingdom, viz. the Crown, Scepter, and Sword, which by King Charles the Second, when att that tyme goeing to England, were committed to the said Earle, to be secured in the said Castle of Dunnottar, fell to be in some maner under the charge of the said Sir George, according to the trust the Earle had reposed in him; but the Earle haveing

lodged the Honors in a secret place of the castle, and thereafter comeing unluckely to be surprized, with severall other noblemen, at Elliot, and with them made prisoners and carried to London, he was necessitat to send his private order, with the keyes of that secret place where the Honors were, which he alwayes kept about him, to the Countes of Marishall, his mother, praying her to take care of the Honors, it being no more in his power to look after them; wherewpon she intrusted them to the care and keeping of the said Sir George, as livetenant of the place as said is, who, though he received the said trust, yett in effect had proved very unluckie in it, if the said Earle of Kintore, persuer, then Mr John Keith, had not (albeit very young), by a happy foresight, prevented the great hazard, in as much as when the Comitty of Stats had about that tyme ordered the Lord Ballcarras to receive the honours out of the castle, Dunnottar, and the said Sir George was very much offended to deny the Comitties order; yet the said persuer, apprehending the danger, refused to give them out to the said Earle of Ballcarras, which did very visibly in the event prevent ther falling into the hand of the English, when within a litle thereafter the Englishes became masters of all Scotland. The Honors, haveing thus escaped this hazard, were still kept in the castle; but the English marching northward toward Dunnottar, the forsaid countes ordered the Honours to be convoyed privatly out of the way, which was done a few dayes thereafter, by the very faithfull assistance of one Mr James Grainger, minister at Kinneff, who, by his wife and his maid, caused bring the Honors in a bundle of flax to his own house, and then lodged them in the kirk, with a very exact caution, and gave the Countes of Marishall a receipt, beareing particularly the place of the kirk where they were hid, and which indeed was the security of the Honours, throw the good conduct of the Countes, and the good service of the said minister and his wife, dureing the whole time of the English usurpation; for the English thereafter haveing besiedged Dunnottar, it was surrendered by Sir George, the livetenant, wpon a very mean capitulation; and the livetenant was thereby bound to deliver the Honors, or give ane rationall accompt of them, wherewpon, when Sir George and his wife were required, they asserted that the Honors were caried abroad by the persuer, and delivered to the King at Paris, which was indeed the contrivance that the persuer had then advised, and the principall cause of his goinge abroad; but Sir George not haveing at that tyme gott the Earles declaration from Paris, he and his wife were kept prisoners until the Earle wrote home from Paris, ouneing that he had the Honors, and delivered them as said is, which proved the meanes of the said

Sir George his liberation ; but the Earle having this farr concerned himselfe for the preservation of the Honors, he was constrained to remain abroad for fear of the English, until the Earle of Midletoun came over to Scotland, and then the persuer accompanied him in that expedition, in which he mett with severall hardships, being at first taken by the English, and then constrained to joyn with Generall Midletoun and the rest, in the hills, untill they were all defeat ; att which tyme the persuer foreseeing his danger, fell upon a most happy contrivance, both for the security of his own person and likewayes the safety of the Honors ; for Generall Midletoun being to leave Scotland, the persuer took a receipt of the Honors under his hand, as delivered to him att Paris by the King's order, so that when the persuer cam to be includit in the Marques of Montrose capitulation, General Munk and Coll. Cobbet were very closs and severe upon him ; but he producing Midletouns receipt, and standing to it with a firm countenance and exact answers, he was includit in the capitulation, and thus the Honors were also secured, untill the Kings restoration, in the year sixteen hunder and sixty ; at which tyme the Countes of Marishall writes to the King to know his pleasure about the Honors, and had a very kynd returne of thanks for her good service, with orders to deliver the Honors to the Earle Marishall ; and the King being informed of what had passed, as is above narrated, he not only made the Earle of Marishall Lord Privie Seall, but also gave to the persuer the patent of Knight-Marishall, with an honorable fee ; and both in that patent, and in the persuers patent as Earl of Kintore, his foresaid service and preservation of the Honors is very honorably narrated, and the Lord-Lyon was appoynted to give the persuer the Crown, Scepter, and Sword, as ane addition to his coat of armes. Notwithstanding whereof, the foresaid Sir George Ogilvie, not content with the acknowledgement that he might pretend to for the small service he had done in the said matter, and which acknowledgement was also bestowed upon him by his being made a knight-barronet, and receiving some other rewards and remarks of his royal favor, had yett the confidence to send up his sone, now the said Sir William Ogilvie, to London, about the same tyme, and arrogating to himselfe the sole preservation of the Honors, and making his adress to his Majestie by the Lord Ogilvie, thereafter Earle of Airly, the Countess Marishall was necessitated to send to London a gentleman express, and also to give a true information of the whole matter to the Earle of Midletoun, for repressing Sir George his foresaid presumption and arrogancy, which was accordingly done ; for the Earle of Midletoun havinge represented the affair to the King, his Ma^{tie} refused to give any more ear to Sir George his

false suggestions, which putt ane end to that attempt. If Sir George had kept himselfe within bounds, neither the Countess Marishall, who had that concern for him as to recommend him to his Majesties favor, nor any of the famely of Marishall, would have grndged him the just reward of his faithfull and discreet service ; but his arrogant impudence to have the whole [care] and good service of haveing preserved the Honors ascribed to himself, with some other practisses used at home for that effect, and thereby designing to robb the Earles of Marishall and the persuer of ther true merite, and belye his Majesties patent, was that which justly offended ; but tho' Sir George was putt to silence, and did for many years thereafter content himselfe with the reward he had gott, without pretending any further, yett the said Sir Wiliam, his sone, and David Ogilvie, his grandchild, hath of late had the confidence to cause print and publish a most foolish and reproachfull pamphlet, whereby reflecting on the memory of the said Countes of Marishall. They also presume openly to cast all the reproach and disgrace they can upon the persuer, as if he had falsely ascribed to himself a concern and interest in preserveing the said Honors, and thereby surprized the King, and gott from him places and patents which he had no prentence to ; for in ther forsaid villanous pamphlett, page tenth and eleventh, they say that the old Countes wrott to the King, that her son [John] Keith (now the persuer) had preserved the Honors, tho' they say that the persuer was then abroad, and knew nothing of the matter ; and then adds, that the King, knoweing nothing of Sir George and his wife's service, in respect they did not timely apply, did, vpon the said Countes her misrepresentation, creat her sone first Knight Marishall, and then Earle of Kintore, and ordered him a pension for his pretended preservation of the Honors. And then this pamphlett gives ane accompt, how the said Sir George practised the said Minister, Mr James Grainger, and gott the Scepter from him ; and likewise surprized the Earle Marishall to give him ane receipt of the hail Honors, as if these had been parts of his good services ; Whereas it is knowen, and can be made appear by write, under Mr James Grainger's hand, that both these attempts were fraudulent, and purposely designed to prevent these false pretentions, which the father, Sir George, did so impudently sett up, and now the sone and grandchild doeth no less insolently boast of ; and this does most falsely and basely reproach and defame the persuer, by offering to robb him of his just merite and honor ; and likeways to belye his Majesties patents in favors of the persuer, and throw the blackest slander upon the persuers name, honor and fame. All which being evidently made out by the said

pamphlett, whereof a printed coppie is herewith produced in the Clerks hands, it is clear that the forsaid Sir William and David Ogilvies are guilty airt and parte of the most injurious defamation and atrocious slander, which they ought not only to be made to retract as a manifest villany, but likewise they ought to be farder punished in their persons and goods, at the sight of the Lords of Privie Council, to the example and terror of others to committ the like in tyme comeing ; as also the forsaid ignominious pamphlett ought to be brunt by the hand of the hangman, and all other reparation made to the said persuer of his honor, fame, and good name, that can be proper against such ane injurious and reproachfull undertaking.—AND ANENT the charge given to the haill forenamed defenders to have compeared personally, att ane certain day bygone, before the saids Lords of Privie Council, to have answered to the poyntis of the forsaid complaint, and to have heard and seen such order and course taken yranent, as the saids Lords should have thought fitt, under the pain of rebellion, and putting of them to the horn, with certification, as is in the said principal lybell and executions thereof att more length is contained ; which lybell being upon the twenty-first of July called in presence of the saids Lords of her Majesties Privie Council, and the saids Earle of Kintore, persuer, compeareing personally with Sir James Stewart, her Ma^{ties} advocat, Sir David Dalrymple, Mr William Carmichaeil, Mr Robert Forbes, Mr William Blak, and Mr Patrick Leith, advocats, his pr^{ors} ; and the said David Ogilvie, one of the defenders, compeareing also personally att the barr with Sir David Thoires, Sir David Cuningham, and Mr Francis Grant, advocats, his pr^{ors}, who at the barr declaired and owned the pamphlett within lybelled on to be injurious, ignominious, and villanous defameing the said Earle of Kintore ; and that this defender att the barr would disown the same, and that he had no concerne therein ; And the said David Ogilvie, as said is, being present att the bar, and he being enquired att if he owned and adheared to what his saids advocats had declaired, he answered that he did adhear to what his saids pr^{ors} had said in his name, who also produced ane certifiat and declaration upon soull and conscience, subscrivit by Mr Alexander Thomson, Doctor of Medicine, wherein he declaires that the other defender, Sir William Ogilvy, is not able to travell to Edinburgh without endangereing his life, in respect of his indisposition and weakness of body ; And the said lybell being read, and both parties pr^{ors} fully heard att the barr, the saids Lords have admitted, and hereby admits the same to probation ; and the witnesses cited being called, compeared att the barr as marked in the roll, did make faith, the Council nominats and appoynts the Earles of Marr, Leivan, and Hyndfoord, Viscount of Tarbat, and Lord Forbes, and

Lord Provost of Edinburgh, to be a commity to examine the witnesses; and recomends to the said committie to meet to-morrow att ten in the forenoon, and declaires any two (of) them a quorum, and reserves all objections against the said witnesses to be discussed before the said committie, and grants letters of second dilligence against the witnesses cited, and not compeareing as they are marked in the roll, and assigns the day of next to come for that effect; and the witnesses having compeared, deponed in maner mentioned in ther oathes and depositiones: And the saids Lords of Privie Council having this day advysed the proces att the instance of the said John Earle of Kintore, against the said Sir Wiliam Ogilvie of Barras, and David Ogilvie, younger thereof, his sone; and the saids Lords having heard and considered the depositions of the witnesses aduced in the said matter, read in their presence, and having also considered the said lybell and hail steps of the proces, and the informations for both parties in the said proces being fully read, and the saids Lords finds the said lybell sufficiently proven against the said David Ogilvie, one of the defenders; And the saids Lords have fyned and americiated, and hereby ffynes and americiats, the said David Ogilvie, younger of Barras, one of the defenders, in the soume of twelve hundreth pounds Scots; and have decerned and ordained, and hereby decerns and ordains, the said David Ogilvie, defender, to make payment of the said soume of twelve hundreth pounds money forsaid to the said John Earle of Kintore, pursuer, for the expenses and damnages he has sustained; and ordeans the said David Ogilvie, defender, to be committed prisoner to Edinburgh tolbooth, therein to remain, ay and while the said defender make payment of the said soume to the said persuer, as said is, or give sufficient security to the said John Earle of Kintore for the samen; and farder to remain therein dureing the Councils pleasure; and the saids Lords gives orders and warrand to macere of Privie Council, or messengers at armes, and ordains and requires all Shereffs of shyres and ther deputs, and other magistrats and ministers of the law, to search for, take, and apprehend and commit to prison, the person of the said David Ogilvie, younger of Barras, prisoner to any tolbooth within the kingdom, therein to remain, ay and while he make payment, or give security and satisfaction as above, and dureing the Councils farther pleasure thereanent; And ordains letters of horning on fifteen dayes, and others needfull, to be direct hereon in form as effeirs.

APPENDIX, No. V.

INSTRUMENTS RELATIVE TO THE DELIVERY OF THE REGALIA OF SCOTLAND, AND THEIR DEPOSITION IN THE CROWN ROOM OF THE CASTLE OF EDINBURGH—M.DCC.VII.

I. PROCURATORY BY THE EARLE MARISCHALL TO WILLIAM WILSON, ANENT THE DELIVERY OF THE REGALIA.—25 MARCH, 1707.

WE William Earle Marischall Lord Keith and Altrie &c. great marischall of the kingdome of Scotland, and heretable keeper of the Regalia thereof viz. Croun, Scepter and Sword of State by thir presentis give full power warrand & commissioun to you William Wilson one of the under Clarkis of sessione our deput marischall for us in our name and upon our accompt at and upon delivery up of the said regalia to the lord thesaurer, deput or any otheris to be appoynted by the lords commissioners of her Majesties thesaury for receaving thereof into the croune room of the castle of Edinburgh to take instrumentis that our delivery up of the honoris to the lords commissioneris of the thesaury to be by them lodged in the castle of Edinburgh shall not inavallidat or be prejudiciall to our heretable rycht of keeping the said regalia both in tyme of parliament and the intervallis ather in our castle of Dunotter, as hitherto our ancestors have done, or any where else within this kingdome of Scotland that we and our successours shall think secure and convenient As also in the termes of the act ratifying the union betuixt this kingdome of Scotland and that of England quhairby it is stipulat & agried by both parliaments, that the Croun, Scepter, & Sword of state shall be continowed to be kepted as they are at present within this kingdome of Scotland & that they shall so remane in all tyme coming notwithstanding of the union to protest that the said Croun, Scepter, and Sword of state may remaine within the said crown roome of the said castle of Edinburgh and in case any exigency of the government may require that the samen be transported to any other secure place within

this kingdome of Scotland that the samen may not be done or the regalia transported untill intimatioun be made to us to the effect we may attend and see them safely transported from Edinburgh to & securely lodged in any other place within this kingdome And sicklyke we ordain you the said Williame Wilsone to intimat thir presentis from tyme to tyme to the governouris or governour deputis of the said castle of Edinburgh that they may not pretend ignorance for the quhilk thir presentis shall be to you a sufficient warrand In witness quhereof thir presentis written be M^r John Corsar writer in Edinburgh are subscribed by us and our seall is hereunto affixed at the abbay of Holyrood house the twenty fift day of March I^m vii^e & sevin yeirs before thir witnesses Captain John Bruce Andrew Greme writer in Edinburgh and the said M^r John Corsar Subscribitur Marischall—sealed with his seal. J. Bruce witness Andrew Greme witness J. Corsar witness.

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2. INSTRUMENT UPON LODGING THE REGALIA IN THE CASTLE OF EDINBURGH.—
26 MARCH 1707.

AT THE CASTLE of Edinburgh and within the Crown roume there betwixt the hours of one and two afternoon of the twenty sixth day of March in the one thousand sevin hundreth and seventh year of our Lord and sixth year of the reign of her Majesty Anne by the grace of God Queen of Scotland England France and Ireland Defender of the Faith.

THE WHICH DAY in presence of us notarys publick and witnesses under subscribing COMPEARED personally William Wilson one of the under clerks of Session Depute Marischal for himself as procurator for and in name and behalf of WILLIAM EARL MARISCHAL lord Keith and Altrie &c. great Marischall of the Kingdom of SCOTLAND heritable keeper of the Regalia thereof viz. Crown Sceptre and Sword And there in presence of David Earl of Glasgow lord Boyle &c. Lord Thesaury depute Who for himself and in name of the remanent Lords Commissioners of the Thesaury was present to receive the above regalia. The said William Wilson after producing and reading a procuratory granted by the said Noble Earl to him of the contents therein and after mentioned dated and registred in the books of Council and Session

on the twenty fifth day of March instant DID also produce to the said Lord Thesaurer depute A Schedule signed by him and us notarys publick under subscribing containing an Inventory and particular description of the said REGALIA as follows THE IMPERIAL CROWN OF SCOTLAND Is of pure gold enriched with many precious stones diamonds pearls and curious enamblings Its parts and specifick forms are these PRIMO Its composed of a large broad circle or fillet which goes round the head adorned with twenty two large precions stones, viz. topazes amethysts garnets eneraulds rubbies and hyacinths in collets of gold of various forms and with curious enamblings and betwixt each of these collets and stones are interposed great oriental pearls one of which is wanting SECUNDO Above the great circle there is another small one formed with twenty points adorned with the like number of diamonds and saphyrs alternately and the points are topped with as many great pearls after which form are the coronets of our Lords Barons TERTIO The upper circle is releavat or heightened with ten crosses floree each being adorned in the center with a great diamond betwixt four great pearls placed in cross X 1 and 1 but some of the pearls are wanting and the number extant upon the upper part of the Crown besides what are in the under circle and in the cross patee ar fifty one and these crosses floree are interchanged with other ten high flours de lis all alternative with the foresaid great pearls below which top the points of the second small circle. NOTA This is said to be the ancient form of the Crown of Scotland since the league made betwixt Achaius King of SCOTS and Charles the great of France the specifick form of our Crown differing from other Imperial Crowns in that it is heightened or raised with crosses floree alternatively with flour de lis The crown of France is heightened only with flour de lis and that of England with crosses patee alternatively with flours de lis Our Crown of Scotland since King James the sixth went to England has been ignorantly represented by herauld painters engravers and other tradesmen after the form of the crown of England with crosses patee whereas there is not one but that which tops the mond but all crosses floree such as we see on our old coins and these which top our old churches These crowns were not anciently arched or closs Charles the eight of France is said to be the first in France who took a closs crown as appears by his medals coined in the year one thousand four hundred and ninety-five being designed IMPERATOR ORIENTIS Edward the fifth in England in the year one thousand four hundred and eighty three carried a closs Crown as is observed by Selden And our Crown is arched thus QUARTO From the upper circle proceed four arches adorned

with enambled figures which meet and close at the top surmounted with a mond of gold or cœlestial glob enambled blew semee or powdered with stars crossed and enambled with a large cross patee adorned in the extremities with a great pearl such a cross tops the Church of Holyrudehouse and cantoned with other four in the angles In the center of the cross patee there is a square amethyst which points the fore part of the crown and behind or on the other side is a great pearl And below it on the foot of the paler part of the cross are these characters J R 5 by which it appears King James the fifth was the first that closed the crown with arches and topped it with a mond and cross patee But it is evident primo That the money and medals coined in the reigns of King James the third and fourth have a closs crown and it's no less clear that the arches of the Crown were not put there from the begining or at the making of the Crown because primo they are tacked by tacks of gold to the ancient crown Secundo the workmanship of the arch is not so good, and there is a small distinction in the fineness betwixt the first and the last the latter being superfine Gold and the other not so exactly to that standard, whereof tryal has been made QUINTO The tire or bonnet of the Crown was of purple velvet but in the year J^m vi^c and eighty five it got a cap of crimson velvet adorned as before with four plates of gold richly wrought and inambled And on each of them a great pearl half inch in diameter which appear between the four arches and the bonnet is turned up with ermine Upon the lowest circle of the crown immediately above the ermine there are eight small holes disposed two and two together on the four quarters of the crown in the middle space betwixt the arches to which they have laced or tyed Diamonds or precious stones The crown is nine inches broad in diameter being twenty-sevin inches about and in hight from the under circle to the top of the cross patee six inches and an half It always stands on a square cushion of crimson velvet adorned with fringes and four tassels of gold threid hanging down at each corner THE SCEPTER The stalk or stem of the scepter being silver double overgilt is two foot in length of hexagon form with three buttons or knops answering thereto Betwixt the first button and the second is the handle of hexagon form furling in the middle and plain Betwixt the second button and the third there are three sides engraven that under the Virgin Mary one of the statues that are on the top of the stalk is the letter J Upon the second side under Saint James the letter R and on the third under Saint Andrew the figure 5 The side betwixt J & R is ingraven with fourteen flours de lis and on the side betwixt the figure 5 and the letter J are ten thistles continued from one stem from

the third button to the capital the three sides under the statues are plain and on the other three are antique engravings viz. sacramental cups antique Medusa's heads and rullion foliages Upon the top of the stalk is an antique capital of leaves embossed upon the abacus whereof arises round the prolonged stem surrounded with three statues First that of the blessed Virgin crowned with an open crown holding in her right arm OUR BLESSED SAVIOUR and in her left hand a mond ensigned with a cross Next to hir on her right hand stands the Statue of Saint Andrew in an apostolical garment and on his head a bonnet like a Scots bonnet holding in his right hand a cross or Saltire, a part whereof is broke off and in his left elevat a book open On the blessed Virgin's left hand Saint Andrew's right hand stands another statue seeming to represent Saint James with the like apostolical garment and a hanging neck superadded thereto And upon his head a little hat like to the Roman pilium In his right hand half elevat a book open and in his left a pastoral staff the head is broke off And above each statue being two inches and a half excepting the Virgin which is a little less the finishing of a Gothick nitche Betwixt each statue arises a rullion in forme of a dolphine very distinct in length four inches foliage along the body their heads upward and effronted inward and the turning of their tails ending in a rose or cinquefoil outward Above these rullions and statnes stands another hexagon button or knot with oak leaves under every corner and above it a crystal globe of two inches and a quarter diameter within three barrs jointed above where it is surmounted with six rullions and here again with an oval glob topped with an oriental pearl an half inch diameter The whole scepter in length is thirty four inches THE SWORD The sword is in length five foot The handle and pommel are of silver overgilt in length fifteen inches The pommel is round and somewhat flat on the two sides On the middle of each there is of embossed work a garland and in the center there have been two inabled plates which are broke off The traverse or cross of the sword being of silver overgilt is in length seventene inches and an half its form is like two Dolphins the heads joining and their tails end into accorns. The shell is hinging down towards the point of the sword formed like an escalop flourished or rather like a great oak leaf On the blade of the sword are indented with gold these letters JULIUS, II : P The Scabbard is of crimson velvet covered with silver gilded and wrought in philagram work into branches of the oak tree leaves and accorns On the scabbard are placed four round plates of silver overgilt two of them near to the crampit are enabled blue and thereon in golden characters Julius II. Pon : Max : N. At the mouth of the scab-

bard opposite to the heek is a large square plate of silver enambled purple in a cartouch azur an oak tree eradicated and fructuated or and above the cartouch the papal ensigne viz. Two keys in saltire adossee their bowels formed like roses or cinquefoils tyed with trappings and tessells hanging down at each side of the cartouche Above the keys is the papal tiar environed with three crowns with two labells turned up adorned with crosses. Pope Julius the second who gifted this sword to King James the fourth had for his armorial figures an oak tree fructuated which is the reason the sword is adorned with such figures A hill and a star Which figures I find not on any part of the sword If they [have] been on the two enambled plates which are lost off from the pomell I know not But its certain this pope had such figures as appears by those verses made by Voltoline a famous Italiane poet as the same are mentioned by Hermanus Hermes a German writer who gives us these lines found in the monastery Quercus mons stella formant tua stemmata princeps, hisque tribus trinum stat diadema tuum, Tuta navis petri medijs non flectitur undis, mons tegit a ventis stellaque monstrat iter AND thereafter UPON DELIVERY of the above Regalia to the said Lord Thesaurer depute and upon lodging thereof with the foresaid description of the same in an orderly manner in a chist within the said crown roome the said William Wilson as procurator for and in name and behalf of the said Earl Marischall and in the terms of his said procuratory PROTESTED that the delivering up of the regalia foresaid shall not invalidat or be prejudicial to the said Earl Marischall his heritable right of keeping thereof both in tyme of Parliament and intervals either in the said Earl his castle of Dunnotter as litherto his ancestors have done or any where else within the Kingdom of Scotland that his Lordship and his Successors shall think secure and convenient As also in the terms of the act ratifying the Union betwixt this Kingdom of Scotland and the Kingdom of England whereby it is stipulated and agreed by both parliaments that the Crown Scepter and Sword of state shall be continued to be kept as they are at present within this Kingdom of Scotland and that they shall so remain in all time coming notwithstanding of the union PROTESTED That they shall remain within the said crown roume of the castle of Edinburgh And in case the government shall find the transportation thereof from Edinburgh castle to any other secure place within this Kingdom at any time hereafter necessary PROTESTED also That the same may not be done untill intimation be made to the said Earl Marischal and his successors to the effect his Lordship or they may attend and see them safely transported and securely lodged And made due and lawful intima-

tion of the premisses to colonel James Stewart deputy Governor of the said castle then present that he might not pretend ignorance AND ALSO as procurator foresaid and likewise for himself as continued keeper of the said Regalia by deputation from the said Earl Marischal and the deceast George Earl Marischal his father since the third of August 1^m vi^e and eighty-one in the reigns of King Charles the Second King James the seventh King William and Queen Mary and of her present Majesty Queen Anne DECLARED that the same were now delivered to the said David Earl of Glasgow Lord Thesaurer depute for himself and in name foresaid, in the same state case and condition He then received the same and offered to give his oath That he the said William Wilson nor none to his knowledge has ever directly or indirectly embazelled or taken away from the said Regalia any of the jewels pearls or others appertaining thereto And therefore seeing he had with exact care and continued fidelity and honesty discharged the said trust reposed in him DID PROTEST to be liberated and exonered for his administration in the said office during the same in all time coming as but prejudice to the said Earl Marischal of keeping the same in all time coming as formerly by himself and the said William Wilson as his depute or any other whom his Lordship shall appoint AND UPON all and sundry the premisses the said William Wilson and as procurator for and in name and behalf of the said William Earl Marischal asked and took instruments ane or mae in the hands of us notarys publick under subscribing. Thir things were done place and time above mentioned BEFORE and in presence of M^r David Leslie son to the Earl of Leven Governour of the castle of Edinburgh Sir James Mackenzie Knight and Baronet Clerk of the Thesaury George Allardice of that ilk Captain John Cockburn son to the deceast M^r John Cockburn advocate Francis Dunlop of that ilk William Morrison of Prestongrange James Malcolm of Grange and Captain Patrick Auchmoutie two of the Earl Marischal's battoniers John Barclay of Cullairnie Patrick Durham of Omachie M^r George Erskin son to Sir John Erskin of Balgounie deceast William Murray writer to the signet Thomas Gibson writer in Edinburgh son to the deceast Sir Alexander Gibson of Paintland one of the clerks of Session Mungo Smith John Reid Walter Murray and Robert Bull merchants in Edinburgh M^r John Corsar Alexander Keith George Forbes Alexander Farquharson and Alexander Johnston writers there John Hog and David Grahame macers of privy council Charles Maitland John Adam Andrew Graham of Jordanstoun and Patrick Grant of Bonhard four macers of session John Lethan her Majesty's smith David Graham eldest lawful son to the said David Graham macer of

privy Council William Robertson son to William Robertson one of the under clerks of session Robert Douglas eldest lawful son of captain Robert Douglas of Millrig merchant in Edinburgh With diverse others witnesses specially called and required to the premisses.

Et ego vero Alexander Baillie clericus Edinburgensis diocesis notarius publicus auctoritate regali ac per Dominos Concilij et Sessionis secundum tenorem acti parliamenti admissus Quia præmissis omnibus et singulis dum sic ut præmittitur dicerentur agerentur et fierent una cum prenominate testibus personaliter interfui eaque omnia et singula præmissa Sic fieri vidi scivi et audivi ac in notam cepi ideoque hoc presens publicum instrumentum manu mea fideliter scriptum exinde confeci et in hanc publici instrumenti formam adjecto comotariorum subscribentium redegī signoque nomine et cognomine meis solitis et consuetis signavi et subscripsi In fidem robur et testimonium veritatis omnium et singulorum præmissorum rogatus et requisitus Al. Baillie No^{rius} Pub: Consulto.

Et ego vero Joannes Corse clericus Edinburgensis diocesis notarius publicus ac per Dominos Concilij et Sessionis secundum tenorem acti parliamenti admissus Quia præmissis omnibus et singulis dum sic ut præmittitur dicerentur agerentur et fierent una cum prenominate testibus personaliter interfui eaque omnia et singula præmissa Sic fieri vidi scivi et audivi ac in notam cepi ideoque hoc presens publicum instrumentum [manu] Magistri Alexandri Baillie predicti fideliter scriptum exinde cum conotariis subscriben. confeci Et in hanc publicj instrumenti formam redegī signoque nomine et cognomine meis solitis et consuetis signavi et subscripsi In fidem robur et testimonium veritatis omnium et singulorum præmissorum rogatus et requisitus Manet post funera virtus John Corss Nottar Publict.

Et ego vero Gulielmus Brown clericus Sth Andree diocesis notarius publicus auctoritate regali ac per Dominos Concilij secundum tenorem acti parliamenti admissus Quia præmissis omnibus et singulis dum sic ut præmittitur dicerentur agerentur et fierent una cum prenominate testibus presens personaliter interfui eaque omnia et singula præmissa sic fieri vidi scivi et audivi ac in notam cepi ideoque hoc presens publicum instrumentum (manu predicti Magistri Alexandri Baillie fideliter scriptum) exinde confeci Et in hanc publicam instrumenti formam redegī signoque nomine et cogno-

mine meis solitis et consuetis signavi et subscripsi In fidem robur et testimonium veritatis omnium et singulorum premissorum rogatus et requisitus Dominus providet W. B. N. P.

Et ego vero Georgius Cockburne clericus Edinburgensis diocesis notarius publicus auctoritate regali ac per Dominos Concilii et Sessionis secundum tenorem acti parliamenti admissus Quia premissis omnibus et singulis dum sic ut premittitur dicerentur agerentur et fierent una cum prenominate testibus presens personaliter interfui eaque omnia et singula premissa sic fieri vidi scivi et audivi ac in notam cepi ideoque hoc presens publicum instrumentum manu predicti magistri Alexandri Baillie fideliter scriptum exinde confeci Et in hanc publicam instrumenti formam redegei signoque nomine et cognomine meis solitis et consuetis signavi et subscripsi In fidem robur et testimonium veritatis omnium et singulorum premissorum rogatus et requisitus. Deus mihi est omnia G. C. N. P.

Et ego vero Alexr Alisone clericus Dunkeldensis diocesis notarius publicus auctoritate regali ac per Dominos Concilij et Sessionis secundum tenorem acti parliamenti admissus Quia premissis omnibus et singulis dum sic ut premittitur dicerentur agerentur et fierent una cum prenominate testibus presens personaliter interfui eaque omnia et singula premissa sic fieri vidi scivi et audivi ac in notam cepi ideoque hoc presens publicum instrumentum (manu predicti magistri Alexandri Baillie fideliter scriptum) exinde cum conotariis confeci et in hanc publici instrumenti formam redegei signoque nomine et cognomine meis solitis et consuetis signavi et subscripsi In fidem robur et testimonium veritatis omnium et singulorum premissorum rogatus et requisitus Veritas vincit Alexr Alisone N. P.

Et ego vero Robertus Bannatyne clericus Edinburgensis diocesis notarius publicus auctoritate regali ac per Dominos Concilij et Sessionis secundum tenorem acti parliamenti admissus Quia premissis omnibus et singulis dum sic ut premittitur agerentur dicerentur et fierent una cum prenominate testibus presens personaliter interfui Eaque omnia et singula premissa sic fieri vidi scivi et audivi ac in notam cepi ideoque hoc presens publicum instrumentum manu predicti magistri Alexandri Baillie fideliter scriptum exinde confeci et in hanc publicam instrumenti formam redegei signoque nomine et cognomine meis solitis et consuetis signavi et subscripsi In fidem robur et

testimonium veritatis omnium et singulorum præmissorum rogatus et requisitus Quod vidi testor R. B. N. P.

Et ego vero Vilielmus Robertson clericus Aberdonensis diocesis notarius publicus auctoritate regali ac per Dominos Concilij secundum tenorem acti parlamenti admissus Quia premissis omnibus et singulis dum sic ut premittitur agerentur dicerentur et fierent una cum prenominitis testibus presens personaliter interfui Eaque omnia et singula premissa sic fieri vidi scivi et audivi ac in notam cepi ideoque hoc presens publicum instrumentum manu predicti magistri Alexandri Baillie fideliter scriptum exinde confeci et in hanc publicam instrumenti formam redegi signoque nomine et cognomine meis solitis et consuetis signavi et subscripsi In fidem robur et testimonium veritatis omnium et singulorum præmissorum rogatus et requisitus Dominus providebit W. R. N. P.

James Malcolm witness	Al. Farquarson witness	Pat. Grant witness
Robert Douglas witness	Jo. Cockburn witness	John Barclay witness
P. Auchmout witness	William Murray witness	J. Adam witness
J. Corsar witness	George Erskine witness	John Hog witness
An. Græme witness	Walter Murray witness	Mungo Smith witness
A. Cockburne witness	Tho. Gibson witness	John Letham witness
John Reid witness	Alex. Keith witness	
F. Dunlop of that Ilk witness	Pat. Durham witness	

APPENDIX, No VI.

ROYAL WARRANT FOR OPENING THE CROWN ROOM IN THE CASTLE OF EDINBURGH, AND REPORT THEREUPON.— M.DCC.XCIV.

I. WARRANT FOR OPENING THE CROWN ROOM IN THE CASTLE OF EDINBURGH.
5 NOVEMBER 1794.

GEORGE R.

WHEREAS it has been humbly represented to Us, That the Records of our ancient Kingdom of Scotland were formerly kept within our castle of Edinburgh in a room there known by the name of the Crown Room; That many of these Records were at different times removed from thence to other apartments more accessible and convenient, but that it is not certainly known whether all the Records kept within our said castle were so removed; That there is evidence of several Records of Royal Charters and others belonging to our said ancient kingdom having existed at the time when our Records were kept within our said castle, but which are not now among the other Records in our General Register House at Edinburgh; That this renders it proper to have the said Crown Room within our said castle of Edinburgh inspected in order to discover whether any Records do still remain there; but that Room having now been for a long period unopened, it is thought necessary, that our Royal Warrant should be issued for opening and inspecting the same, We do therefore hereby grant warrant to and authorize our right trusty and right entirely beloved cousin Henry Duke of Buccleugh Knight of the most noble order of the Garter, Lord Lieutenant of our county of Mid Lothian, or our Lord Lieutenant for the said county for the time being, our right trusty and right entirely beloved cousin Alexander Duke of Gordon Keeper of our Great Seal or our Keeper of the Great Seal for the time being,

our right trusty and well beloved Councillor James Stewart Mackenzie Keeper of our Privy Seal, or the Keeper of our Privy Seal for the time being, our right trusty and well beloved Councillor Frederick Campbell (commonly called Lord Frederick Campbell) Lord Clerk Register, or our Clerk Register for the time being, our right trusty and well beloved Councillor Henry Dundas Keeper of our Signet, or the Keeper of the Signet for the time being, our trusty and well beloved General Adam Gordon (commonly called Lord Adam Gordon) Commander in Chief of our Forces in Scotland, or our Commander in Chief for the time being, our right trusty and right well beloved cousin Archibald Earl of Eglintoun, Governor of our said castle of Edinburgh, or our Governor thereof for the time being, the Lieutenant Governor of the said castle for the time being; our right trusty and well beloved Thomas Elder Esq. Lord Provost of Edinburgh, or the Lord Provost of Edinburgh for the time being, Ilay Campbell of Succoth, Esq. Lord President of the Court of Session, or the Lord President for the time being, James Montgomery of Stenhope Esq. Lord Chief Baron of our Court of Exchequer, or our Lord Chief Baron for the time being, Robert McQueen of Braxfield Esq. our Justice Clerk, or our Justice Clerk for the time being, Robert Dundas of Arniston Esq. our Advocate, or our Advocate for the time being, and Robert Blair Esq. our Solicitor General, or our Solicitor General for the time being, or any three of them to open and inspect the said Crown Room within our said castle of Edinburgh, and the same being so opened we do hereby order and direct an exact account of the state of the said Room to be drawn up in writing together with a particular Inventory of such Records or Papers as shall be found therein. Given at our Court at Saint James's the 5th day of November 1794 in the thirty-fifth year of our Reign.

By His Majesty's Command,

PORTLAND.

2. REPORT BY THE COMMISSIONERS FOR OPENING THE CROWN ROOM IN THE CASTLE OF EDINBURGH.—22 DECEMBER 1794.

WITHIN the Lord Clerk Register's Office in the General Register House at Edinburgh, on Monday the twenty-second day of December in the year Seventeen hundred and ninety-four, between the hours of ten and eleven before noon, convened as Commissioners after mentioned, in consequence of a letter of intimation from his Majesty's Advocate, the following noblemen, Officers of State, and gentlemen, viz. His

Grace the Duke of Buccleugh, Lord Lieutenant of the county of Mid Lothian; the Right Honourable Lord Adam Gordon, Commander in Chief in Scotland; Colonel Hugh Montgomery, Lieutenant Governor of the Castle of Edinburgh; the Right Honourable Sir James Stirling, Baronet, Lord Provost of the city of Edinburgh; the Right Honourable Hay Campbell, Lord President of the Court of Session; the Right Honourable James Montgomery, Lord Chief Baron of the Court of Exchequer; the Right Honourable Robert M^cQueen, Lord Justice Clerk; the Right Honourable Robert Dundas, his Majesty's Advocate; and Robert Blair, Esq. his Majesty's Solicitor General for Scotland; to whom the Lord Advocate presented and read a warrant superscribed by his Majesty, subscribed by the Duke of Portland, one of his Majesty's principal Secretaries of State, and sealed with his Majesty's cachet, dated at St James's the fifth of November in the year one thousand seven hundred and ninety-four, intitled at the bottom of its first page and on its back, "Warrant for opening Crown Room in the Castle of Edinburgh;" of the following tenor, viz.

[Here follows the Warrant.]

WHICH commission having been read, and ordered by the Commissioners present to be lodged in the General Register House for preservation, the said Commissioners, in humble obedience to his Majesty's commands, resolved immediately to put the same in execution, by proceeding to the castle, attended by Mr William Robertson, one of the Lord Register's Deputies for keeping the Records; Mr Hugh Warrander, Crown Agent in Scotland; John Young, his Majesty's wright; Andrew Wilson, his Majesty's blacksmith; and Robert Wilson, his Majesty's mason; and having accordingly done so, they found the Crown Room, which was pointed out to them by the Deputy Governor of the castle, secured by a strong outer door of oak wood and two strong locks, the keys of which were not to be found; and the only window of the said room barricadoed on the outside by cross bars of iron, and a wooden frame within: They then gave orders to the tradesmen above named to force open the locks of the wooden door; which being done, they found another door within it made of strong iron bars, and secured by a padlock, which it was necessary to force open, as the key was not to be found. The Commissioners having then entered the room, and caused the wooden frame of the window, which was much decayed, to be taken down, they had an opportunity of surveying attentively the whole room and what was contained in it. and they humbly report the state of it to be as follows:

The pavement walls and ceiling are all of stone, arched both above and below, with a vent and fire-place ; and upon examining the said vent, it was found to be likewise secured by strong iron bars across, near the level of the floor of the room above.

In the room itself they found no papers, presses, repositories, or articles of any kind ; except that at the end of the room opposite to the window, they observed a large chest made of oak wood, fastened by two iron locks, of which no keys were to be found ; and as the Commissioners had no reason to suppose that the said chest contained any papers or records, though probably it might contain the regalia of Scotland, they were doubtful of the propriety of causing the same to be forced open ; and therefore have in the mean time left it shut as before, till his Majesty's farther pleasure be known.

The said chest, upon being measured, was found to be six foot and three inches long, two foot and six inches and half an inch wide, and two foot and six inches and half an inch deep : The room measures two and twenty foot four inches in length, and eighteen foot eight inches in breadth ; the side walls are five foot three inches high from the floor to the spring of the arch, and the centre of the arch is eleven foot three inches above the floor.

This room is situated in the centre of the east side of the square of the castle ; the entry to which is by a turnpike stair, which gives access to several other apartments for the accommodation of the garrison : The window of the said crown room looks westward into the square of the castle, and the sole of it is about thirteen foot above the level of the pavement of the square.

The grounds upon which the Commissioners think it probable that the said chest contains the regalia of Scotland are these :

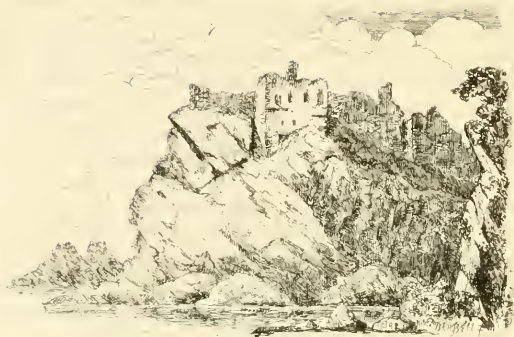
The 24th article of the Treaty of Union bears, *inter alia*, " that the Crown, Sceptre, and Sword of State continue to be kept as they are, within that part of the United Kingdom now called Scotland, and that they shall so remain in all times coming, notwithstanding the union : " And there was produced to the Commissioners, by the Lord Clerk Register's Deputies for keeping the records, a publick and solemn instrument,

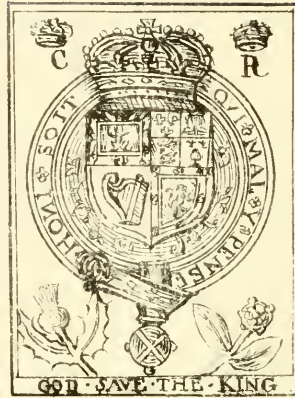
of which an authentick copy is herewith transmitted, bearing date within the castle of Edinburgh, on the twenty-sixth of March, in the year one thousand seven hundred and seven; and which instrument in substance states, that the said regalia were lodged in the crown room, having been delivered by the Deputy of the then Earl Marischal, in presence of the Lord Treasurer Depute, for the purpose of being lodged in the said crown room; which from the instrument appears to have been done accordingly.

The Commissioners having thus ascertained the state of the said crown room, and having left the chest unopened, as before mentioned, they caused the window and the two doors to be again secured in their presence in manner following, viz. 1st, by nailing up new wooden boards within the iron bars of the windows; and 2dly, by procuring two new padlocks to the inner iron door, both of which they saw locked, and one of them labelled and sealed with his grace the duke of Buccleugh's seal; and a new lock to the other door, which they also saw locked; and the keys of all the three locks having been brought away by them, are inclosed in a paper parcel, sealed by the Lord President's and Lord Advocate's seals, labelled on the back, of the date hereof as follows: "Keys of the Crown-room in the Castle of Edinburgh sealed up in this paper;" which paper, with its contents, are left in the General Register House, under the care of the Lord Clerk Register's Deputies, till his Majesty's further pleasure be known: the old padlock by which the inner iron door was secured, is left within the crown-room upon the top of the chest.

The Commissioners have desired that one duplicate of this report may be transmitted by the Lord Advocate to the Lord Clerk Register, now in London, to be delivered by him to his Majesty's Secretary of State for the Home Department; and that another shall be lodged in the General Register House, along with the original warrant; both duplicates being signed by a quorum of the Commissioners.

BUCCLEUCH.
AD. GORDON.
ILAY CAMPBELL.
R. DUNDAS.
JAMES STIRLING.





A
TRUE ACCOUNT
OF
The PRESERVATION of the
R E G A L I A
OF
SCOTLAND,

Viz. CROWN, SWORD and SCEPTER,
From falling into the Hands of the English Usurpers.

By Sir **GEORGE OGILVIE** of Barras, Kc. and Barronet.

With the Blazon of that FAMILY.

EDINBURGH, Printed in the Year MDCCL.





Sir James South of Boston

T H E
A T C H I E V E M E N T
O F

Sir GEORGE OGILVIE of BARRAS, Knight and Barronet, sometime Governour of the Castle of DUNNOTTOR, and Preserver of the REGALIA.

ARgent a Lion passant, Guardant, Gules, Crowned with an Imperial Crown, holding in his Dexter paw a Sword, Gules, in Pale, Hilted and Pomelled Or, in the Dexter chief point a Thistle proper, Ensign'd with a Crown of the last, and in the sinister the Badge of *Nova Scotia*, as a Knight Barronet ; Which Shield is Timbered with Helmet and Chachements befitting his degree, on a Wreath of his Tinctures, for Crest a Demiman arm'd at all points, pointing furth his Right Hand towards the Motto on an Escroll, *Præclarum Regi & Regno Servitium* ; Which Blason is thus Matriculat 27th of December 1673.

This Family carries the Lyon passant, Guardant, for the Paternal coat of *Ogilvie*, The Sword, Crown and Thistle, as additional Figures of Honour granted to him by Authority, for special and eminent Service done to his King and Country, in preserving the Honours of SCOTLAND from falling into the hands of the *English* (intimat by his Motto, *Præclarum Regi & Regno Servitium*) as is evident from the following account instructed by principal Papers and Evidents. For 'tis more Satisfactory to Man to know the truth of things as they were Really design'd and Acted from the Testimony of Original Papers and Docu-

ments, then from the Allegations and bare Assertions of Pretenders, without proof or Instruction.

When the Rebels in Britain under *Oliver Cromwel* the Usurper, had Triumphed over the best of Men, and Justest of Kings, *Charles* the first, and those that persisted in their Loyalty to him in these Lamentable times of Confusion, The Regalia or Honours of SCOTLAND were delivered to the Custody of the Earl *Marischal*, and were Lodged in the strong Castle of *Dunnottor*, within the Shyre of *Mearns*, as a place of Greatest security and distance from the Enemy.

The said Earl being obliged to be in the Filds to defend his King and Country against the Usurper, he made choise of *George Ogilvie* of *Barras*, as the fittest man for his Valour, Prudence and Loyalty, to intrust the keeping of the said Castle of *Dunnottor* with the Honours, *Viz.* the CROWN, SCEPTER and SWORD, and other Monuments of the Kingdom therein, makes him his Lieutenant, and gives him the Commission, Following.

Forasmuch as the Kings Majesty and Committee of Estates, have intrusted the care and keeping of the House and Castle of Dunnottor to Us William Earl Marischal, and have allowed Fourty Men, a Lieutenant, and two Serjeants to be entertained within it upon the publick Charge: Therefore we do hereby Nominate George Ogilvie of Barras to be our Lieutenant for keeping of the said House and Castle, and gives unto him the sole and full Power of the Command thereof, and of the Men that are to be Entertaincd therein for keeping thereof under us, with power to him to Bruick, enjoy, and keep the said place, with all Fies, Dues and Allowances belonging thereto, as fully in all Respects as any other Lieutenant in such a case may do. in Witness whereof we have Subscribed these presents at Stirling the Eight day of July 1651.

Sic Subscibitur,

Marishall.

Archibald Primrose Witness.

William Keith Witness.

Alexander Lindsay Witness.

The

The Earl *Marisball* having intrusted as said is the Government of the said Castle, and the Honours therein to *George Ogilvie* : He accompany's the King to *England*, and after the Battle of *Worcester*, was taken by the *English* and carryed to *London*, where he was detain'd Prisoner in the Tower for a long time.

George Ogilvie of *Barras* being sole Keeper of the Honours, and Governour of the said Castle, which he found not sufficiently provided with Men, Ammunition, and other Provisions, to hold out against a long Siege, as the King had Ordered, Acquaints *John Campbell* Earl of *Loudon* then Chancellour, who return'd him the following Answer.

Sir,

Your Letter of the last of October, came to my hands the 9th of November instant, and the Parliament being appointed to meet here upon the 12 day, I stay'd the bearer, in Expectation that I might return you the Parliaments Answer and Orders ; But the Parliament not having met, and there being no meeting of the Committee of Estates, I can give you no positive Advice nor Order : But I Conceive that the Trust committed to you, and the safe Custody of these things under your Charge, did Require that provisions, a competent number of Honest Stout Souldiers, and other Necessaries should have been provided and put in the Castle, before you had been in any hazard ; And if you be in a good Condition, or that you can supply your self with all Necessaries, and that the Place be Tenable against all attempts of the Enemy, I doubt not but you will hold out : But if you want provisions, Souldiers and Ammunition, and cannot hold out against all the Assaults of the Enemy, which is feared you cannot do, if hard put to it, I know no better Expedient than that the Honours be speedily and safely Transported to some Remote and strong Castle in the Higblands ; And I wish you had delivered them to the Lord *Balcarras*, as was desired by the Committee of Estates, nor do I know any better way for the preservation
of

of these things and your Exoneration. And it will be an Irreparable loss and shame, if these things shall be taken by the Enemy, and very Dishonourable for your self. I have here Retained your Letter to the Lord Balcarras, hearing he is still in the North, and not come to this Country. I have written to Sir John Smith, to Furnish you the Remainder of the Victuals you wrote he should have given you; If he be in the North you will send it to him, and if he be gone home to Edinburgh, I cannot help it. So having given you the best Advice I can at present, I Trust you will with all Care and Faithfulness be answerable according to the Trust committed to you, and I shall continue your Assured and Reall Friend,

Sic Subscibitur,

Loudon Cancel:

Dated at Finlarge 13th November.

Direct thus, For my much Respected

Friend George Ogilvie Governour
of DUNNOTTOR.

The Governour *George Ogilvie* being disappointed of sufficient Force and Provisions, to hold out a long Siege, And observing the advances the *English* made daily in reducing the Nation, was exceedingly perplexed, how to prevent the Enemies getting the Honours of this Kingdom in their hands. He Advises with his Wife, (a Lady of great Prudence and Undaunted Courage.) She therefore Formes a very happy Contrivance, that she should Convey the Honours privately out of the Castle, and secure them without her Husbands Knowledge, that when he should be put to it, and Tortured by the Enemy, he might freely Declare he knew not where they were. In order thereto, this Lady sends for Mr *James Granger* Minister of *Kinneff*, his Wife, in whom she had great Confidence, and imparts to her the design, she promising to be Faithful; They privately carried the Honours out of the said Castle to Mr *James Granger* the Minister,
(the

(the other Trustee,) and put them under Ground within the Church of *Kinneff*; And the manner how the Honours were Transported from the Castle thither, was on a Servant-Womans back, in a Sack amongst Hards of Lint.

George Ogilvie the Governour, not being able to hold Out the Castle against so powerfull an Enemy, that then besieged him so closs, and expecting no Relief, and all other Forts and Castles in the Kingdom being in the Enemies possession, Enters into Capitulation with Colonel *Thomas Morgan*, and Surrenders on Honourable Terms, the Garrison being permitted to March out of the said Castle with Drums Beating, and Colours Flying, which were carried by the present Sir *William Ogilvie* of *Barras*, Son to the said Capt. *George*, (who was the last Person who carryed Colours at that time in SCOTLAND for the King) And one of the Articles of Capitulation being to deliver up the Honours, (for the *English* were certainly inform'd they were in the Castle) or give a Rational Account of them; These are the very Words of Capitulation, which the present Sir *William*, (the said Captain *George* his Son) hath in his Custody.

After the Surrender, the *English* demanded the Honours, or an Account of them: The Governour declared he knew not where they were, for his Wife had privately taken them away, without acquainting him. Upon which he was put into closs Prison in the said Castle; His Lady being Examined and Threatened with Torture, she boldly affirm'd by way of Evasion for her own Safety, that she had delivered the Honours to *Jobu Kieth*, (now Earl of *Kintore*) who carryed them Abroad to the King. But the *English* distrusting her, put her in closs Prison also, and sent out a Party to the House of *Barras*, to apprehend the said Sir *William Ogilvie*, (their only Son and Child) that they might Torture him in sight of his Parents, to extort a Confession from them, but he by Providence made a timely escape, and Underwent

went much Toil and Fatigue, by Travelling Night and Day, till he came to his Friends in *Angus*, where he Remained *incognito*.

After the said Capt. *George* and his Lady had been closs Prisoners for a Year, in which time they suffered much inhumane Usage, by the Cruelty of the *English*, who caus'd a Sentinel stand at the Prison Door, and another at the Prisoners beside, that they should not Commune about the Honours ; And after all, the said Capt. *George* and his Lady adhearing to their former Declarations, that the Honours were carried Abroad by the now Earl of *Kintore*, had such an Appearance of Truth, that upon Mediation of Friends, Major-General *Dean* was prevail'd upon to grant them Liberty to go to their own House of *Barras*, upon such Conditions as here follows, conform to the principal Warrant.

Whereas in the Capitulation made upon the Surrender of the Castle of Dunnottor, between Collonell Thomas Morgan and Captain George Ogilvie the then Governour, It was among other things agreed that the said Captain George Ogilvie should deliver up the Crown, Sword, and Scepter of the late King of SCOTS, which were in his Custody, or give a good account thereof: And forasmuch as, I have caused the said Captain Ogilvie ever since that time to be Retain'd a Prisoner in the said Castle, for not delivering the said Crown, Sword, and Scepter, or giving a good account thereof. Now in Regard he makes diverse pretences that the saids Crown, Sword and Scepter were taken away out of Dunnottor without his Knowledge. And lastly his Wife Conveyed the same to a Gentleman that carried them to Forraign parts ; I am willing that in case he shall procure good Security of 2000 or 1500 Lib: Starl; that he shall Render himself a true Prisoner to you upon demand ; As also that his Wife shall do the like, he shall have his Liberty out of the Castle unto his own House, being Seated within four Miles of the same, providing he do not at all go from the House above three Miles ; And I do hereby Authorize you to receive such
Bond

Bond of him as said is, for his and his Wifes furthcomming, and there-upon to give him the Liberty abovementioned, for which this shall be your warrand, dated the Third of December 1652.

Sic Subscritur, Ri: Dean.

Direct to Captain Garnor,
the present Governour of *Dunnottor*.

Upon this Warrand Captain *George* and his Lady were set at Liberty, and *George Grahame* of *Morphie* became Cautioner for them, as by the following Bond :

WHereas the Right Honourable Major General Richard Dean, bath issued an Order unto Captain John Garnor now Governour of *Dunnottor*, that he grants Liberty to Captain *George Ogilvie*, together with his Wife (they being both Prisoners in the said Garrison) to repair to their Dwelling House, providing they give sufficient Security, that they depart not above three Miles from *Barras*, being their Habitation, and that they or either of them act nothing that is or may be prejudicial to the Parliament of the Common Wealth of England; And likewise on Advertisement or Warning given, they present themselves true Prisoners at *Dunnottor* Castle, to the Governour thereof or his Depute, and that the said Capt. *Ogilvie* and his Wife shall perform the abovesaid Articles. I whose Name is Underwritten; do Bind my self, my Heirs, Executors, and Administrators, under the Penalty and Forfaulture of 2000 Lib. of Lawfull current English Money, in case of failzying to present, enter again, and make furthcoming the saids Prisoners, when the Governour shall send for them; In Witness whereof, I have hereunto put my Hand and Seall, the 10th of January 1652. Sic Subscritur, *George Grahame* of *Morphie*, Testes, Rich: *Hugkes*, John *Turner*.

Sometime after this, the said Captain *George* and his Lady were necessitat and enforced by the Rigidity and Strictness of the *English*, to find Security of new, as the following Bond doth evince.

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Whereas upon Solicitation for Capt. George Ogilvie and his Wives Further enlargement, the Honourable Colonel Lilburn Commander in Chief of all the Forces in SCOTLAND, hath ordered Captain Garnor of Dunnottor Castle upon security given, to give them six weeks time to go about their Lawfull Affairs. I do therefore engage my self, my Heirs, Executors, Administrators, Assignies in the sum of five hundred pounds of good and Lawfull English Money, for their Personal Appearance into the former Obligation of Confinement, six weeks after the date hereof; In witness hereof, I have put my hand and Seall, the 1st of February 1653. Sic Subscribitur, James Anderson, Attested by John Barkley Richard Hugkes.

Under this restraint Captain *Ogilvies* Lady dyed, and he remain'd therein till the Restauration of King *Charles* the 2d. and all that time had a Special care of the Honours, by sending monthly clean Linnen to Mr. *James Granger* the Minister, and his Wife, with instructions to take them out of the Ground, and wrap them in the same lest they should be spoiled or tarnished, which the Minister of *Kinneff* and his Wife punctually observed, and were faithfull in their secresie, till the Kings Restauration, (for which they had a yearly Pension pay'd them all their Lifetime), and then delivered them to the said Capt. *George*, who according to the Kings Order, did Redeliver them to the Earl *Marisbal* in as good condition as he at first received them, as is Evident by the following Receipt, which will Demonstratively and undeniably prove, that the foresaid Capt. *George* and his Lady were the principal keepers and preservers of the Honours of SCOTLAND, (whatever others pretend,) and the only sufferers therefore; Which honourable Piece of Service, so Faithfully perform'd, should never be forgot by King or Country, in saving of the Honours, which prevented both the disgrace of the Kingdom, and the Irreparable Loss of our Antient Regalia.

But notwithstanding of this Noble and good Service done by the said Capt. *George* and his Lady, yet at King *Charles* the 2d. his Restauration, the then old Countess *Marisball* wrote

to

to His Majesty, that her Son *John Keith*, now Earl of *Kintore*, (who was then Abroad upon his Travels, and knew nothing of the matter) had preserved the Honours, being that the said Capt. *George* had unvarrily imparted to the said Countess where they were hid, and how by that contrivance of his Wife in affirming that she had delivered them to the said *John Keith*, they had saved themselves and conceal'd the Honours from the *English*: And His Majesty knowing nothing of Captain *George Ogilvie* and his Lady's special service in preserving of the Honours (in respect they did not timely apply) did upon the said Countess her misrepresentation, creat her said Son, first Knight Marischall of SCOTLAND, and then Earl of *Kintore*, and ordered him a pension of 400 *Lib: Starl:* a year, which he enjoyed all King *Charles* the 2d. his life time, and is as yet continued to him with the said place and Dignity, for his pretended preservation of the Honours.

Captain *George Ogilvie*, then in the mean time in SCOTLAND, being inform'd that the foresaid Countess and others had misrepresented to his Majesty his faithful service, in preserving of the Honours, by which he was like to lose the Honour and Merit of so Noble and eminent an Action, perform'd with the hazard of his own and his Lady's life, with the Ruine of his Fortune; He sends to *London* his Son, the said Sir *William Ogilvie* of *Barras*, to give a true Relation of the preservation of the Honours, who Addresses his Majesty with the following PETITION.

To the KING's most Excellent MAJESTY.

The Humble Petition of *William Ogilvie*, Son to *George Ogilvie* of *Barras*,

Sheweth,

That whereas your Petitioner is sent up here by his Father, to give Your Majesty Notice, that his said Father hath bad, and still preserves the Crown, Scepter and Sword

of SCOTLAND in his Custody, long before the English possess'd the Castle of Dunnottor, with the great hazard of his Life, and long and strait Imprisonment, which occasioned the Death of his Wife. And in Respect of your Petitioners Father his great Interest with these Honours, he could not desert that great Charge, to come here and attend Your Majesty himself.

Wherefore he hath sent your Petitioner to have Your Majesty's particular Order, in Relation to the foresaids Honours.

The Answer to the Petition was as follows,

Whitehall, 28 September 1660:

HIS Majesty ordains the Petitioners Father to deliver his *Crown, Scepter and Sword*, to the Earl *Marischal* of SCOTLAND, and to get his Receipt of them.

Sic Subscritur

Lauderdaill.

This order was by the then Earl of *Lauderdails* advice, who said if *John Keith* had kept the Honours, then the said *George Ogilvie* was not able to deliver them; But if the said *George* had the keeping of them, 'twou'd evidently and undenyably appear who was the true Preserver.

At this time the then old Countess *Marischall* being inform'd that the Honours were hid in the Church of *Kinneff*; She endeavours by all means to perswade Mr. *James Granger* the Minister to deliver them to her, but Capt. *George* getting a Surmeize thereof, goes to the said Church, and takes out the SCEPTER, and carries it to his House of *Barras*, and takes also an obligation from the said Minister to make the Rest of the Honours forthcoming to him, as appears by his obligation, whereof the Tenor follows.

Whereas I have received a Discharge from George Ogilvie of Barras of the Honours of this Kingdom, and he hath got no more but the Scepter:
There-

Therefore I oblige my self, that the rest, viz: The Crown and Sword, shall be furtbcoming at Demand, by this my Ticket, written and subscribed this same day I received the Discharge, 28th September 1660.

Sic Subscritur

M. J. Granger.

Within few Days thereafter, Capt. *George* gets the KING's Order to deliver up to the Earl *Marishall* the CROWN, SCEPTER, and SWORD, which readily he Obeys, and gets the Earls following Receipt, all Written with his own Hand.

At Dunnottor the 8th day of October 1660, I William Earl Marischal, Grants me to have received from George Ogilvie of Barras, the Crown, Sword and Scepter, the Ancient Monuments of this KINGDOM, Entire and Compleat, in the same Condition they were Entrusted by me to him, and discharges the foresaid George Ogilvie of his Receipt thereof, by this my Subscription. Day and place foresaid.

Sic Subscritur

Marischal.

Capt. *George Ogillvie* not only preserved by his Prudence, Fidelity, and diligent Care, the Honours as said is, but also considerable Writs and Monuments intrusted to him when Governour of *Dunnottor*, (the way and manner too Tedious to insert,) such as the KING's Papers, the Receipt whereof follows.

We William Earl Marischal grant us to have received from George Ogilvie, sometime Governour of our Castle of Dunnottor, some Papers belonging to the King's Majesty, which was in Dunnottor the time of his being Governour there, in two little Coffers, which Papers consisting to the number of eight score sixteen several pieces, whereof there is four Packets Seal'd, and one broke open, of which Papers I grant the Receipt, and obliges me to Warrant the said George at His Majesty's Hands, and all others whatsomever, by this my Warrant, Sign'd, Seal'd, and Subscribed at London, the first of December 1655.

Sic Subscritur

Marischal.

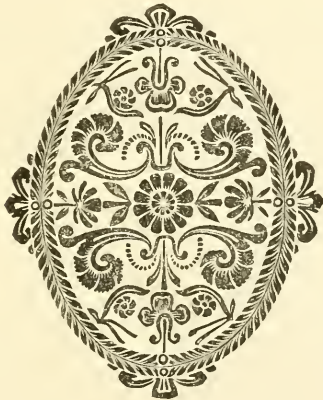
The said Capt. *George* also preserv'd the Registers and Papers of the Kirk of SCOTLAND, which is evident by a Receipt there-

thereof, granted to him by the Lord *Balcarras*, by Order of a Commission from the Kirk. Also the Monuments and Charters of the University of St. *Andrews*, which he delivered to *Robert Zull*, upon the Order of *Robert Honnyman*, Clerk to the University, and got his Receipt thereof. And siclike, the principal Papers and Charters belonging to the Family of HAMILTON, which he delivered to *James Hamilton*, then Servant to the present Dutchess Dowager of *Hamilton*, and got his Receipt thereof, Written on the end of my Lady Dutchess her Letter, brought by him to the said Capt. *George*. All which principal Receipts and Documents are Registrat (for Preservation) in the Books of Council and Session, being the General Register of this Kingdom.

Captain *George Ogilvie* having Faithfully Exonerated himself of the foresaid Truists, takes Journey for *London*, to wait upon the King, by whom he was kindly Received, and delivered to his Majestie the Earl *Marischals* Receipt of the Honours, which the King having Read, Captain *George* humbly Requested it back, that it might be kept in his Family as an evident of his and his Wifes Loyalty and good Service done to the King and Kingdom of SCOTLAND, which his Majestie granted, and was graciously pleased to conferr a deserv'd mark of his Highness Favour upon him and his Family, by making him a Knight Barronat, by a patent dated at *Whitehall* 5th *March* 1661, and gave him a new Charter of the Lands of *Barras*, Changing the holding thereof, to hold thereafter Blench of his Majestie and his Successors, 3d *March* 1662 : Which is Ratified in Parliament 11th *August* 1679. In which Patent, Charter and Ratification, is narrated the Eminent Service done and performed by Sir *George Ogilvie* of *Barras*, and that he was the preserver of his Majesties Crown, Sword and Scepter, the Antient Honours of the Kingdom of SCOTLAND, and the Damnages sustained by the said Sir *George* and his Lady there through, from the beginning of the Usurpation, during which time (Notwithstanding of all Temptations

tions and Threatnings used against them by the Usurper) they carried themselves with the greatest Integrity and Constancy under all their sufferings.

This Sir *George Ogilvie* of *Barras* was descended of the Honourable Family of *Ogilvie* Earl of *Airlie* ; He Married *Elizabeth Dowglass*, Daughter of Mr: *John Dowglass* of *Barras*, Brother German to *William* Earl of *Angus*, Grand-Father to the late Duke of *Hamilton*. By this Lady he had the present Sir *William Ogilvie*, who Married *Isabel Ogilvie* Daughter to Sir *John Ogilvie* of *Inverearity*, by whom he hath very hopefull Children.



[1]

A CLEAR
VINDICATION
AND JUST
DEFENCE

For Publishing of the
Foregoing ACCOUNT.

WITH
Other Remarkable Instances, and Observable Passages,
Relating to, and Confirming the *Truth* of it.

*For Truth seeks no Corners, fears no Discovery, and Justice
is no Respector of Persons.*

THAT the Publishing an Account of the Preservation of *Crown, Sword, and Scepter of Scotland*, from falling into the Hands of the *English Usurpers*, by Sir *George Ogilvy of Barras* (then Governor of *Dunnottor Castle*) and Dam *Elizabeth Douglass* his Lady, was not done of design to Offend, or Derogate from the Just Honour of any, far less those of the Family of *Marischal* (for whom the said Sir *George Ogilvy* did on all occasions evidence, and his Posterity do yet continue a grand Veneration and due Regard.) But there being an Account of the Earl of *Kintore's* Family given to be insert in Mr. *Alexander Nisbet* his Book of Heraldry ; in which Account, the Sole and Chief Preservation of the *Honours* is ascrib'd to the now Earl of *Kintore*, and the then Countess-Dowager *Marischal* his Mother ; and not only makes mention of the said Sir *George* in a Dishonourable manner, but doth also smother (and might in process of Time have totally Obliterat) the Good service, Loyalty, and Sufferings of the said Sir *George* his well-deserving Lady : And it being credibly Reported, That at the same Juncture the said Earl's Account was given to Mr. *Nisbet* at *Edinburgh*, the like Account

A

count was sent to *London*, to be insert in *Morerey's* Dictionary (and that a long time before the Printing and Publishing Sir *George's* Account). What less could have been done ! than, in self-Defence, to Vindicate the Fame and Good-name, and to perpetuat the Sufferings of the said Sir *George*, and his Lady : For the Consideration, that the Good-name and Reputation of the Righteous shall be Vindicated and Secur'd after Death, is, to a Generous Nature, sensible of True Honour, a great Spur and Encouragement to Worthy and Virtuous Deeds ; and the earnest Desire that People, of old, had of leaving a Good-name behind them, and of perpetuating the Fame and Glory of their Actions to after-Ages, did animate their Brave Spirits in the pursuit of Virtue, and, with the Hazard of their Lives, to do Great and Glorious Exploits for their Country : And as it is the Argument of a Great Mind to be moved by this Consideration ; so it's a Sign of a low and base Spirit to neglect it : Besides, there's a certain Civility in Human Nature, which will not suffer Men to wrong the Dead, and to deny them the just Commendation of their Worth. I say, What less could have been done, than to Vindicate the Good-name and Reputation, and to perpetuat the Sufferings of the deceast Sir *George Ogilvy* and his Lady, by publishing to the World the True Matter of Fact, in the whole Contrivance and Procedure, from the evident Instructions and Documents left by the said Sir *George*, and the Account of the Transactions, and pregnant Circumstances clearly by him narrated ? which it's presumed will abundantly satisfy all Unprejudic'd and Unbyass'd Persons, That the said Sir *George* and his Lady were the only Sufferers for, and Preservers of the *Honours* ; but particularly his Lady, being of an Heroick and Masculine Spirit, like the Brave old *Douglass*, was Eminently and Mainly Instrumental (by the Divine Aid) in Preserving of the *Honours*, as anon will more fully appear : For Sir *George's* Lady not only Convey'd the *Honours* out of the said Castle, by her special Care and Contrivance, without her Husband's Privity and Knowledge ; but gave out and mantain'd, both for Concealing of the *Honours* in a feasible way, and as a mean of her own and her Husband's Safety, and exemption from Torture, That she had deliver'd the *Honours* to the now Earl of *Kintore*, who had carry'd 'em abroad to the King : And to confirm the *English* that 'twas so, Sir *George's* Lady (being of a Ready and Accurate Wit) contriv'd a Missive-Letter, as if from the now Earl of *Kintore*, giving her an Account, That the *Crown, Sword and Scepter of Scotland*, were safely deliver'd by him to the King ;

King ; which Letter the *English* intercepting, she having so order'd the Matter that it should fall into their Hands, did thereafter almost believe it to be true ; but before that was done, the *English* Menac'd and Mal-treated Sir *George* (and his Lady in particular) to the highest degree of Cruelty, in so far as Colonel *Morgan* was upon the point to expose her to an exquisite Torment, by putting her in the Boots ; and he said, She was the most Resolute and Undaunted Woman e're he spoke to : For she bid him do his utmost, she'd give him no further Account of the *Honours*. And that the *English* were intending to have wreak'd their Fury on Sir *George* and his Lady, may be shrewdly guess'd, by their causing a Sentinel stand at the Prison door, and another at the Prisoners Bed-side all Night, that they (Sir *George* and his Lady) should not Commune nor Converse anent the Securing and Concealing of the *Honours*. And because Sir *George's* Lady bravely and constantly maintain'd, That she had deliver'd the *Honours* to the now Earl of *Kintore*, as aforesaid, they to Disgrace and Affront her the more, caused their Provost-Martial to attend her, when she obtained the Liberty and Favour to take the Air for some Hours within the Precinct of the Castle, she being then almost stifled by a closs and squalid Imprisonment, which certainly hasten'd, if not procur'd her Death, being a Woman of a High and Fine Spirit, that would rather (like a piece of true Steel) break than yield ; for, in a little time after Sir *Robert Grabame* of *Morphie's* becoming Bail for her and her said Husband's rendering themselves Prisoners again to the *English* Governour of *Dunnottor* Castle upon Demand, she became Hectick, being then almost worn-out, both by her former long and strait Imprisonment, and by the deep Impressions the immoderat Care of Preserving the *Honours* had made on her ; to which being added, the thoughts of her remaining still under Restraint, and the continual Damps of Re-entering to Closs-Prison ; No wonder that her High and Noble Spirit, being as unconquerable as she had then made the *Honours*, broke the Prison of her Body by a happy and peaceable Death, to enjoy, as there's good Reason to hope, a Crown of Glory, being the promised Reward of the Righteous. And as this Lady excell'd in Piety and Virtue, so there's one very remarkable Instance of her steady Integrity, (which should Eternize her Name) That when she was on her Death bed, she then, and not till then, did impart to Sir *George* her Husband, how, and where the *Honours* were hid and repositied, and took his Hand upon Oath, that altho' he should be brought to the Scaffold to be execute,

he

he should never betray his Trust, nor deliver up the *Honours* to the *English*. So by what is above narrated, 'twill unquestionably appear, That neither the now Earl of *Kintore*, nor his Mother, were either privy to, or had a Hand in conveying the *Honours* out of the said Castle, nor in securing and hiding of 'em ; But after the thing was provisionally and happily done, for Sir *George's* Lady to make use of the now Earl of *Kintore* his Name, was a very lawful Stratagem in her, and that which no Generous Man then abroad would have declin'd to own, but wou'd not have reap'd the Fruits of Sir *George* and his Lady's Labours, nor taken the whole Reward due for their Sufferings. And that Lady might have made use of Sir *John Strachan* his Name (if Providence had suggested it), who was wont to come from King *Charles* the Second, then in Exile, to get Account of the Posture the Castle and Garrison of *Dunnottor* was in, and likewise to know how Matters then stood in this Kingdom : And for Instance that Sir *John Strachan* did so, he brought a Letter writ with King *Charles's* own Hand, under Cover of one from the then Lieutenant-General *Middleton*, Directed thus, *To the Governour and Gentlemen in the Castle of Dunnottor* ; Which Letters are yet extant, packt up, and folded in the most Secret and Compendious Manner. The Tenor of the King's Letter is *verbatim* as follows.

Gentlemen, *Assure your selves I am very careful of you, and sensible of your Affection to me ; give Credit to what this Bearer shall say to you, and observe any Directions you shall receive from Lieutenant-General Middleton ; you shall shortly hear again from me, and I would have you find some way frequently to advertise me of your Condition, which I will take all possible Care to relieve.*

Paris, March 26th. 1652.

CHARLES R.

The tenor of *Middleton's* Letter to the Governour is *verbatim* as follows :

My Dear Friend, *I am so overjoyed to hear, that you in this time do behave your self so gallantly, that I shall be most desirous to do you Service, the Particulars I remit to the Bearer my Cousin and yours, to whom give Trust, since he is particularly instructed from him, who shall rather perish, than be wanting to his Friend, and who, in all Conditions, is, and shall be,*

Yours, J. M.

The Bearer, as is said before, was Sir *John Strachan*.

By

By these Letters it doth further appear, That Sir *George Ogilvy* (then Governour of *Dunnottor* Castle) could not have carried himself with more Loyalty and Gallantry than he did. And altho' it be acknowledged in one part of the now Earl of *Kintore's* Account, given to Mr. *Nisbet*, That there could be (then) no Hopes of Succour, nor the said Castle able to hold out long, if once attack'd; yet, in an other part of the Earl's Account, it's alledg'd, That after Colonel *Morgan* had laid Siege to *Dunnottor* Castle, and that the Cannon had play'd against it Two Days, the Governour Capitulated for himself alone, and made the *English* Masters of the Place, by which they got all the Furniture, Plate, Pictures, Books, and Ancient Papers belonging to the Family of *Marischal*: To which it's Answer'd, That there being no Relief given, and all Hopes thereof being then cut off, and but Thirty Six Men in the Garrison, (a meer Handful in Comparison of the Number then requisit to defend the Place) and all of them Day and Night upon Duty, were extreemly fatigu'd and over-wak'd, yet they maintain'd their respective Posts valorously, for the Space of Ten Days, during which time the said Castle was Bombarded, and also Batter'd by the Cannon of the *English*; And when the Governour found, That the Garrison was not able to hold out longer, and all other Forts within the Kingdom being then reduced, and under Command of the *English*, and the main Chance being secured, and preserv'd by his Lady, *viz.* The *Honours*, and the King's Papers, the said Sir *George* (the Governour) made an Honourable Capitulation, the Garrison being permitted to March out of the said Castle with Colours flying, Drums beating, and kindl'd Matches, for the space of a Mile from the place; and the *English* were astonish'd to Admiration, to see such a small Force make so long and vigorous Resistance against such a prevailing Army: And the *English* expressly told, that if the Castle had not been that day Surrender'd, they were resolv'd to have storm'd it the very next day following, which easily they might have done, considering (as aforesaid) the bad Posture before) mightily Incommode and Perplex Sir *George* the Governour, was a Mutiny raised and fomented by one *David Lighton*, who had been a Colonel Abroad, yet by the said Governour's Prudence, Diligence and Conduct, the Mutiny was suppress and crush'd in the Bud, by causing train-out Colonel *Lighton*, and never allowed him to re-enter the Castle; whereby the Soldiers were Quash'd and Compos'd, and the direful effects of that Mutiny prevented,

vented, which was to have Sacrific'd the Governour, and all under his Charge, to the merciless cruelty of the *English*. And 'twas a signal Act of Providence the Design was discovered: For there being several veteran Soldiers in the Garrison, who had served in *France* and other places, most of them Strangers to the Governour, and getting no Pay from the Publick, made the Governour's Post uneasy, and also brought him to a deal of Charges, he being Necessitat to give Pay to the said Colonel *Lighton*; and also, to the Surgeon, Engineer and Cannoneer, all out of his own Pocket, he having got no pay either to himself or them, from the Publick. The manner how the King's Papers was conveyed out of the Castle was thus, The Governour's Lady made a Girdle of Linnen, and packt 'em up, and sue'd 'em in so dextrously, that no part of the Girdle appear'd more bulkish then t'other, and were happily carried out about a Young Gentle-Womans middle, whom the said Governour's Lady had kept in the said Castle as a Friend (for a while before) on that Design. And after the Castle was Surrender'd, as aforesaid, and that Sir *George* (the Governour) and his Lady were cast in Prison by the *English*, their own private Estate was not only mismanag'd and neglected, but the genrality of the Countrey and Neighbourhood look't upon Sir *George* and his Lady as Forlorn Persons, and upon their Fortune as Ruin'd, in so much that those to whom they were endebted did instantly distress them; and the *English* did Harasse them by seising upon and away taking of the Horses which laboured their own Mains of *Barras*; and Sir *George* and his Lady were not only enforced to suffer all this, but were also necessitate to be at great Charges, during the time of their Imprisonment, in Complementing and Treating the Officers and Soldiers of the *English* Garrison, out of their private Estate, and the doing whereof was the great mean (under the Divine Protection) of Sir *George* and his Lady's preservation from the extream Cruelty and Torture they were threaten'd with by the *English*. And after Sir *George* his Lady had, by her Resolution and Constancy, baffled all the Threats and bad Usage of the *English*, they (the *English*) proferr'd her and her said Husband a vast Sum of Money for the *Honours*, but that Bait, tho' very prevalent with a great part of Mankind, did not in the least stagger Sir *George* nor his Lady's Resolutions of Integrity and Loyalty, which was as firm, as the Rock on which they were then imprisoned, and remained untainted to the end, & *finis coronat opus*.

So

So that Bribes was not able to allure them, nor Threats to frighten them into a Discovery of these notable *Regalia*, the Ancient Monuments of this Kingdom. And the said Sir *George* was so Cautious and Circumspect as to keep and leave to his Posterity, as an evidence of his and his Lady's Loyalty, not only all the most material papers relative to the Preservation of the *Honours*, but also, all the Missive Letters sent him thereanent, with the Doubles of his own Returns and Answers, and all the Passes granted by the *English* to him and his Lady (from time to time) during their Restraint and Confinement to the House of *Barras*. And the said Sir *George* did also leave to Posterity Memoirs of the most remarkable instances, and observable passages that occur'd and fell out anent his and his Lady's Sufferings and Losses in Preserving of the *Honours*; without which Adminicles, 'twas not possible to have Writ truely on this Subject: But there's as much sure evidence, fairly Exhibited, for proving the truth of what's asserted, as can be reasonably expected, or the Nature of the Thing can bear, or require; and doth so Irrefragably convince all, as to leave them nothing to say against it, unless there be any who will obstinately say, we will not believe it, nor yet our own Eyes, nor the Verdict of our Reason.

— And that the now Earl of *Kintore* and his Mother did ascribe to themselves the Chief and Sole Preservation of the *Honours*, and did so Inform King *Charles* II. at his Restauration (before Sir *George Ogilvy* was able to apply, having then the *Honours* under his Care), is evident both by the Narrative of the said Earl's Account given to Mr. *Nisbet*, and also by the Answer given by King *Charles* to the then Earl of *Strafford*, when the late Earl of *Airly* (then Lord *Ogilvy*) did solicit *Strafford* to represent to His Majesty the Eminent Service done by the said Sir *George Ogilvy* and his Lady in Preserving the *Honours* of *Scotland*. *By my Lord Ogilvy's good leave*, said the King, *it must not be so; for my Lady Marischal wrote to me, that she and her Son John had preserv'd the Honours*: This the late *Airlie* did aver to be the King's Answer.

And that the said Countess endeavour'd to procure Mr. *James Granger*, then Minister of *Kinneff*, to deliver up the *Honours* to her, is evident by her sending of *Robert Keith* of *Whiterigg*s (then Sheriff-deput of the *Mearns*) to perswade him thereto; but Sir *George* getting a Surmise of the Design, did expostulat with the said Minister thereanent, who the more to ascertain the said Sir *George*, wrote him a Letter, wherein he expresly says, *I'll break my Neck before I break to you.*

you. These are Mr. *Granger's* own Words; yet Sir *George* to prevent such Endeavours, went and took up the *Scepter* to his House of *Barras*, and at the same time got an Obligation from the Minister, to make the *Crown* and *Sword* forthcoming to him upon Demand; and Sir *George* after he had taken up the *Scepter*, said to the Minister, *The Piper plays the worse that wants the Nether Chafits* (being an old *Scottish Maxim*) intimating thereby, That the said Countess her Design was render'd Abortive. And altho the said Minister's Wife got a Pecunial Reward for her and her Husband's Fidelity and Secrecy, (who were employ'd by Sir *George's* Lady as Trustees for hiding of the *Honours*) yet notwithstanding of all the Good and Loyal Service so well Contriv'd, Prudently Manag'd, and Faithfully Perform'd by Sir *George* and his Lady, (who were under GOD the prime Actors, the only Sufferers for, and main Preservers of the *Honours*) neither he the said Sir *George*, nor his Son Sir *William*, got either Place, Pension, or any Pecunial Reward; but when Sir *George*, after the King's Restauration, and that he had delivered the *Honours* to the Earl *Marischal*, and gotten the Earl's Receipt of them, went to *London*, and was kindly received by the King, and was made a Knight-barronet, and got the change of the Holding of his Lands, and the promise of a Pension, how soon the King's Revenues were settled. And sometime thereafter, the present Sir *William* went up to Court (a Second time) in expectation of the Pension promis'd his Father Sir *George*: And altho King *Charles* the II. was Graciously pleas'd to say, from his own Mouth, to the present Sir *William*, (upon his re-minding the King of Sir *George* and his Lady's Losses and Sufferings in preserving of the *Honours*,) *Be you Confident, I'll see to the Standing of your Family*; Yet the then *Lauderdale*, who was sole Secretary, postpon'd and wearied out the said Sir *William* with Dilators and Shifts, to the great Loss of his Money and Time at Court: And after Sir *William* had long waited, he was at last so slighted and neglected by *Lauderdale*, (then become his Enemy,) That he was necessitat to return Home, without Place or Pension; Altho' his Father and he computed their Losses to be then (*per Lucrum Cessans, & Damnum Emergens*) a 1000 Pounds *Sterlin*, the Interest of which, by this time, would have amounted to a considerable Sum. Now let the World judge, if it be not consonant to Equity and Reason, That the Family of *Barras* (being the Posterity of the said Sir *George Ogilvy* and his Lady) should have a Real Reward, according to the Merit of such an Heroick and Noble Action, and a full Re-

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compense of the Damage they sustain'd thereby. And by what is above-narrated, Truth doth appear in its Naked Colours, without Fear or Favour of any; for the God of Truth will not suffer it to be smother'd, nor pass without its due Commendation, and deserv'd Reward.

And such a Singular Piece of Loyalty, so prudently and faithfully perform'd, should be a Motive to induce all Honest-Hearted *Scots-Men*, and good Patriots in this, and succeeding Ages, not only to pay a Grateful Acknowledgment to the Memory of these Renown'd Persons Sir *George Ogilvy* of *Barras*, and Dame *Elizabeth Douglas* his Lady, but also to look upon their Posterity, as the Representatives of those, to whom *Scotland* owes its Unconquer'd *Crown*.

ERRATA in the ACCOUNT.

PAge 9 Line 8. for *George Grabame*, Read *Sir Robert Grabame*, and in the same Page l. 27 for *George*, Read *Sir Robert*, Page 10 l. 20. for, had a Yearly Pension pay'd them all their Lifetime, Read got a Pecunial Reward.

