



Ry II e. 31




Copied

sale 1884

lot 672.

Ry II e. 31





Digitized by the Internet Archive
in 2011 with funding from
National Library of Scotland

181
X

SOME ACCOUNT
OF THE
ANCIENT EARLDOM OF CARRIC,

BY
ANDREW CARRICK, ESQ. M.D.

TO WHICH ARE PREFIXED,
NOTICES OF THE EARLDOM AFTER IT CAME INTO THE
FAMILIES OF DE BRUCE AND STEWART.

BY
JAMES MAIDMENT, ESQ.
ADVOCATE.



EDINBURGH:
THOMAS GEORGE STEVENSON,
87 PRINCE'S STREET.
M.DCCC.LVII.

IMPRESSION LIMITED TO SIXTY COPIES.

EDINBURGH: PRINTED BY MACPHERSON & SYME.





Earldom of Carric.



THESE observations from the pen of the late ANDREW CARRICK, M.D., are in the form of a letter to the late GEORGE CHALMERS, author of "Caledonia," and relate to the ancient Earls of Carric. The old Earldom having devolved, like other ancient Scottish Peerages, on an heir-female, the title passed from the noble race of "De Carric," to become better known, and more illustrious, in that of "DE BRUCE."*

The accession of a noble and distinguished Englishman—for such in reality Robert de Bruce was—to the Scottish diadem, substantially extinguished the Earldom of Carric; but unwilling the title should remain in abeyance, King Robert conferred it on his brother Edward, absurdly styled King of Ireland. The grant by which the Peerage was transferred, is represented to have been in favour of the titular

* At the period of the English Usurpation, Edward I. conferred the Earldom of Carric on Henry Percy.

ruler of Ireland, and the heirs-male issuing of his body, and the heirs of these heirs-male, “ Et tantummodo per lineam directam et masculinam continue descendantibus, nisi, in casu in quo plures fuerint fratres germani superstites, in quo casu decedente primogenito vel deficiente, sine heredibus masculis de corpore suo procreatis, secundo genitu in dictum comitatum hereditarie eidem succedat ;” to return to the King and his successors in default of heirs.* This charter is represented as the one under which the three next Earls succeeded.

Edward, who may be styled sixth Earl of Carric, had three sons successively Earls of Carric. These sons are generally represented as illegitimate. Robert, the eldest, called by Wood the seventh Earl, was killed at the battle of Dupplin, 12th August 1332. The title was taken up by his next brother, Alexander, the eighth Earl, who married Eleanor, only daughter of Archibald de Douglas, by whom he had one daughter, Eleanor. Earl Alexander, with that versatility so characteristic of a Scottish noble of the olden time, forgetting his near relationship to David II., deserted him in the hour of need to join Edward Baliol, who struck a bold, and for a short time, successful stroke for the Crown of Scotland. Earl Alexander was captured at Annan by the Earl of Moray, and although he merited death, was saved by that noble-minded man, whose straightforward

* Douglas's Peerage of Scotland by Wood, vol. i. p. 320.

conduct affords a pleasing contrast to that of his time-serving and treacherous fellow peers.

Earl Alexander atoned for his apostacy by the gallantry he displayed at the battle of Halidonhill, 19th July 1333,—where he fell fighting valiantly against the English. His widow shewed her predilection for a married life by espousing—it is said—no less than five husbands.* Her second one was James Sandilands of Calder, by whom she had a son, the immediate ancestor of the Lords Torphichen,—who thus had the honour of being heir-of-line of the Douglas. The third husband was William Towers of Dalry.† The fourth, Sir Duncan Wallace of Sundrum, and the fifth, Sir Patrick Hepburn of Hailes. Such is the list given by Wood. Nevertheless, we have serious doubts as to the reality of the two last espousals, for reasons to be afterwards mentioned.

Thomas, the third brother, became ninth Earl of Carric. He was one of the associates of Robert, the Stewart, Guardian of Scotland, whom he joined with the flower of the gentry of Kyle. When he died is unknown, but on his decease, William de Cunningham, the husband of his *niece* Eleanora, became tenth Earl, and there is in the Register of the Great Seal, an “incomplete charter”‡ by David II., granting to him “Totum Comitatum nostrum de Carik.” In Robertson’s index of the lost charters, he is styled

* Wood’s Douglas.

† Robertson’s Index, p. 51.

‡ Wood.

Earl of Carric. There appears also a confirmation by the same monarch, of a grant by William de Cunyngham, Lord of Carric, to James de Lekprewyk of half of the lands of Polkarne, in Kyng's Kyle. The confirmation is dated 5th December 1364.

Duncan Stewart* asserts that Helen (Eleanor) de Bruce had a second husband—Sir Duncan Wallace of Sundrum, but that she had no issue either by him or her first spouse. There is a charter dated 21st October 1368, in the chartulary of Glasgow, wherein Sir Duncan Wallace of Cnockfubill, within the Lordship of Bothwell “pro salute animæ meæ, et animæ Eleanore de Bruys, Comitisse de Carrik, uxoris mee,” and for the salvation of the souls of the deceased Thomas de Moravia, Knight, Lord of Bothwell, his over Lord, his ancestors and successors, creates a chaplainry within the church of Glasgow, for the support of which he gifts 12 marks sterling, to be levied from his lands of Cnockfubill. Duncan Stewart is evidently correct, and this lady was the daughter, and not the widow of Earl Alexander.

There is much confusion and obscurity in the whole details relative to the Earldom of Carric while in the family of De Bruce, and there is some room for impugning the authority of Wood, who asserts, that under the charter previously referred to, and the destination which has been quoted, the three

* History of the Family of Stewart, p. 36.

illegitimate sons successively took the Earldom. Heirs-male of the body, mean, *lawful* issue male,—a bastard is not the heir of his father. Therefore the three sons, if illegitimate, could not be “the heirs-male of the body” of Edward de Bruce.

Undoubtedly some other crown grant of the *Comitatus* of Carric may have existed, by which it was transferred to the natural issue of the titular monarch of Ireland. But is it certain that these three Earls were illegitimate? Wynton, no slight authority, assumes the want of lawful issue in the brother of Bruce—may it not have happened, that Robert, Alexander, and Thomas, were not born in wedlock, and were only subsequently rendered legitimate by the marriage of their parents. There is a papal dispensation to enable Edward de Bruce to marry Isabella de Ross, in 1317, though within the forbidden degrees.* Might not these sons have been the offspring of a previous connection with this lady?

By the original settlement of 1313, the crown, in default of the issue-male of the body of King Robert, was to devolve on Edward, and *his issue-male*, whom failing, on Marjory, the daughter of his majesty. After the death of Edward in Ireland, 14th October 1318, there was a new settlement in December, giving the crown, in the event of the failure of the issue-male of the body of the King, to the son of Marjory. Where was the necessity of a new settle-

* *Vide* Appendix, No. I.

ment, if Edward left only bastards? Under the first settlement, in that event, Marjory, had she survived, and her issue, would have taken. Was not the second settlement made purposely to exclude the issue-male of Edward, as rendered legitimate "*per subsequens matrimonium*?"

The death of Marjory, after the birth of her only son—afterwards Robert II., may possibly have led to the new arrangement, by which he was called directly to the succession in the event of failure of the issue-male of Robert I., but this militates against the assumed illegitimacy of Edward's sons—because if they were bastards, they had not the semblance of a claim—and the crown would have descended of right to the Stewart of Scotland. Further, may not the calling the Stewart of Scotland to the succession, in preference to the sons of Earl Edward, have been one of the causes which induced Earl Alexander to desert his cousin, and espouse the cause of Edward Baliol.

All this is mere speculation, but in absence of positive evidence by writ, of the tenure of the Carric Earldom and the assumption that its succession was regulated by the charter quoted by Wood, this new theory as to the legitimacy of these scions of the house of De Bruce is not perhaps altogether visionary.

The next point is equally puzzling: that the wife of Earl Alexander was Eleanora de Douglas is un-

doubted. It is equally true that she had a daughter by Alexander, called after herself Eleanora. In assigning her mother, as Wood does, *five* husbands, several difficulties occur. Alexander was killed in 1333: supposing he married Eleanora when she was sixteen, and that she had a daughter next year, who was born after his death, this would place the mother's birth in 1317, or thereabouts. Now, there exists a charter by Robert II., proceeding on the resignation of Duncan Walays, Knight, in his own favour, and that of Eleanor de Bruys, Countess of Carric, of the Barony of Dalzell and Moderwell, in Lanark, &c. &c. with remainder to the heirs of Duncan's body, whom failing, James de Sandylandis, and the heirs of his body, whom failing, to Allan de Cathkert, and the heirs of his body,—then to Robert de Calquhoun, 22d October 1373.* Another charter of the same date, occurs of the lands of Dalmelynton (Dalmelington?) in Ayrshire,—the remainder is to Allan de Cathkert, and then Robert de Calquhoun.

If this be the first Eleanora, then, in 1373, she could not have been under fifty-seven years of age. She ought, according to the usage of Scotland, to have been styled "De Douglas," and not "De Bruys." In 1376, the same lady, when sixty years of age at least, and, in all reasonable probability, ten years older, contracts a fifth marriage with Sir Patrick

* Reg. Magn. Sigilli, F. 102.

Hepburn of Hailes.* There is nothing impossible in an old woman of above sixty taking a fifth husband, but it is not very probable, indeed the presumption is, that Eleanor “de Bruys” was the daughter instead of the mother; and the settlement in the Wallace charter of 1373, does not militate against this inference. Duncan Stewart, as before noticed, positively asserts the marriage of the second Eleanor to Sir Duncan Wallace—and his opinion is entitled to more credit than that of more modern and less learned genealogists. Indeed, the nomination of “James de Sandilands” as a substitute after the heirs of the body of Sir Duncan Wallace, may be taken as evidence in favour of the supposition, that the daughter, and not the mother, was the wife of Sir Duncan, for otherwise, he would have been described as her beloved son—whereas, in a grant by the sister-*uterine*, there was no occasion for doing more than calling him by name to the succession.

From the ROTULI SCOTIÆ† we learn, that in December 1373, Alianora de *Bruys*, Comitissa de Carric, had a safe conduct from Edward III., to endure for one year, to visit the shrine of St Thomas à Becket at Canterbury. In April 1374, the Countess of Carric, therein styled “Elene,” has a license to carry to Scotland by herself, servants or attornies, “Quadráginta quarteria frumenti, quadráginta quar-

* *Vide* Appendix, No. 11.

† Tom. i. p. 960. Ib. p. 963.

teria braseii, et sex dolia vini.” This evidently was the wife of Sir Duncan—and the journey was undertaken by her not very many weeks after the execution of the entail of the barony of Dalzell and Moderwell.

By charter dated at Scone, 22d June 1363, the Earldom of Carric was confirmed to John Stewart—but on his accession to the throne of Scotland, the peerage merged in the Crown, and is now one of the titles borne by the Princes of Wales and Dukes of Rothsay.

John Stewart—second son of Robert, Earl of Orkney—a natural son of King James V.—was created Lord Kincleven, 10th August 1607. His lordship was desirous of becoming Earl of Carric—but the Lord Advocate, Sir Thomas Hope, on the part of his Majesty Charles I., objected to this, upon the ground that the title belonged to the eldest son of the King, as Prince of Scotland. The difficulty was obviated by conferring an Earldom, 14th December 1631, on Lord Kinclevin, in reference, not to the old Carric one held by the Bruces—but in respect of a small property in Orkney, which belonged to his Lordship, of that name.

Wood, in his edition of Douglas asserts, that the new honours were destined to “heirs-male gotten of his own body.” Lord Carric married Lady Elizabeth Howard, by whom he had one daughter, Lady Margaret, who married Sir John Mennes, Knight.

This gentleman was born in the Parish of St Peter, Sandwich, in Kent, on the 11th of December 1598, and died in Seething Lane, within the City of London, on Saturday, 18th of February 1670, "being accounted by all that knew him, to be an honest and stout man, generous and religious, and well skilled in physic and chemistry." After the restoration, Sir John was Governor of Dover, and chief Controller of the Navy. He was author of a very facetious and clever collection of verses, entitled "*Musarum Deliciæ, or the Muses' Recreation*," 1640, which was reprinted with other facetiæ in 2 vols. London 1817, Post 8vo.

The Earl of Carric died in 1652, and as he had no sons, the peerage of Carric became, as was supposed, extinct. But in the *Caledonian Mercury*, 11th August 1741, the following piece of news is inserted: "There was anciently in Scotland a peerage well known by the title of the Earl of Carric, but which, for a long tract of time, has been sopite, insomuch, that it was omitted out of the Union Rolls, there being then no person to claim that title. However Richard, Lord Willoughby of Brook, in England—an English Baron, now understanding he has right to the said honour of Carric, as well as to revive the same, as thereby to be entitled to the precedency of all other peers of that rank of a later creation, has purchased from the Chancery a brief, directed to the bailies of Canongate, for serving his Lordship heir

to John, Earl of Carric, his great great grandfather, the last of that title.”

Lord Willoughby’s pedigree stood thus :—Sir John Mennes had by his lady one daughter, also named Margaret, who married Sir John Heath of Brasted, in Kent—their only child, a daughter, also called Margaret, married George Lord Willoughby de Broke, and died 18th October 1729. In this way, her son Richard became heir-of-line of the Lord Kinclevin and Earl of Carric ; but if the patent of the Earldom be correctly given by Wood, his Lordship could have no claim whatever to that title.

On the other hand, the peerage of Kinclevin stands in a different position. The patent contains no remainder or substitution—it simply enobles the patentee,—constitutes him a peer of the realm. The Burleigh Peerage is exactly in the same position ;—upon the death of the first Lord, his daughter succeeded to the title—and her husband, says Wood, “ had the title of Lord Burleigh, in virtue of a letter from the King.” The attainder of the latter peerage has prevented any discussion on the subject of the rival claims of Robert Bruce, Esq., of Kennet, the heir-of-line, and Mr Balfour of Fernie, the heir-male of the body of Lady Burleigh. The former contends, that, by the law of Scotland—at least as it was at one period, the title—there being no limitation to heirs-male, devolved, as a matter of right, on the heir-female of the body, and con-

tinued in the heirs whatsoever. The latter maintains, that there was a new creation in favour of the husband of the heiress of Burleigh; that the patent has been lost, and that, according to the presumptions recognised by the House of Peers in the Glencairn, Cassilis and Spynie peerage claims—it must be held, that the Burleigh barony is descendible to heirs-male only. A reversal of the attainder would settle the point, as both parties could then have their right tried before a committee of privileges—the *usual*—but not as it is humbly conceived,—only mode of adjudicating on Scottish dignities. It may be remarked, that Mr Bruce has this much in his favour, First, The existence of a patent in favour of the first baron, without limitations to any particular class of heirs. Secondly, the fact, that the daughter was recognised as Baroness Balfour of Burleigh; and thirdly, that no existing patent can be produced or referred to as existing at any time, to shew that her husband, who was *jure uxoris* entitled to assume the dignity, ever sat as Baron of Burleigh in his own right.

Lord Willoughby de Broke, who was to have claimed the Carric Honours in 1741, died upon the 11th August 1752. His Lordship was, through Lord Carric also representative of the notorious Patrick, Earl of Orkney, who suffered for his crimes, 6th February 1614,—if, as Wood asserts, Patrick died without lawful issue. But this may admit of question,

for in the kirk-session records of Perth, there occurs this entry: "Sep. 17. [1632], Disbursed at the command of the ministers, reported by Mr Archibald Steedman, officer, to an young man called Stewart, son to umquhill the Earl of Orkney, seven shillings." Had he been a bastard, he would have been there designed "son natural." What a melancholy instance of the decadence of a great family—the son of an Earl of Orkney—the descendant of James V., receiving seven shillings Scots, as alms, as a pauper.

The representation, at least of the Carrie branch of the Stewarts, is now vested in the Right Honourable Robert John Verney, Lord Willoughby de Broke, who succeeded his uncle, Henry Peyto, the fifteenth baron, on the 16th December 1852.

An interesting volume might be written on the rise and fall of noble houses. Amongst our own nobles we had a Lord Aston of Forfar, a cook—a Lord Mordington, keeper of a coffee-house, and a Lord Kirkudbright a breeches-maker in the Kraimes. We have little doubt, that amongst the lower classes still exist the descendants in the male line of several of our older families. The favour shewn to heirs-female has in a great measure brought this about—for the title and estates were thus carried into other families, while the collateral heirs-male were left in a manner destitute. The old Sutherlands, Earls of Sutherland, had their Earldom and lands carried off, first of all by an heir-female, to a Seton-Gordon, and

in the last century to a Gower—the direct male representation remaining in the family of Sutherland of Forse, the lineal male heir of the Sutherlands, Earl of Sutherland. This family, which still exists, and hold the estate of Forse, may truly be considered as one of the oldest in Scotland.

Strange it is that another race, though existing in the direct male line, has been extinguished as regards name, by intermarriage with heiresses. We allude to the gallant Setons—noble in every sense—one of those families of which any country might be proud. The marriage of a Seton with the heiress of Gordon, made him a Gordon, and progenitor of the Dukes of Gordon, Marquisses of Huntly, and Earls of Aboyne,—and still later, a similar marriage with the heiress of Eglinton, converted a Seton into a Montgomery. At the present date, the Marquis of Huntly and the Earl of Eglinton are Setons. The latter being the undoubted heir-male of the body of the first Earl of Winton.

Of the connection of the numerous families of Bruce in this country with the royal blood, we have no trace. It is believed that the Clackmanan Bruces are the oldest of the name, although a claim of chieftainship is advanced on behalf of the Earls of Elgin and Kincardine. It is worthy of remark, that there existed, and still exists, it is believed, among the peasantry of Northumberland, persons of the name of Bruis or Bruys,—some of whom, in olden

time, prefixed the aristocratic “de” to the name,—being called Debruis. Many ancient races seem to have lingered in that region. Thus, not long since, the last of the De Umphravilles, formerly Lords of Warkworth, died in a small cottage in the hamlet of Aberwic, not far from Alnwick. According to report, he had a small allowance from the late Duke of Northumberland,—and as that princely family are as much distinguished for their virtues as their riches, we have little doubt the rumour was well founded.

Of Andrew Carrick, the writer of the following letter, a brief notice may be necessary. He was born in 1773, and commenced practising as a physician in Bristol, where he was very successful. He was elected one of the physicians of the Infirmary in 1810, and became senior physician in 1816, which rank he held until 1834, when he resigned and was unanimously chosen Honorary Physician. He married upon the 11th of August 1819, Caroline, youngest daughter of Robert Tudney, Esquire, of Wells, and sister of J. P. Tudney, Esq., M.P., for that City. He died on the 14th June 1831, at Marlwood, near Thornbury. Dr Carrick was Lord of the Manor of Nettleton, in the county of Wilts, and some account by him of the opening of a long Barrow within his Manor, by Sir R. C. Hoare, will be found in the *Gentleman's Magazine* for February 1822.* In

* *Gentleman's Magazine*, p. 160.

February 1827, Dr Carrick read a letter from Sir R. C. Hoare, relative to the same long barrow, to the Society of English Antiquaries, which he accompanied with some prefatory observations descriptive of the place and of the adjoining families.*

As few persons in these utilitarian times care much for productions of this description, a limited number of copies has been printed.

J. M.

25 ROYAL CIRCUS,
EDINBURGH, 1857.

* Gentleman's Mag. vol. 77. p. 161.

LETTER

FROM

ANDREW CARRICK TO GEORGE CHALMERS.

CLIFTON, *3d June 1809.*

DEAR SIR,

YOU must, I fear, have considered me very ungrateful in not having sooner offered my acknowledgments for your very kind and obliging letter of the 19th November; but well aware of your incessant occupation with important business, both public and private, I have been really unwilling to intrude too often on your valuable time. Accept now, Sir, my very sincere thanks: and be assured, I set no ordinary value on your polite attention and kind offer of assistance in my little pursuit; for which, I should feel myself truly and highly gratified in expressing my obligations in person, should you in the course of the summer visit Bristol, as you give me some ground to hope.

Before I proceed on the subject of our correspondence, give me leave, Sir, to rectify one small mistake, which I must acknowledge it was very natural

for you to fall into ; viz., that I am desirous of rendering myself the Chieftain of my Clan and Sirname. But, although I frankly own I should feel myself gratified in no small degree by such an acquisition, late in the day and empty as it is ; yet I can faithfully assure you I entertain no such design, nor, if I did, am I possessed, or likely to be possessed, I fear, of the means of effecting it. Without, however, the ambition of a chieftain, it is by no means unnatural that I should feel interested in the history of the very ancient family from which I am derived, and anxious to learn as many particulars respecting it as the remaining documents will allow. These, I fear, are very scanty and imperfect, and insufficient to restore the broken links of the genealogical chain.

Unfortunately for this purpose, the family in question, has, with unusual frequency, merged its wealth and honours into other families, by means of heirs-female, and as of the few surviving male descendants, no one has for many years attained to any eminence of wealth or talents, the early history of this almost extinguished race having ceased to be an object of interest to individuals, has of course attracted but little of general attention.

I ought really to be ashamed to tease you with this insignificant subject : yet, knowing that it must necessarily obtrude itself upon your attention in the course of your present researches, I shall gladly avail myself of your friendly offer of assistance. And in

hopes of saving as much as possible of your valuable time, I will venture to throw together, the various notices I have been able to collect concerning the Family of Galloway and Carrick, which may serve perhaps, to bring the subject more immediately to your recollection; and you will, I doubt not, have the goodness to correct any errors that may present themselves as you go along, and to add such fresh information as may occur.

Almost everything I know of the matter, indeed, independent of Fordun, is derived from Nesbit and Douglas, two very inaccurate and credulous authors. But I think it not improbable that some farther information might be obtained from a careful inspection of Lord Cassilis's Charters, of the chartularies of Crossraguell and Maybole, if extant, and of the *title deeds* of many of the Ayrshire estates which may possibly fall into your hands in the course of your present enquiries.

N.B.—The copy of Nesbit from which I quote, is that *lately* printed at Edinburgh, by [Blackwood, in 1804].

I have not seen Douglas these twenty years. This is a wretched market for books of that description.

NOTICES RESPECTING THE FAMILY OF GALLOWAY
AND CARRICK.

In 1138, William, the son of Duncan, commanded the Gallowaymen at the battle of Clitheroe.

Same year, Ulgric and Dovenald were commanders at the battle of the Standard.—*Fordun*.

Fergus, Lord of Galloway, the pious and munificent, after repeated struggles for independence and various warfare, was deposed, confined in the monastery of Holyroodhouse, and died in 1160.—*Fordun*.

According to Mr Riddell (*Archæologia*, vol. ix.), Fergus was deposed in 1142, and died in 1160.

Query.—Was Fergus descended of either of the above named leaders?

In 1174, Duncan and Rolland, grandchildren of Fergus, invade Cumberland about the time of the capture of King William the Lion, near Alnwick, probably under the direction of Gilbert, son of Fergus, and father of Duncan, who had recently escaped from confinement, and who seems at this time to have been desirous of being well with William; although he afterwards endeavoured to profit by the king's captivity, in order to assert the independence of his country on the Scottish crown.

In 1175 William was ransomed; and Uchtred the youngest son of Fergus, was set at liberty as a

counterpoise to his brother Gilbert. He was soon after seized and put to death, not by Gilbert, but by Malcolm, son of Gilbert, who likewise lost his life in this warfare, according to Hollingshead.

In 1176, that author observes, "Gilbert, son of Fergus, Lord of Galloway, who had slain his brother Uchtred, cousin to King Henry II., came to England by safe conduct from King William, and did homage to Henry, giving him 1000 marks of silver (what a sum !) and his son Duncan as a pledge." What is the meaning of this ? A safe conduct from King William that he might do homage to his rival !

In 1185, Gilbert, Lord of Galloway, died, having by his valour and policy maintained his independence against all the efforts of William. But with this intrepid warrior, the integrity and sovereignty of Galloway expired. For the same year 1185, Duncan, the son of Gilbert, was compelled to accept the district of Carrick, a small portion of his father's inheritance, in lieu of his undoubted claim to the whole, as representative of the elder son of Fergus ; while the remainder, being by far the largest and most important share, was allotted to his cousin Rolland.

From the tenor of these transactions, it plainly appears, that Fergus was not less ambitious than his predecessors of maintaining himself and country in a sort of independence of the Scottish sovereign, which object he endeavoured to accomplish, not only by

force of arms, but likewise by means of intrigues and alliances with the not less ambitious Henry II., whose daughter he is said to have married. After his imprisonment and death, the same policy was pursued and with more effect, by his eldest son Gilbert, a man of a vigorous and aspiring mind, and admirably well adapted to the times in which he lived. William, afraid no doubt lest the measures of Gilbert should not only wrest from him the dominion of Galloway, but afford likewise many advantages to his rival Henry, exerted himself in counter-acting them both by force and policy. By releasing Uchtred from confinement, and supporting his claim to a division of the inheritance, he must necessarily weaken the hands of Gilbert and the party of independence; and if successful in his endeavours, he would effectually secure the sovereignty of the country, and the homage of Uchtred, who being the youngest brother, could have no right or title to the possession but his favour; such an heritage not being in its nature divisible, as the chieftaincy could only vest in one person, viz., the elder brother Gilbert.

With such views, and probably with such arrangements, Uchtred was sent into Galloway, supported by the forces of William, but was soon after encountered, taken prisoner, and put to death, not by Gilbert, as formerly observed, but by Malcolm, a son of Gilbert, who himself likewise perished in these

commotions, so says Polydore : and although the odium of the fratricide has been fixed on Gilbert, there is reason to suspect that this was unjustly done by the partizan and panegyrist of Rolland, for obvious political purposes. For when the nature of Uchtred's mission into Galloway is duly weighed, when it is considered that he must have been looked upon by the sons and party of Gilbert as guilty, not only of the design of robbing them of their just inheritance, but of treason likewise against the freedom and independence of their country, his fate is scarcely to be wondered at under such circumstances, and in such a rude and barbarous age.

The views of William, although for a time frustrated by the death of Uchtred, and the talents of Gilbert, were at length completely realized. No sooner had the intrepid Gilbert ceased to lived, than William and Rolland attacked and overpowered the less suspicious and warlike Duncan, who probably confiding in the recent agreement between his father and William, and likewise in the support of King Henry, was totally unprepared for a sudden and vigorous inroad. Dispirited by misfortune, and despairing of relief from England, he appears to have too hastily listened to proposals of adjustment tendered by William and Rolland, who, on their part, were no doubt anxious to settle the dispute before the arrival of Henry, who, nearly at the moment, had advanced with an army to Carlisle, "in order

(says Hollingshead), to chastise Rolland for injuries done to Duncan ;” but matters being already compromised between the two cousins, upon Rolland making his submission to him at Carlisle he was appeased, and thus the quarrel ended.

The adjustment, however, although both politic and necessary on the part of William, was most unjust and disadvantageous to Duncan. Of the ample possessions of his father, he was compelled to accept for his share the remote and limited district of Carrick, rendered somewhat more palatable by being erected into an Earldom ;* while to Rolland was allotted the remaining and far the largest portion, and that moreover which lay nearest to England, whereby Duncan was completely isolated and cut off from all assistance from that quarter in future.

After this period, we have but a scanty notice of the public or political life of Earl Duncan. Disgusted with the tumult of war and ambition, he seems henceforward to have cultivated the peaceful virtues in dignified retirement. Certain it is, he possessed in an eminent degree the munificent spirit of his grandfather, and an equal disposition for the encouragement of learning and civilization, which his various donations to religious houses, the universities of the day, abundantly testify, and above all, the princely establishment of Crossraguell Abbey, whose

* Astle mentions Prince Henry, son of King David I., as Earl of *Carrick* and Huntingdon. Is this a mistake ?

beautiful and neglected ruins still demonstrate the magnificence of the structure, and the opulence and piety of the founder. According to Grose and Cardonell, it was erected in 1244. From whence they draw their information I know not; nor whether this date is to be considered as the era of the foundation or the completion of the edifice. If Duncan was really alive in 1244, he must have been very old, at least ninety: for it is to be remembered he was old enough in 1174 to command the Gallowaymen in an irruption into England. I am totally ignorant of the time of his death. But it may be, that although he was, strictly speaking, the founder of the institution, the structure was carried on and completed by his son Nigel. Perhaps Keith, or Spottiswood, or some other writers on ecclesiastical affairs that has not fallen in my way, might at once solve the difficulty.

Of his donation to the monks of Melrose, we have the following account in Nesbit—Remarks on Ragman Roll, p. 7. “Hugh Lenox is witness to a charter granted by Duncanus, filius Gilberte, filii Fergusii, who himself was afterwards Comes de Carrick, [he was so at the time], of the lands of Maybothel in Carrick, to the monks of Melrose. Autograph, penes Comitiss de Morton—no date—yet by the Cronicon de Melrose, it appears to have been about 1193.

[The charter here referred to, has been printed by the Duke of Buccleugh in the collection of charters, entitled, “Munimenta de Melros,” presented by his

grace to the members of the Bannatyne Club. It is by Duncan, filius Gileberti, filii Fergusii, and grants to God and the Church of the Holy Mary of Melros, and to the Monks there serving God, for the souls of Kings David and Malcolm, and of Earl Henry—of William the King—and David his brother—of Earl Duncan—and for the salvation of the granter, and for the souls of his father and mother, and of all his predecessors and successors, in free, pure, and perpetual alms, the whole land of Meibothelbeg, and also the whole land of Bethoc. The boundaries are given with great precision, and must be very useful to the topographer of Galloway.

The following persons witness the grant, Joceline Bishop of Glasgow, William Abbot of Holyrood, Earl Duncan, Earl Gilbert, Simon, Archdeacon, the Lord Roland, Malcolm, son of Earl Duncan, Eth, son of the Earl of Levenax, William, Walter, John, Clerk of the Bishop, Roger de Scalebroc, Gilasald MacGilander, Gillenem MacColem, Edgar the Granter's Chamberlain.—Tom I. fol. 22.

Roger de Scalebroc, one of the witnesses to the above charter, grants the lands of Drumeceisuiene, and other lands to the Monks of Melros, and his grant is confirmed by Duncan, who is specially designated "Comes de Caric."]

To the nuns of north Berwick he granted the patronage of the church of Kilbride. This charter is likewise without date: but as it is witnessed by Mal-

colm, Earl of Fife, who founded the nunnery in 1216, and died in 1229, the date may be so far approximated.

Duncan was succeeded by his son Nigel, who acted a conspicuous part during the turbulent minority of King Alexander III., being one of the regents who, for a time, withstood the growing power and influence of the Cummins. Nesbit says he was liberal to the Abbey of Crossraguell, which his father had founded. He likewise tells us, that he died 23d June 1250, which must be a mistake, [probably for 1260], as he was Regent in 1255, according to Lord Hailes.

It is generally supposed, that his daughter and heiress, Martha, Countess of Carrick, and wife of Adam de Kilconah,* is the same, who after his death, married Robert Bruce, Lord of Annandale, and was the mother of the great King Robert I. But this will appear highly improbable, or almost impossible, from a comparison of dates. If Duncan, Earl of Carrick, was old enough to lead an army into Cumberland in 1174, he must have been born as early as 1154 or 1156. According to the ordinary course of such events, his son Nigel must have been born about 1180 or 1186, and his daughter Martha, about 1210 or 1216. Martha may be supposed to have married Adam de Kilconah about 1230 to 1240, and and to have born her daughter Martha, from 1235

* In the North Berwic charters he is styled Adamus Dominus de Kylconchar, Comes de Karryc.

to 1245 ; which, Martha, by the death of her father in Palestine in 1270, and the previous death, we shall suppose, of her mother, was a Countess in her own right, and at the age of twenty-seven to thirty-seven, when she married Bruce in 1272.* This is all easy and natural. Whereas, were we to suppose the widow of Kilconah, and the wife of Bruce to be the same person, we should have to account for the incredible circumstance of her being the mother of our glorious King Robert, and several other children, at the advanced age of fifty-seven or sixty-seven. She lived, moreover, to the end of the thirteenth century, or beginning of the fourteenth, being several times mentioned in the statutes of Edward I. ; a circumstance which, though possible, is yet highly improbable, had she been the daughter of Earl Nigel.

From this period, the history of this elder branch of the Family of Carrick is too perfectly identified with the general history of the kingdom to require elucidation. I shall therefore return to the other male descendants of Earl Duncan.

These were not extinguished in Earl Nigel. Duncan is known to have had at least one other son, (probably more, as we soon after hear of a clan), whose name was Nicolaus, according to Nesbit,

* The Chronicle of Melros is decisive on the point :—

[Anno Domini 1270.] Obiit Adam de Kilconath, Comes de Karric, in Anconia, cujus uxorem, Comitissam de Karric, postea junior Robertus de Bruijs accepit sibi in sponsam.—*Chronica de Mailros, Edinburge, 1835. 4to, p. 219.*]

[Appendix, p. 36,] who, with his posterity, assumed the name of Carrick, or De Carrick, as a surname; for exactly about this period, surnames were introduced, or rather begun to be generally adopted in Scotland. "There is a grant by this Nicolaus de Carrick, son of Duncan de Carrick," says Nesbit, "of the lands and Church of St Cuthbert at Maybole, to the nuns of North Berwick, anno 1220." The time of his death is not mentioned, but he appears to have died before his elder brother Nigel. For "Nigellus, Earl of Carrick," grants to Rollandus de Carrick, and to his heirs, the Bailliary of Carrick, with the command of the militia under the Earl, and likewise the Chieftaincy of his Family, "*Caput totius sanguinie sue*," &c.; which grant King Alexander III. confirms, and it was afterwards confirmed, or rather renewed, by King Robert III., to the Family of Kennedy."

Gilbert de Carrick, son of Rolland de Carrick, "submits a difference between him and the nuns of North Berwick in 1285, to Robert Bruce, Earl of Carrick, father to King Robert, and to Robert, Bishop of Glasgow, to which Gilbert de Carrick's seal is appended, having the very same shield of arms which the family of Cassillis carry at this day; which shews they had the double tressure fleury and contre fleury, with fleurs-de-lis to their arms, long before they matched with the royal family."*

* Where is this charter and seal? Has the seal the three cross

“Duncan de Carrick, son of Gilbert de Carrick, gives the patronage of Kilbride in Carrick, to the nuns of North Berwick; to which grant Malcolm, Earl of Fife, is a witness.”*

“King Robert I., grants a remission to Sir Gilbert Carrick, son of the above Sir Duncan, for surrendering the Castle of Loch Doon to the English, and restores to him the government of the same, with the lands thereunto belonging, which still continue part of the Earl of Cassillis’s property.”

“At this time, or a little before,” says Nesbit, “they begun to take the surname of Kennedy as *Caput progeniei*, several charters have Carrick in the bosom, and *Kennedy on the margin*,” &c. Yet Nesbit adds, “they had taken the name of Kennedy long before; for John Kennedy, Chancellor to King

crosslet fitchet sables, which constitute the distinction between the arms of Carrick and those of Kennedy? If it has not, we should have in this a cogent proof of the falsity of the pretended change of the surname from Carrick into Kennedy.†

* This is evidently a mistake. The first Malcolm, Earl of Fife, died in 1229, and his successor, the second and only other Malcolm, Earl of Fife, died in 1266. But Gilbert de Carrick, the father of this Duncan de Carrick, was alive in 1285, when he referred a dispute with these nuns to the Earl of Carrick and Bishop of Glasgow. This Duncan therefore, must either be altogether an interpolated personage in this place, or the act of his great great grandfather is here falsely attributed to him. [*Vide Appendix, iii.*]

† [The original is at Panmure. It has been printed amongst the North Berwick charters, and the arms of Gilbert are a chevron between three cross crosslets fitchés.]

John Baliol, is mentioned in Prynne's history ; and Dominus Alexander Kennedy, and several others of that name, in page 652."

The memoirs in Nesbit, presuming the change of surname, then goes on to tell us that Sir John Kennedy, son of the above Sir Gilbert *Carrick*, is one of the commissioners mentioned in Rymer at the treaty of Newcastle, for releasing King David II., anno 1354,—that Sir Gilbert Kennedy, Sir John's son, was delivered as one of the hostages for King David in 1357,—that King Robert III., confirmed to James Kennedy, son of his beloved cousin, Sir Gilbert Kennedy, the Bailliary of Carrick, chief of the name, and commander of the militia under the Earl, as formerly by Earl Nigel's charter. This Sir James Kennedy married Mary Stewart, the King's daughter. Their eldest son Gilbert, was created Lord Kennedy in 1450—James, the second son, was Bishop of St Andrews. Lord Kennedy's son was John, and his son, David, who was created Earl of Cassillis by James IV. in 1509.

It is somewhat surprising, that Nesbit, after the account he had given of these affairs in vol. i. p. 158, should have inserted the foregoing memoirs without any comment, or attempt to reconcile the contradiction. In Vol. i. p. 158, he tells us that the first of the name of Kennedy, was "Kenneth, an Irish Scot or Highlander. He then goes on to mention Henry Kennedy, who assisted Gilbert, Lord of Galloway, in

his wars," and other Kennedys from Ragman Roll, as above. He afterwards informs us, "that in the reign of King David II., John Kennedy of Dunure, got several lands from that King, as per Rotula Davidis II., and likewise, that he added to his patrimonial inheritance, the barony of Cassillis, by his wife Mary," &c.

Here is at once the clue to the mystery ; and why Nesbit should have let it slip through his fingers, it does not seem difficult to guess. Nesbit was not only credulous, but interested, and perhaps venal. These genealogical historians are the most docile creatures imaginable ; always ready to countenance the most barefaced fiction, sooner than incur the smallest risk of losing a noble patron. His first report of this affair (vol. i. p. 158), was probably his real sentiments of the case : the second, (Appen. p. 36), appears to have been handed to him by some of the Cassillis' family, and was inserted without any correction or animadversion whatsoever.

Out of all this, however, the necessary deduction seems to be, that Sir Gilbert Carrick, the same who was captured with King David II., at Durham, left no son, and that his daughter and heiress Mary, was married to Sir John Kennedy of Dunure. "He added to his patrimonial inheritance the barony of Cassillis, by Mary, his wife." Nesbit, indeed, does not actually say she was the daughter of Sir Gilbert Carrick, but, taking the dates and circumstances to-

gether, it is impossible not to infer that she was so.* Upon this supposition, all is clear and easy. The patrimonial inheritance of Nicolaus and Rolland Carrick, the caput progeniei, the Bailliary of Carrick, the addition of the cross crosslets to the arms of Carrick, all glide most smoothly into the family of Kennedy, without the smallest necessity for a change of surname; whereas, without this supposition, all is confusion, contradiction, and absurdity.

That the name of Kennedy was, by no means, first invented in the reign of King David II., is sufficiently proved. The Kennedys were, in fact, an ancient and considerable family in those parts, although not at that time of equal consideration with the family of Carrick and of Galloway. When, therefore, one of them Sir John Kennedy of Dunure, married the heiress of Sir Gilbert Carrick of Cassillis, it was, no doubt, desirable to have as much as possible of the credit and consequence of that great family transferred to his own. Had this transaction happened some centuries later, he would probably have adopted the name of Carrick in place of his own. The practice, however, of adopting the names of heiresses, was not introduced so early. But, in process of time, it was judged desirable to indulge the idea of a change of surname, without forfeiting the claim of male repre-

* It would, however, be satisfactory to ascertain from *written documents*, that the barony of Cassillis, &c., was actually the patrimonial estate of Sir Gilbert Carrick.

sentation ; to which pretension, the accidental resemblance of the name Kennedy to two or three Irish vocables, signifying head of a house, happened luckily to supply something like a colourable sanction. The chieftain is thus supposed to have assumed the name of head of the house or family, by way of distinction.

But, here I must observe, that there is no proof nor probability that the name of Carrick was ever so numerous, as to render it any way necessary or useful for the chieftain to bear a different name from that of his kindred. Besides, had it actually been so, such a scheme as this, was in its very nature abortive and futile : for as soon as the chieftain's descendants had multiplied a little, the object of distinction must necessarily be frustrated, unless he had compelled all his sons but the eldest to wear the original name of Carrick.

But, allowing that Sir Gilbert, or rather Sir John, was not sagacious enough to foresee this inevitable consequence of his vanity, we cannot surely suppose him so stupid as not to know that there were then actually in existence, and had been for ages at his very elbow, numbers who already bore his favorite appellative, and who, of course, would share with him and fritter to nothing the consequence he aspired to from his change of name.

Would any man, moreover, voluntarily and wantonly veil and obscure his descent from the greatest

family in the kingdom? Would the families of the Howards, or Beauchamps, or Nevills, or Percys, abandon these names for that of Smith, or Taylor, or Williams, or Househead, or King, or Noble, &c. ? impossible !

From the renewal of Earl Nigel's charter by King Robert III., to Sir James Kennedy, no inference of the identity of the surnames of Kennedy and Carrick can fairly be drawn ; but directly the contrary. Had there been no break in the male succession of the family of Carrick, but only a change of name, there could have been no room nor necessity for this second confirmation of the charter, King Alexander's confirmation of it to Rolland Carrick, being sufficient for his latest heirs-male : and moreover, it must in that case have been possessed at that moment by Sir Gilbert Kennedy, the elder brother of Sir James ; for it is to be recollected that Sir James was of a second marriage.

From these considerations, it is highly probable, nay, almost certain, that none of the Kennedys, descendants of Mary of Cassillis, had hitherto possessed or claimed the honours alluded to. They were indeed of such a nature, as not to be claimed as a matter of right by any but the male descendants of Rolland Carrick, and, on the other hand, his male descendants or heirs could not probably be deprived of them. In case of failure of heirs-male, indeed, the King might bestow them on whom he pleased ;

and accordingly, he grants them, not to the eldest son of Sir Gilbert Kennedy, but to the third son, who married his own daughter, Mary Stewart. There was, to be sure, something unnatural and contradictory in pretending to constitute any but a Carrick the chieftain of the surname of Carrick; but such trifling inconsistencies in favour of a King's son-in-law are easily overlooked. Here likewise, the play upon the words Kennedy and *caput sanguinei* presented itself most opportunely to gloss the transaction; and there appears to have been no Carrick at that time who was disposed to contest the empty title, when the substance, viz., the patrimonial estate was gone.

Another circumstance to be adverted to, is the observation of Nesbit, or rather of the memorialist above mentioned, that, in the time of David II., the name of Carrick began to be changed to Kennedy, and that accordingly, there are charters of this period with "Carrick in the bosom, and Kennedy on the margin." But who does not at once perceive in this the hand of the interpolator? In the course of a century, or so, from the marriage with Mary of Cassillis, when it became desirable that the fiction of the change of surname should pass current, such little artifices as this, I mean the marginal annotation, would very naturally be resorted to, in an age, by the bye, pregnant with forgeries. Had matters here been reversed, had we had these charters with

the name of Kennedy sometimes in the bosom, and that of Carrick on the margin, then, indeed, there would have been a something greater show of probability for the change in question : but there is no such thing.

The similarity of the armorial bearings of the two families has been considered as a proof of their identity ; but this, like those above noticed, will vanish upon investigation.

The arms of the Earls and family of Carrick are argent, a cheveron gules ; which seems, indeed, to have been the bearing of the whole house of Fergus : for we have in Nesbit, (Part iv. p. 14), the seal of Rolland, Lord of Galloway, with the very same shield of arms. The bearing of the Kennedys, Earls of Cassillis, is argent, a cheveron gules, between three cross crosslet fitchet sables, and these within a double tressure fleury and contre fleury, with fleurs-de-lis, since the marriage of James Kennedy with Mary, the daughter of King Robert III.

From hence, it is probable, almost to certainty, that the original bearing of the Kennedys was the three cross crosslets fitchet sable, which, upon the marriage of Sir John Kennedy of Dunure, with Mary of Cassillis, were added as an augmentation to the paternal coat of Carrick.

To conclude, in whatever way we view it, the inconsistency and absurdity of the supposition of a change of surname, are too palpable to bear a mo-

ment's reflection. The difficulties it involves are insurmountable: and we can only class this foolish story with the innumerable legends and fictions which obscure and disgrace our early history.

I have dwelt much longer on the subject than it seems to deserve, either on account of its intrinsic importance or historic probability, and, I should perhaps have passed the idle assertions of Nesbit and Douglas, and others interested in silence, had not such a truly respectable author as Lord Hailes, without due reflection, surely, adopted the conceit. The arguments I have adduced to disprove it, appear to me conclusive: yet, I can truly aver, that if I have taken up a wrong opinion on the subject, no person could be more happy than myself, to see it corrected.

So much for the Kennedys. But, before I conclude this long and tiresome, and trifling disquisition, I must take the liberty of adverting to some very crude assertions and elaborate memorials in Nesbit, relating to the family of the M'Dowals.

In vol. i. p. 282, he says, "the Lords of Galloway were of the M'Dowals." In p. 183, "Garthland says, he is descended of Uthred M'Dowal, a younger son of Rolland, Lord of Galloway."

History gives us no account of any legitimate son of Rolland, Lord of Galloway, except Allan the Constable, and Thomas, Earl of Athole. The former had daughters only. The latter, one son, who died

without issue : so that the whole house of Fergus came thus early to be represented by the Carrick branch. Fordun, indeed, mentions a brother, not a son of Rolland, who lost his life in the warfare which ensued upon the death of Gilbert, Lord of Galloway. But it is highly improbable that he was either married or left any children : for it cannot be supposed that any of the members of this most conspicuous family could have escaped the notice of history. If Garthland's ancestor, therefore, was really a son or descendant of Rolland, Lord of Galloway, he must have been illegitimate. Thomas, a bastard son of Allan, Lord of Galloway, is mentioned, as heading an insurrection of the Gallowaymen in 1235. This, perhaps is the person meant; viz., Thomas M'Dowallen ; that is, Thomas, the son of Black Allan.

Nisbet (Appendix, p. 50) inserts a memoir of M'Dowal of Freugh, who most childishly pretends to be descended from "the M'Dowals, Earls of Carrick." But where to find these Earls he forgets to tell us. The name of the Earls of Carrick was Carrick or De Carrick from the beginning, until the title went by heirs-female into other families, none of which were M'Dowals. These wild pretensions are ably controverted by M'Dowal of Logan (Appendix, p. 98), who justly ridicules Freugh's pretended derivation from the Earls of Carrick, or any branch of the house of Fergus. He himself, however, claims descent from the Lords of Galloway,

whom he would have to be M'Dowals, and to have borne the arms he now bears: viz. azure a lion rampant crowned or. But if the Lords of Galloway were ever M'Dowals, it must have been anterior to the age of Fergus. And here he forgets that patronymics were not at that early period converted into surnames; neither were armorial bearings so soon introduced into Scotland.

How it ever came to be supposed that the Lords of Galloway were M'Dowals, it is not easy to conjecture, as there is no sort of document or authority for it whatever, if we except the bare assertion of Cambden, that Fergus Lord of Galloway bore for arms, azure, a lion rampant, crowned or, being the same with the arms of the M'Dowals; and I am inclined to believe that the notion of their identity originated entirely in this assertion of Cambden. But Cambden, although a laborious and meritorious antiquary, was by no means remarkable for critical acumen on points of difficulty; and he betrays on many other occasions a very imperfect knowledge of the earlier Scottish affairs. That he should have fallen into an error in this trivial matter is by no means surprising; and as he quotes no authority for his opinion, and as many circumstances conspire to establish an opposite conviction, we cannot hesitate to believe that he has been some way or other deceived respecting the arms of Fergus.

The descendants of both the sons of Fergus hav-

ing carried for arms, argent a cheveron, gules, certainly affords an unconquerable presumption, that if Fergus ever bore arms at all, they must have been the same with those of his grandchildren Duncan and Rolland. The arms of Duncan and his descendants are well known; and the seal of Rolland is engraved in Nesbit, as above stated, having the very same shield of arms as that of his cousin. It is likewise given in *Archæologia*, vol. ix., by Mr Riddle of Glenriddle.

I do not find the arms of Allan, the Constable, either in Nesbit nor in Astle. But as he is one of the Barons who sign *Magna Charta*, his seal is no doubt appended. I have seen *Magna Charta* twenty years ago, but have not a sufficient recollection of Allan's seal or arms. Neither am I acquainted with the arms of his brother Thomas of Galloway, Earl of Athole.

I must here, however, observe, that Mr Astle gives an engraving of the seal of Devorgilla de Baliol, daughter of Allan, the Constable, on which appears a lion crowned, impaled with a figure which he calls an orle, the arms of Baliol, but which to me appears something different. That this lion was intended for the arms of Galloway is but mere conjecture. Roger de Quincy, Lord of Galloway, did not bear this lion. What were the arms of the Morvilles? Did this figure come through them? The difficulty of procuring the necessary books of reference in this

place must excuse my ignorance and repeated queries on such particulars, which are perhaps in themselves sufficiently obvious.

But it is more than time I should return from these repeated digressions, in order to point your attention to the collaterals of the family of Carrick.

We have seen the elder branch, or Earls of Carrick, terminate in Martha, the daughter of Nigel, and the younger branch, or Baillies of Carrick, ending in Mary of Cassilis. It is perhaps no easy problem to ascertain who was the rightful caput progeniei and Baillie, on the death of Sir Gilbert, and surely still more difficult or perhaps impossible to discover him at the present day. Yet some one of the name there must be, could we find him out, who is actually representative of Rolland and Nicolaus de Carrick, of Duncan Earl of Carrick, and of Fergus Lord of Galloway, the entire Uchtridian branch, be it the elder or the younger, having expired with Allan, the Constable, and Patrick Earl of Athole. Hoc opus, hic labor !

The only person of the name whom I find recorded in the general history of the times immediately following the death of Sir Gilbert Carrick of Cassillis, is Sir John Carrick, who was Chancellor to King David II. and King Robert II. and III. That he was nearly related to Sir Gilbert, is fairly presumable, although his history is somewhat obscure. Perhaps the Chartulary of Glasgow might furnish

some notices respecting him. Whoever he was, he would appear to have been a thorough courtier to have thus maintained himself in the good graces of three successive princes. It is however creditable to his patriotism and public virtue, that we find him out of office during the latter years of the reign of David, while that weak and versatile monarch was occupied with the singular freak of transferring to his inveterate and natural enemy Edward III. the well earned crown of his magnanimous father, to the cruel injury of his nephew, and the utter degradation of his country. As a priest we must likewise allow him the praise of moderation, a virtue by no means common in the clerical character of those days. For it cannot be supposed that the confidant and favourite of so many kings could not easily have obtained the dignity of the mitre, had he chosen to aspire to it. His greatest ecclesiastical preferment, however, appears to have been the Prebendary of Glasgow.

Excepting this man, I find no one of the collaterals of this family mentioned in the history of that and the succeeding century. It is likewise remarkable, that no one of the name is mentioned in Ragman Roll as having sworn allegiance to Edward I., except perhaps Johannes Fitzneil de Carrick, who made his submission in 1297, and whom the annotator in Nesbit takes to be a predecessor of the Neilsons of Craigcaffie. This at least is so far cre-

ditable to their patriotism, for it is certain that some of them, such as Sir Gilbert of Cassilis, so often mentioned, were at that period too considerable to have been overlooked.

One more circumstance respecting the family of Carrick, and I have done. In the addition to Goodall's *Fordun*, printed at Edinburgh, 1759, it is said that the Prefecture of Maybole was founded by Gilbertus Kennedy, miles. This may possibly be true; yet as we find, according to Nesbit, formerly quoted, that it was not uncommon, in certain charters at least, to consider the names of Carrick and Kennedy as convertible terms, I am not without my suspicions that the founder here alluded to was Gilbertus Carrick, miles. I cannot but suspect, moreover, that the Prefecture here mentioned is the very church of St Cuthbert granted by Nicolaus de Carrick to the Nuns of North Berwick. In this, however, I may be mistaken; and to set the matter in a clear point of view, it would be necessary to ascertain the identity or non-identity of this Prefecture of the Church of St Cuthbert and of the Collegiate Church mentioned by Grose. Nicolaus gave the church of St Cuthbert to the Nunnery of North Berwick: Grose informs us that the tithes of the collegiate church did belong to the said nunnery,—a strong presumptive proof of their identity, or of the one growing out of the other. As the Abbey of Crossraguel, built by Duncan Earl of Carrick,

and where no doubt he was buried, was soon transferred (I mean the patronage thereof) by marriage to other families, it was natural that their own church of St Cuthbert should thenceforth become the burial-place of the younger branch of the family, the descendants of Nicolaus and Rolland; and when afterwards the family of Kennedy came to be engrafted on the Carrick or Cassillis stock, it would still naturally continue, as in fact it still continues, to be their place of sepulture to this day. But according to Grose the collegiate church was founded in 1441, long after the last of the Carricks. Here, however, I cannot but suspect an inaccuracy, either as to the date or as to the thing. For, says he, it was founded by Sir Gilbert Kennedy of Dunure, ancestor of Lord Cassillis. But besides that the Kennedies, after their union with the house of Cassillis, were probably denominated of Cassillis, and not of Dunure, it is to be recollected, that Gilbert, the son of James Kennedy and Mary Stewart, was created Lord Kennedy in 1450, and certainly would not be spoken of in after times as Sir Gilbert Kennedy of Dunure, but as Lord Kennedy. The only Gilbert Kennedy, therefore, who could possibly found this church, was Gilbert, the son of Sir John of Dunure and Mary of Cassillis; yet it is highly improbable he should do so in 1441, as he must in that case have lived almost a century. Upon the whole, it appears to me most consistent with probability, that Nicolas de Carrick was the original founder.

It is possible that his grandson Sir Gilbert Carrick may have added to it in 1341 (the error of a century being nothing strange in such matters), and not improbable that Sir Gilbert, or some of the Kennedies may have enlarged or rebuilt it in 1441. Probably Keith or Spottiswood, or some other writer on ecclesiastical affairs, might set us right as to the date, and at once confirm or overturn my conjecture.

Since writing the above, I have seen, by mere accident, in a book entituled, I think, *Antiquities of Great Britain*, a list of articles in a manuscript in the Advocate's Library concerning the religious establishments of Scotland, wherein Meybothel is mentioned, without comment, among the colleges, and almost immediately under *Ecclesia de Meybole*, founded by Gilbert Kennedy, the foundation charter, confirmed by King Robert II. in 1371. I really know not what to make of all these discordant dates and circumstances.

But it is high time I should release you from this everlasting letter, which, although by the date you will perceive it to have been a long while in hand, it has been, I am sorry to say, almost entirely out of my power to revise or transcribe it, as it is not without extreme difficulty I can snatch half an hour a-week from the hurry of a laborious and uncontrollable profession.

A. CARRICK.

CLIFTON, 4th July 1809.

Appendix.

No. I.

DISPENSATIO Nobili Viro EDUARDO DE BRUYS, Comiti
de Carryk, Glasguen. Diocese, et ISABELLÆ Filiæ
Gulielmi Comitis DE ROSS.

WHEN Andrew Stewart obtained the important dispensation from Rome, setting up the legitimacy of Robert the Third, which had been a subject of controversy for so long a time, he procured many other valuable ones, including that of Edward de Bruce, by which he was enabled to marry Isabella de Ross. It bears date a year before his death,—so that, if marriage followed, which it probably did, it could only subsist for a very short period, and was, perhaps, not generally known, as there was no newspapers in those days to chronicle fashionable espousals, and to inform an admiring and wondering people, that the lovely bride was given away by his Majesty, Robert de Bruce, and that the holy knot was tied by that venerable father in God the Lord Bishop of St Andrews, Primate of Scotland.

If the Lady was the mother of three big boys before marriage, the quieter the thing went off the better. Not that such indiscretions were thought very much of then—nor, for many, very many, years afterwards. Thus, the first Lord Methven—the husband of the widow of James IV., perhaps before her death, but assuredly, soon afterwards, had an amour with the widow of Alexander, Master of Sutherland, the Lady Jean Stewart of Athole, who took the title of Countess of Sutherland, as her husband had obtained in the lifetime of his parent a grant of the *Comitatus*. The fruits of this connection were four children—one of whom married the Master of Ruthven, afterwards first Earl of Gowrie. All of them were legitimated by letters of legitimation, and, in the end, Lord Methven married the lady, by which event, the *natural* son became *lawfully* the second Lord Methven. As a fitting sequel to all this,

the Lady Jean finished by taking the father of her daughter's husband as her last spouse.

A very full account of all this will be found in the appendix to the Chronicle of Perth, where the theory of the descent of the Ruthvens from the Tudors, is demolished.

JOANNES Epus, Servus Servor. Dei, Venerabili Fratri . . . Episcopo Rossen. Salut. &c.

Petitio dilecti filii nobilis viri Edwardi de Brux Comit^{sic}is de Catrilz Glasguen. Dioc., ac dilecti in Christo filie nobilis mulieris Ysabellis nate nobilis viri Gulielmi Comit^{sic}is de Ros Rossan. Dioc. nobis exhibita continebat, quod olim intentore malorum hoste humani generis procurante inter comunes eorum parentes consanguineos et amicos graves inimicitie fuerunt exorte, et ex eis graviora guerrarum discrimina subsecuta, ita quod exinde non modice strages hominum propperunt. Cumque temeretur verisimiliter posse pejora imposterum provenire intervenientibus nonnullis nobilibus amicis communibus eorundem, pacemque firmari zelantium inter eos tractatus communiter fuerit habitus inter ipsos, quod Edwardus et Isabellis prefati matrimonialiter copulenter, sed quia quarto ex uno latere et tertio ex altero affinitatis gradibus invicem se contingunt matrimonium hujusmodi contrahere nequeunt dispensatione super hoc sedis apostolice non obtenta, nobis humiliter supplicarunt, ut ad tollend. huoi discordias, et multorum materia scandalorum, et firmand. perpetuam pacem et concordiam inter communes parentes, et consanguineos eorundem providere ipsis super hoc de oportune dispensationis beneficio dignaremur. Nos igitur, qui salutem querimus singulorum, et libenter Christi fidelibus quietus comoda procuramus hujusmodi amputare discordiam, ac inter eundem Eduardum, dictumque Guillelmum patrem ejusdem Isabellis, eorumque comunes consanguineos intervenire pacem e concordiam cupientes, gèrentes quoque de circumspectione tua fiduciam in Domino plenior, Fraternitati tue presentium auctoritate committimus et mandamus, quatenus si tibi constiterit ita esse, super quod tuam intendimus conscientiam onerare cum eisdem Eduardo et Isabelli impedimentis, que ex predicta affinitate proveniunt nequaquam obstantibus matrimonium hujusmodi

contrahere valeant, et in sic contracto licite remanere auctoritate apostolica dispensare procures, prolem suscipiendam ex eis legitimam nuntiando. Datum Avinione, Kalen. Junii, Pontificatus nostri anno primo.

Exemplum superioris Bullæ Johannis P. P. XXII. descriptum est et recognitum ex originali Registro ejusdem Pontificis, quod Romæ servatur in Archivo Secreto Aplico Vaticano. In cujus rei fidem hic me subscripsi, et solito signo signavi hac die 4 Aprilis 1789.

CAIETANUS MARINUS, Præfectus Archivi
S. S. item Archivi Arcis S. Angeli.

NO. II.

DISPENSATIO Nobili Viro PATRICIO DE HEPBURN,
Militi, Stæ Andreæ, et ELEANORÆ DE BRUYS, Comi-
tissæ de Carryk.

THIS dispensation has been referred to, as proving the fifth marriage of the widow of Earl Alexander. Sir Patrick Hepburn of Hailes, the bold Benedict, must have been *at least* fifty-four years of age, when he became a successful suitor for the withered hand of the venerable Dowager. Fordun, when referring to the death of Patrick Hepburn, junior, which took place in a Border raid with the English, 22d June 1402,—mentions, that the father was then alive, and was at least eighty years of age,—a fact, establishing his age at the time of his second espousals. His first wife, Agnes, who “was within the fourth degree of consanguinity” to his second spouse, was the mother of Patrick,—and ancestress of the only Duke of Orkney.

Wood, with great simplicity says, “They do not appear to have had any issue.” In later times, a lady of the Douglas blood, by producing twins at the age of fifty, gave rise to one of the most expensive, and interesting lawsuits that ever occurred in Scotland,—but, had the elder lady of Douglas brought

forth a progeny by her fifth husband, at the ripe age of sixty—the event would have been chronicled as a miracle.

We think, the daughter, not the mother, was the second wife of Sir Patrick,—and the only thing apparently militating against this, is the circumstance of his not taking upon himself the title of Earl of Carric, *jure uxoris*,—but, if the Earldom was conferred by the Crown upon the first husband—which could only be by reason of the wife's resignation, although she retained the style of Countess, she could have no real right remaining in her person of a nature to warrant the assumption of the Earldom, either on the part of her second husband Wallace, or her third husband Hepburn.

In the North Berwick Charters, printed for the members of the Bannatyne Club—there is an entry which induces a belief, that the lady in question may have left the arms of her *youthful* husband, and taken refuge in the nunnery of North Berwick, which had for two centuries before been especially favoured by the old Lords of Carric. The writing in question, is a discharge by Elene [Helen] of Carric, Prioress of the Nunnery of North Berwick, to Sir Alan of Cathcart, Lord of that Ilk, Knight, of the whole dues from the Church of Meybothel—let by her to the aforesaid Alan. To this discharge, the Prioress sets her seal at Edinburgh, the 6th day of October 1386.*

In the preface, p. 10, it is asserted, “that the first Prioress of the nunnery, whose name we learn was descended of the ancient Earls of Carric,”—the lady was a Bruce, and inherited only a very small portion of the Carric blood, if the conjecture above hazarded be correct,—if it was the mother, then she was a Douglas, and had nothing to do with the Carrics at all. There is a corroborative circumstance from the fact, that the party obtaining the discharge, was Sir Alan Cathcart; now, in the entail by the Countess Helen, Elene or Ealenor, of the lands of Cnocfubill, adverted to in the introductory details—Cathcart, was one of the heirs substituted. All this theory may be subverted by the discovery of some old charter—in the mean time, I venture to think there is, at least, more plausibility attachable to it, than usually appertains to genealogical speculations.

* Page 29.

GREGORIUS Epus, Servus Servor. Dei. Venerabili Fratri
 Episcopo Sancti Andree Salutem, &c.

Oblate nobis pro parte dilecti filii nobilis viri Patricii de Hepborii Militis et dilecte in Christo filie nobilis mulieris Eleonore de Bruys, Commitisse de Carrik tue et Glasguen. Dioc. petitionis series continebat, quod ipsi certis ex causis de communi consensu amicorum desiderant invicem matrimonialiter copulari. Sed quia quarto consanguinitatis gradu invicem se attingunt, ex eo quod idem Patricius quondam Agnetem ipsi Elionore in quarto consanguinitatis gradu attinentem habuerat antea in uxorem desiderium eorum in hac parte adimplere non possunt dispensatione super hoc Apostolica non obtenta. Quare pro parte ipsorum Patricii et Eleonore nobis fuit humiliter supplicatum, ut providere sibi super hoc de oportune dispensationis gratia misericorditer dignaremur. Nos igitur hujusmodi supplicationibus inclinati fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus per Apostolica scripta committimus et mandamus, quatenus si est ita dictaque mulier propter hoc rapta non fuerit, cum eisdem Patricio et Eleonora, quod impedimento affinitatis predicto, seu alio impedimento simili de quo non speratur ad presens si forsitan imposterum reperiretur non obstantibus matrimonium invicem libere contrahere, et in eo postquam contractum fuerit licite remanere valeant auctoritate nostra dispenses. Prolem ex hujusmodi matrimonio suscipiendam legitimam nuntiando. Datum Avinione xv kalendas Aprilis, Pontificatus nostri anno sexto.

NO. III.

NOTICES OF THE ANCIENT LORDS OF CARRIC AND THEIR OFFSPRING.

[From the North Berwick Charters.]

NESBIT is correct as to a charter to the Nuns of North Berwick, by Duncan de Carrik, the son of Gilbert, of the patron-

age of Kilbride:—the date was undoubtedly prior to 1230, although, probably much earlier. The original has disappeared, but that it once existed, is proved by a notarial instrument under the hand of “Joannes de Janua, clericus Glasguensis,” who certifies (*Carte de North Bervic*, F. 30,) that he had inspected the original grant of Duncan, the son of Gilbert of Carryk, to the blessed Mary and the nuns of North Bervic, of the Church of Kilbryde in Carryk, and the lands &c., belonging thereto. It is witnessed by Malcolm, Earl of Fyfe, Duncan and David his brothers, Andrew, Vicar of Conynghame, Nesius de Ramyse, Master Peter and William his sons, Master James of North Bervic, Master Richard of South Bervic, Winfred his brother, Alexander the Chaplain, with many others.

Joceline, Bishop of Glasgow, upon the petition and by the consent of Roger of Scalebroc, confirms to the Convent of North Bervic, the Church of Kirkbride, “*de Largis cum dimidia carucata terre, et cum una salina, et cum duabus acris ad croftum et cum decimis et oblationibus.*” This is supposed to be about the year 1199, (*Carte de North Bervic*, p. 4.)

There is a grant by Duncan, Earl of Carric, to the nuns of North Bervic, of the sum of three marks of silver, to be levied annually from the lands of Banebeil. The witnesses to it are Sir John Carric, Knight, son of the Earl, Master Hugo—Alan the Dean—Murthan the Stewart, and many others. The Editor of the *Carte de North Bervic* assigns as the date of its execution the year 1199. Sir John de Carric, Knight, the son of the Earl—is a personage unknown to Douglas and Wood.

The Melrose charter establishes, that Fergus was the father of Gilbert, and that he was father of Duncan, who succeeded him in the year 1185, and consequently he it was who gifted the three marks to the ladies of North Bervic.

Amongst other interesting documents contained in the small, but most valuable volume of charters so often referred to, is a grant, by Edward of Lastalric, to the nuns of North Bervic, of a toft of land in Leith, and three acres of land “*apud Greneside.*” This charter is witnessed by Earl Duncan—probably the Lord of Carric—but the singularity is this—the granter is the Lord of what is now, and has been for centuries called in writs *Restalrig*—whereas, “*Lasterrick*” is the name by which it was best

known among the common people. Thus, tradition has preserved for eight centuries, the old name, in opposition to the one contained in the more recent writings. Another, but more recent instance of this popular retention of the ancient name, occurs in regard to the estate and village of Horncliff—situated above the Chain Bridge over the Tweed, about six miles from Berwick. The country folk call both estate and village, Herclè—which was generally supposed to be a corruption of Horncliff,—yet, the people were right, for its old name was Herclè, and in an old parchment of the time of Elizabeth, it was again and again called by that name.

To return to the Carrics—Earl Duncan grants the patronage of the Church of Meybothel, with the lands, &c., to the nuns, to be held by them of him and his heirs, in pure and perpetual alms, as freely, quietly, fully, and honourably, as any other Earl or Baron in the kingdom of Scotland could give right to any religious house for eleemosynary purposes. Amongst the witnesses are Hector and Alan, Knights, Gillascop, the Stewart of Carric, Sumerleht, Nigel Macgilwyni, and Alan and Alexander, sons of the Earl, (Carte, p. 13.) Then follows a second charter, similarly witnessed, of the same patronage and lands, &c. In this way, Earl Duncan is proved to have had two sons, Alan and Alexander—hitherto unnoticed in peerages.

But, that there was another son, Nicolaus, is evidenced by a confirmation to the nuns of North Bervic, of a gift by “Nicholaus filius Dunecani de Carric,” of the Church of St Cuthbert of Meybothle in Carric. Malcolm, Earl of Fife, is named first as a witness—then the Earl of Carric—then follow, Hector his Knight—David Sibaud—Murthan MacKenede—Hugo Hoc—William of St Andrews, “cum multis aliis,” not worthy, it is presumed, of having their names placed amongst such respectable personages.

Who was Murthan MacKenede? probably a powerful vassal of the Carrics, and holding lands under them. May not he have been a progenitor of the ancient family of Kennedy. Dr Carrick has suggested the most probable theory on the subject, and until a better one turn up, we are very much inclined to give in our adhesion to it. The adoption of the arms of the overlord was a very common proceeding on the part of a great

vassal, and if the Kennedies were influential adherents of the Carrics, there would be nothing out of the way in their doing so.

On the 24th of July 1386, Gilbert, the son of John Kenedi, obliges himself in twenty-six pounds Scots, “pro firma Ecclesie de Meyboyle,” for three years,—James of Douglas, Lord of Dalkeith, is his surety. The original deed is preserved at Panmure, and the following account of the fragment of the seal remaining is taken from the Tabula, F. xxxiv., prefixed to the “Carte de North Bervic,”—the seal of Kenedy “had a shield of arms couchè, a cheveron between three crostels crosslets fichés, bound with a label of three points. The sinister supporter a lion; the crest not distinguishable.”

In Wood's Douglas, Gilbert, though styling himself Kennedy, is nevertheless called Carric; his father, John, is in like manner converted into a Carric. This is very blameable. The family of Kennedy is one of the most ancient and noble ones in Scotland; it is an historical name; for, from an early period, the pages of our chroniclers are perpetually recording it. Why, therefore, attempt a fictitious pedigree when none is needed? It might be needed in the Aberdeen instance, where the genealogists make the noble Earl the heir-male of the archer who shot Richard the Lion-hearted—and who was skinned alive for his pains—because they were unable to engraft the first peer upon the highly born Seton-Gordons, or almost equally noble Gordons of Kenmure—believed to be the chief of the Gordons;—but to manufacture a pedigree for the Kennedies is really out of all reason.

NO. IV.

TWO DOCUMENTS RELATIVE TO EARL NIGEL.

[From Rymer's *Fœdera*.]

WE have disinterred from the enormous mass of important papers entombed in the *Fœdera*, these two interesting writs, in which the name of Nigel, Earl of Carric, occurs. The object of them was to place the noble Earl and certain other magnates of Scotland, in which number the names of Robert de Bruis,

Alexander, the Stewart of Scotland, and Walter "le sene-schal," his son, occur, under the protection of Henry the Third, and to maintain them against all those persons of the kingdom of Scotland who might have occasioned losses, or to have presumed to interfere with his Majesty's beloved and faithful son, Alexander, King of Scotland, or, to rebel against his dearest daughter, Margaret, Queen of Scotland.

The elder Bruce is associated with Earl Nigel and the High Stewart, his brother-in-law, as adherents and supporters of Alexander III. Little did the Earl imagine at this time, that, by his daughter's marriage with his friend's son, the Carric peerage was ultimately, and to the prejudice of the heirs-male, to become merged in the Crown of Scotland.

Earl Nigel, according to Douglas, died in 1256—having espoused Margaret, daughter of Walter, High Stewart of Scotland. By her, he had one daughter, Margaret, Countess of Carric, who took as her first husband, Adam de Kilconthat or Kilconquhar, who, *jure uxoris*, became Earl of Carric—and who, as such, granted a confirmation to the nuns of North Bervic of the Church of Kilconquhar in Fife,—the charter, which is printed amongst the North Bervic charters, (No. 19,) is important: from it we learn that Adam had a brother, William, and that both had a claim to the Kilconquhar patronage. Of the pedigree of Earl Adam, we have no positive information,—but, the fact of his having been deemed worthy of the hand of the heiress of Carric, is we think, conclusive as to his high birth.

The patronage of the Church of Kilconquhar had been gifted in 1200 or thereabout, to the North Bervic ladies, by Duncan, Earl of Fife,—now, as Earl Adam's confirmation proceeds on the narrative of disputes between him and the nuns, as to the right of patronage, and he being satisfied on the subject, "*per viros fide dignos*," this indicates a right on his part, as representing in some way or other, the original patrons—and leads to the inference, that he was of the noble race of Macduff,—a notion strengthened by the fact, that the Macduffs and Carries vied with each other in conferring benefits on the nuns of North Bervic. From a charter (Ann. 1200,) of the former, we learn

that the wife of Earl Duncan (of Fife,) was named Hela,* the Ella probably of more modern times. This mutual anxiety for the welfare of the North Bervic nuns would bring the two families much together—and a younger son of the powerful Earl of Fife might aspire, without any great presumption, to the only daughter of De Carric. Whoever he was, he took up the Cross, and was killed at the siege of Acre in 1270.

I. DE POTESTATE ADMITTENDI QUOSDAM BARONES SCOTIÆ
IN PROTECTIONEM REGIS ANGLIÆ.

Rex omnibus, &c. salutem. Sciatis nos plenam potestatem dedisse dilectis et fidelibus nostris, Ricardo de Clare comiti Gloucestriæ et Hertford; Willielmo de Fortibus comiti Albemariæ, Johanni Maunsell præposito Beverlaci et Roberto Walerandi; senescallo nostro quos ad partes Scotiæ destinamus, seu duobus ex ipsis, quos adesse contigerit admittendi, nomine nostro, amicos nostros dilectos Patricium comitem de Dunbar, Malis comitem Straern, Nigellum comitem de Karricke, Robertum de Brus, Alexandrum senescallum Scotiæ, Alanum Hostiarium, David de Lindes, Willielmum de Bethun, Walterum de Murrenya, Robertum de Mesneres, Hugonum Giffard, Walterum le Senescall, Johannem de Crauford, Hugonem de Crauford, Willielmum Kalebraz, et omnes alios, qui nobis hærrere voluerint, contra omnes illos de regno Scotiæ, qui dampna intulerunt, vel inferre præsumunt dilecto filio et fidei nostro Alexandro Regi Scotiæ, vel amicis et inprisijs nostris injuste, et qui rebelles extiterint karissimæ filiæ nostræ Margaretæ Reginæ Scotiæ, quorum statum, ad commodum et utilitatem eorundem, reformare intendimus bona fide.

Plenam etiam potestatem dedimus eisdem fidelibus nostris vel duobus ex ipsis, quos præsentem esse contigerit, providendi et faciendi plenam et sufficientem in dicto negotio adhærentibus, modis omnibus quibus expedire viderint, et super quibus expedire viderint.

* Unless this lady was the second wife—this charter disproves the assertion of Sibbald, that the Earl married Ada, niece of Malcolm the Fourth.

Et promittimus nos, pro nobis et hæredibus nostris, ratum habituros id, quod per præfatos fideles nostros, circa prædictam securitatem, actum fuerint in forma et modo, quibus ipsi, vel duo ex ipsis, quos adesse contigerit, eam providendam duxerint et firmandum.

In cujus rei, &c.

Teste ut supra.

II. DE PRÆDICTIS BARONIBUS IN PROTECTIONEM REGIS RECEPTIS.

Rex omnibus, &c. salutem. Noverit universitas vestra nos recepisse in protectionem et defensionem nostram Patricium comitem Dunbarr, Malis comitem Straern, Nigellum comitem Carrik, et alios qui continentur in præcedenti littera, contra omnes illos, de regno Scotiæ, qui dampna intulerunt, vel inferre præsumunt, dilecto filio et fideli nostro Alexandro Regi Scotiæ illustri, vel prædictis nobilibus injuste et qui rebelles et molesti fuerint, vel erunt karissimæ filiæ Margaretæ Reginæ Scotiæ.

Et volumus quod eos gravent omnibus modis et expugnent, promittentes quod ad hoc eos juvabimus bona fide.

Et si de nobis, quod absit, humanitus contingit, hæredes nostros, qui eos debeant, sicut prædictum est, juvare obligamus: promittentes quod contra personam dicti Regis per nos nihil mali attemperabitur, nec ipsius exhæreditationi insistemus.

Promittimus etiam quod matrimonium, inter prædictum Regem et dictam filiam nostram contractam, nullo modo dirimi procurabimus; nec pacem vel treugam, cum prædictis rebellibus et maleficis, faciemus super prædictis: præsentibus valituris, donec idem Rex vicesimum primum annum compleverit.

In cujus rei, &c.

Teste Rege, apud Kawode, decimo die Augusti.

No. V.

CONTROVERSY BETWEEN GILBERT OF CARRIC AND
THE NUNS OF NORTH BERWIC, 1285.

ROBERT DE BRUCE, Earl of Carric, and Robert Bishop of Glasgow, acted as arbiters between Gilbert of Carric and the nuns, in relation to the patronage of Maybohle.

This Gilbert was the son of umquhill Roland de Carric, Knight, and as heir-male of the Carrics claimed the above patronage and the lands pertaining thereto, "*quæ vulgariter ibidem dicitur obolata terre de le red hohc.*" The arbiters adjudicate in favour of the convent, and ordain Gilbert and his heirs and successors whatsoever to grant letters securing the prioress and nuns in possession in all time to come—but this is coupled with the conditions that they are to pay forty marks "*pro bono pacis,*" to the aforesaid Gilbert.

This award, which was doubtless satisfactory to both parties, is pronounced at North Bervic by the arbitrators, "*die Jovis proxima post festum Sancti Dyonisii sociorumque ejus,*" in the year of grace 1285.





